

SECOND REGULAR SESSION

HOUSE BILL NO. 2464

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DIECKHAUS (Sponsor), SCHOELLER, NIEVES, JONES (89),
TILLEY, ICET, PARKINSON, FUNDERBURK, JONES (63), CARTER, CALLOWAY, KOENIG,
HOSKINS (80), SCHARNHORST AND McNARY (Co-sponsors).

5496L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 160.045, 160.400, 160.405, 160.410, 160.415, 160.420, 167.640, 167.645,
168.102, and 168.221, RSMo, and to enact in lieu thereof twenty-six new sections
relating to school reform measures.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 160.045, 160.400, 160.405, 160.410, 160.415, 160.420, 167.640,
2 167.645, 168.102, and 168.221, RSMo, are repealed and twenty-six new sections enacted in lieu
3 thereof, to be known as sections 160.045, 160.400, 160.405, 160.410, 160.415, 160.420,
4 162.1032, 167.650, 168.102, 168.221, 168.1000, 168.1002, 168.1004, 168.1006, 168.1008,
5 168.1010, 168.1012, 168.1014, 168.1016, 168.1018, 168.1020, 168.1022, 168.1024, 168.1026,
6 168.1028, and 168.1030, to read as follows:

160.045. 1. Each public school shall develop standards for teaching no later than June
2 30, 2010. The standards shall be applicable to all public schools, including public charter
3 schools operated by the board of a school district.

4 2. Teaching standards **for purposes of teacher evaluation under section 168.1026** shall
5 [include, but not be limited to, the following:

6 (1) Students actively participate and are successful in the learning process;

7 (2) Various forms of assessment are used to monitor and manage student learning;

8 (3) The teacher is prepared and knowledgeable of the content and effectively maintains
9 students' on-task behavior;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended
to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

10 (4) The teacher uses professional communication and interaction with the school
11 community;

12 (5) The teacher keeps current on instructional knowledge and seeks and explores changes
13 in teaching behaviors that will improve student performance; and

14 (6) The teacher acts as a responsible professional in the overall mission of the school.

15 3. The department may provide assistance to public schools in developing these
16 standards upon request] **be the Teacher Advancement Program standards contained in the**
17 **"framework for teaching" rubric as developed by Charlotte Danielson.**

160.400. 1. A charter school is an independent public school.

2 2. Charter schools may be operated only:

3 (1) In a metropolitan school district [or] , in an urban school district containing most or
4 all of a city with a population greater than three hundred fifty thousand inhabitants, **in a school**
5 **district that has been classified as unaccredited by the state board of education, or in a**
6 **school district that has a Title I school in level 3, 4, or 5 of school improvement,** and may be
7 sponsored by any of the following:

8 [(1)] (a) The school board of the district;

9 [(2)] (b) A public four-year college or university with its primary campus in the school
10 district or in a county adjacent to the county in which the district is located, with an approved
11 teacher education program that meets regional or national standards of accreditation;

12 [(3)] (c) A community college [located in] **the service area of which encompasses**
13 **some portion of** the district; or

14 [(4)] (d) Any private four-year college or university [located in a city not within a
15 county] with an enrollment of at least one thousand students, **with its primary campus in**
16 **Missouri,** and with an approved teacher preparation program; **or**

17 (2) **Under the sponsorship of the mayor of a city not within a county in a**
18 **metropolitan school district.**

19 3. The mayor of a city not within a county may request a sponsor under [subdivision (2),
20 (3), or (4)] **paragraph (b), (c), or (d) of subdivision (1)** of subsection 2 of this section to
21 consider sponsoring **or the mayor may sponsor** a "workplace charter school", which is defined
22 for purposes of sections 160.400 to 160.420 as a charter school with the ability to target
23 prospective students whose parent or parents are employed in a business district, as defined in
24 the charter, which is located in the city.

25 4. No sponsor shall receive from an applicant for a charter school any fee of any type for
26 the consideration of a charter, nor may a sponsor condition its consideration of a charter on the
27 promise of future payment of any kind.

28 5. The charter school shall be a Missouri nonprofit corporation incorporated pursuant
29 to chapter 355, RSMo. The charter provided for herein shall constitute a contract between the
30 sponsor and the charter school.

31 6. As a nonprofit corporation incorporated pursuant to chapter 355, RSMo, the charter
32 school shall select the method for election of officers pursuant to section 355.326, RSMo, based
33 on the class of corporation selected. Meetings of the governing board of the charter school shall
34 be subject to the provisions of sections 610.010 to 610.030, RSMo, the open meetings law.

35 7. A sponsor of a charter school, its agents and employees are not liable for any acts or
36 omissions of a charter school that it sponsors, including acts or omissions relating to the charter
37 submitted by the charter school, the operation of the charter school and the performance of the
38 charter school.

39 8. A charter school may affiliate with a four-year college or university, including a
40 private college or university, or a community college as otherwise specified in subsection 2 of
41 this section when its charter is granted by a sponsor other than such college, university or
42 community college. Affiliation status recognizes a relationship between the charter school and
43 the college or university for purposes of teacher training and staff development, curriculum and
44 assessment development, use of physical facilities owned by or rented on behalf of the college
45 or university, and other similar purposes. The primary campus of the college or university must
46 be located within the county in which the school district lies wherein the charter school is located
47 or in a county adjacent to the county in which the district is located. A university, college or
48 community college may not charge or accept a fee for affiliation status.

49 9. The expenses associated with sponsorship of charter schools shall be defrayed by the
50 department of elementary and secondary education retaining one and five-tenths percent of the
51 amount of state and local funding allocated to the charter school under section 160.415, not to
52 exceed one hundred twenty-five thousand dollars, adjusted for inflation. [Such amount shall not
53 be withheld when the sponsor is a school district or the state board of education.] The department
54 of elementary and secondary education shall remit the retained funds for each charter school to
55 the school's sponsor, provided the sponsor remains in good standing by fulfilling its sponsorship
56 obligations under sections 160.400 to 160.420 and 167.349, RSMo, with regard to each charter
57 school it sponsors, including appropriate demonstration of the following:

58 (1) Expends no less than ninety percent of its charter school sponsorship funds in support
59 of its charter school sponsorship program, or as a direct investment in the sponsored schools;

60 (2) Maintains a comprehensive application process that follows fair procedures and
61 rigorous criteria and grants charters only to those developers who demonstrate strong capacity
62 for establishing and operating a quality charter school;

63 (3) Negotiates contracts with charter schools that clearly articulate the rights and
64 responsibilities of each party regarding school autonomy, expected outcomes, measures for
65 evaluating success or failure, performance consequences, and other material terms;

66 (4) Conducts contract oversight that evaluates performance, monitors compliance,
67 informs intervention and renewal decisions, and ensures autonomy provided under applicable
68 law; and

69 (5) Designs and implements a transparent and rigorous process that uses comprehensive
70 data to make merit-based renewal decisions.

71 10. No university, college or community college shall grant a charter to a nonprofit
72 corporation if an employee of the university, college or community college is a member of the
73 corporation's board of directors.

74 11. No sponsor shall grant a charter under sections 160.400 to 160.420 and 167.349,
75 RSMo, without ensuring that a criminal background check and [child abuse] **family care safety**
76 registry check are conducted for all members of the governing board of the charter schools or the
77 incorporators of the charter school if initial directors are not named in the articles of
78 incorporation, nor shall a sponsor renew a charter without ensuring a criminal background check
79 and [child abuse] **family care safety** registry check are conducted for each member of the
80 governing board of the charter school.

81 12. No member of the governing board of a charter school shall hold any office or
82 employment from the board or the charter school while serving as a member, nor shall the
83 member have any substantial interest, as defined in section 105.450, RSMo, in any entity
84 employed by or contracting with the board. No board member shall be an employee of a
85 company that provides substantial services to the charter school. All members of the governing
86 board of the charter school shall be considered decision-making public servants as defined in
87 section 105.450, RSMo, for the purposes of the financial disclosure requirements contained in
88 sections 105.483, 105.485, 105.487, and 105.489, RSMo.

89 13. A sponsor shall provide timely submission to the state board of education of all data
90 necessary to demonstrate that the sponsor is in material compliance with all requirements of
91 sections 160.400 to 160.420 and 167.349, RSMo.

92 14. **A sponsor shall develop the policies and procedures for:**

93 (1) **The review of a charter school proposal; and**

94 (2) **The granting of a charter; and**

95 (3) **Procedures to be implemented if a charter school should close, including but not**
96 **limited to:**

97 (a) **The transfer or repository of student records upon closure; and**

98 (b) **The disposition of the charter school's assets upon closure.**

99 **15.** The state board of education shall ensure each sponsor is in compliance with all
100 requirements under sections 160.400 to 160.420 and 167.349, RSMo, for each charter school
101 sponsored by any sponsor. The state board shall notify each sponsor of the standards for
102 sponsorship of charter schools, delineating both what is mandated by statute and what best
103 practices dictate. The state board, after a public hearing, may require remedial action for a
104 sponsor that it finds has not fulfilled its obligations of sponsorship, such remedial actions
105 including withholding the sponsor's funding and suspending for a period of up to one year the
106 sponsor's authority to sponsor a school that it currently sponsors or to sponsor any additional
107 school. If the state board removes the authority to sponsor a currently operating charter school,
108 the state board shall become the interim sponsor of the school for a period of up to three years
109 until the school finds a new sponsor or until the charter contract period lapses. **During such**
110 **time, if the charter school fails to meet academic performance or other goals as prescribed**
111 **in the school's charter, the state board may revoke the charter.**

160.405. 1. A person, group or organization seeking to establish a charter school shall
2 submit the proposed charter, as provided in this section, to a sponsor. If the sponsor is not a
3 school board, the applicant shall give a copy of its application to the school board of the district
4 in which the charter school is to be located and to the state board of education, within five
5 business days of the date the application is filed with the proposed sponsor. The school board
6 may file objections with the proposed sponsor, and, if a charter is granted, the school board may
7 file objections with the state board of education. The charter shall include a mission statement
8 for the charter school, a description of the charter school's organizational structure and bylaws
9 of the governing body, which will be responsible for the policy and operational decisions of the
10 charter school, a financial plan for the first three years of operation of the charter school
11 including provisions for annual audits, a description of the charter school's policy for securing
12 personnel services, its personnel policies, personnel qualifications, and professional development
13 plan, a description of the grades or ages of students being served, the school's calendar of
14 operation, which shall include at least the equivalent of a full school term as defined in section
15 160.011, and an outline of criteria specified in this section designed to measure the effectiveness
16 of the school. The charter shall also state:

17 (1) [The educational goals and objectives to be achieved by the charter school] **An**
18 **accountability plan, which shall contain a complete set of indicators, measures, metrics,**
19 **and targets in the following areas: academic program performance; operational program**
20 **performance, including governance; and, if applicable, elements related specifically to the**
21 **charter school's mission and vision;**

22 (2) A description of the charter school's educational program and curriculum;

23 (3) The term of the charter, which shall be not less than five years, nor greater than ten
24 years and shall be renewable;

25 (4) A description of the charter school's pupil performance standards, which must meet
26 the requirements of subdivision (6) of subsection 5 of this section. The charter school program
27 must be designed to enable each pupil to achieve such standards;

28 (5) A description of the governance and operation of the charter school, including the
29 nature and extent of parental, professional educator, and community involvement in the
30 governance and operation of the charter school; [and]

31 (6) A description of the charter school's policies on student discipline and student
32 admission, which shall include a statement, where applicable, of the validity of attendance of
33 students who do not reside in the district but who may be eligible to attend under the terms of
34 judicial settlements; **and**

35 **(7) Procedures to be implemented if the charter school should close, including, but**
36 **not limited to, the transfer or repository of student records and the disposition of the**
37 **charter school's assets.**

38 2. Proposed charters shall be subject to the following requirements:

39 (1) **A charter shall be submitted to the sponsor by August fifteen of the year prior**
40 **to the proposed opening date of the charter school;**

41 (2) A charter may be approved when the sponsor determines that the requirements of this
42 section are met and determines that the applicant is sufficiently qualified to operate a charter
43 school. The sponsor's decision of approval or denial shall be made within ninety days of the
44 filing of the proposed charter;

45 [(2)] (3) If the charter is denied, the proposed sponsor shall notify the applicant in writing
46 as to the reasons for its denial and forward a copy to the state board of education within five
47 business days following the denial;

48 [(3)] (4) If a proposed charter is denied by a sponsor, the proposed charter may be
49 submitted to the state board of education, along with the sponsor's written reasons for its denial.
50 If the state board determines that the applicant meets the requirements of this section, that the
51 applicant is sufficiently qualified to operate the charter school, and that granting a charter to the
52 applicant would be likely to provide educational benefit to the children of the district, the state
53 board may grant a charter and act as sponsor of the charter school. The state board shall review
54 the proposed charter and make a determination of whether to deny or grant the proposed charter
55 within sixty days of receipt of the proposed charter, provided that any charter to be considered
56 by the state board of education under this subdivision shall be submitted no later than March first
57 prior to the school year in which the charter school intends to begin operations. The state board
58 of education shall notify the applicant in writing as the reasons for its denial, if applicable; and

59 [(4)] (5) The sponsor of a charter school shall give priority to charter school applicants
60 that propose a school oriented to high-risk students and to the reentry of dropouts into the school
61 system. If a sponsor grants three or more charters, at least one-third of the charters granted by
62 the sponsor shall be to schools that actively recruit dropouts or high-risk students as their student
63 body and address the needs of dropouts or high-risk students through their proposed mission,
64 curriculum, teaching methods, and services. For purposes of this subsection, a "high-risk"
65 student is one who is at least one year behind in satisfactory completion of course work or
66 obtaining credits for graduation, pregnant or a parent, homeless or has been homeless sometime
67 within the preceding six months, has limited English proficiency, has been suspended from
68 school three or more times, is eligible for free or reduced-price school lunch, or has been referred
69 by the school district for enrollment in an alternative program. "Dropout" shall be defined
70 through the guidelines of the school core data report. The provisions of this subsection do not
71 apply to charters sponsored by the state board of education.

72 3. If a charter is approved by a sponsor, the charter application shall be submitted to the
73 state board of education, along with a statement of finding that the application meets the
74 requirements of sections 160.400 to 160.420 and section 167.439, RSMo, and a monitoring plan
75 under which the charter sponsor will evaluate the academic performance of students enrolled in
76 the charter school. The state board of education may, within sixty days, disapprove the granting
77 of the charter. The state board of education may disapprove a charter on grounds that the
78 application fails to meet the requirements of sections 160.400 to 160.420 and section 167.349,
79 RSMo, or that a charter sponsor previously failed to meet the statutory responsibilities of a
80 charter sponsor.

81 4. Any disapproval of a charter pursuant to subsection 3 of this section shall be subject
82 to judicial review pursuant to chapter 536, RSMo.

83 5. A charter school shall, as provided in its charter:

84 (1) Be nonsectarian in its programs, admission policies, employment practices, and all
85 other operations;

86 (2) Comply with laws and regulations of the state, county, or city relating to health,
87 safety, and state minimum educational standards, as specified by the state board of education,
88 including the requirements relating to student discipline under sections 160.261, 167.161,
89 167.164, and 167.171, RSMo, notification of criminal conduct to law enforcement authorities
90 under sections 167.115 to 167.117, RSMo, academic assessment under section 160.518,
91 transmittal of school records under section 167.020, RSMo, [and] the minimum number of
92 school days and hours required under section 160.041, **and the employee criminal history**
93 **background check and the family care safety registry check under section 168.133;**

94 (3) Except as provided in sections 160.400 to 160.420, be exempt from all laws and rules
95 relating to schools, governing boards and school districts;

96 (4) Be financially accountable, use practices consistent with the Missouri financial
97 accounting manual, provide for an annual audit by a certified public accountant, publish audit
98 reports and annual financial reports as provided in chapter 165, RSMo, provided that the annual
99 financial report may be published on the department of elementary and secondary education's
100 Internet website in addition to other publishing requirements, and provide liability insurance to
101 indemnify the school, its board, staff and teachers against tort claims. A charter school that
102 receives local educational agency status under subsection 6 of this section shall meet the
103 requirements imposed by the Elementary and Secondary Education Act for audits of such
104 agencies. For purposes of an audit by petition under section 29.230, RSMo, a charter school
105 shall be treated as a political subdivision on the same terms and conditions as the school district
106 in which it is located. For the purposes of securing such insurance, a charter school shall be
107 eligible for the Missouri public entity risk management fund pursuant to section 537.700, RSMo.
108 A charter school that incurs debt must include a repayment plan in its financial plan;

109 (5) Provide a comprehensive program of instruction for at least one grade or age group
110 from kindergarten through grade twelve, which may include early childhood education if funding
111 for such programs is established by statute, as specified in its charter;

112 (6) (a) Design a method to measure pupil progress toward the pupil academic standards
113 adopted by the state board of education pursuant to section 160.514, [collect baseline data during
114 at least the first three years for determining how the charter school is performing] **establish**
115 **baseline student performance during the first year of operation, collect student**
116 **performance data as defined by the annual performance report throughout the duration**
117 **of the charter to annually monitor student academic performance**, and to the extent
118 applicable **based upon grade levels offered by the charter school**, participate in the statewide
119 system of assessments, comprised of the essential skills tests and the nationally standardized
120 norm-referenced achievement tests, as designated by the state board pursuant to section 160.518,
121 complete and distribute an annual report card as prescribed in section 160.522, which shall also
122 include a statement that background checks have been completed on the charter school's board
123 members, report to its sponsor, the local school district, and the state board of education as to
124 its teaching methods and any educational innovations and the results thereof, and provide data
125 required for the study of charter schools pursuant to subsection 4 of section 160.410. No charter
126 school will be considered in the Missouri school improvement program review of the district in
127 which it is located for the resource or process standards of the program.

128 (b) For proposed high risk or alternative charter schools, sponsors shall approve
129 performance measures based on mission, curriculum, teaching methods, and services. Sponsors

130 shall also approve comprehensive academic and behavioral measures to determine whether
131 students are meeting performance standards on a different time frame as specified in that school's
132 charter. Student performance shall be assessed comprehensively to determine whether a high
133 risk or alternative charter school has documented adequate student progress. Student
134 performance shall be based on sponsor-approved comprehensive measures as well as
135 standardized public school measures. Annual presentation of charter school report card data to
136 the department of elementary and secondary education, the state board, and the public shall
137 include comprehensive measures of student progress.

138 (c) Nothing in this [paragraph] **subdivision** shall be construed as permitting a charter
139 school to be held to lower performance standards than other public schools within a district;
140 however, the charter of a charter school may permit students to meet performance standards on
141 a different time frame as specified in its charter;

142 (7) Assure that the needs of special education children are met in compliance with all
143 applicable federal and state laws and regulations;

144 (8) Provide along with any request for review by the state board of education the
145 following:

146 (a) Documentation that the applicant has provided a copy of the application to the school
147 board of the district in which the charter school is to be located, except in those circumstances
148 where the school district is the sponsor of the charter school; and

149 (b) A statement outlining the reasons for approval or disapproval by the sponsor,
150 specifically addressing the requirements of sections 160.400 to 160.420 and 167.349, RSMo.

151 **6. (1) Proposed or existing high risk or alternative charter schools may include**
152 **alternative arrangements for students to obtain credit for satisfying graduation**
153 **requirements in the school's charter application and charter. Alternative arrangements**
154 **may include, but not be limited to, credit for off-campus instruction, embedded credit,**
155 **work experience through a paid or unpaid internship arranged through the school, and**
156 **independent studies. When the state board of education approves the charter, any such**
157 **alternative arrangements shall be approved at such time.**

158 **(2) The department of elementary and secondary education shall conduct a study**
159 **of any charter school granted alternative arrangements for students to obtain credit under**
160 **this subsection after three years of operation to assess student performance, graduation**
161 **rates, educational outcomes, and entry into the workforce or higher education.**

162 **7.** The charter of a charter school may be amended at the request of the governing body
163 of the charter school and on the approval of the sponsor. The sponsor and the governing board
164 and staff of the charter school shall jointly review the school's performance, management and
165 operations [at least once every two years] **during the first year of operation and then every**

166 **other year after the most recent review** or at any point where the operation or management of
167 the charter school is changed or transferred to another entity, either public or private. The
168 governing board of a charter school may amend the charter, if the sponsor approves such
169 amendment, or the sponsor and the governing board may reach an agreement in writing to reflect
170 the charter school's decision to become a local educational agency [for the sole purpose of
171 seeking direct access to federal grants]. In such case the sponsor shall give the department of
172 elementary and secondary education written notice no later than March first of any year, with the
173 agreement to become effective July first. The department may waive the March first notice date
174 in its discretion. The department shall identify and furnish a list of its regulations that pertain
175 to local educational agencies to such schools within thirty days of receiving such notice.

176 [7.] **8.** (1) A sponsor shall revoke a charter or take other appropriate remedial action,
177 which may include placing the charter school on probationary status, at any time if the charter
178 school commits a serious breach of one or more provisions of its charter or on any of the
179 following grounds: failure to meet academic performance standards as set forth in its charter,
180 failure to meet generally accepted standards of fiscal management, failure to provide information
181 necessary to confirm compliance with all provisions of the charter and sections 160.400 to
182 160.420 and 167.349, RSMo, within forty-five days following receipt of written notice
183 requesting such information, or violation of law.

184 (2) The sponsor may place the charter school on probationary status to allow the
185 implementation of a remedial plan, which may require a change of methodology, a change in
186 leadership, or both, after which, if such plan is unsuccessful, the charter may be revoked.

187 (3) At least sixty days before acting to revoke a charter, the sponsor shall notify the
188 governing board of the charter school of the proposed action in writing. The notice shall state
189 the grounds for the proposed action. The school's governing board may request in writing a
190 hearing before the sponsor within two weeks of receiving the notice.

191 (4) The sponsor of a charter school shall establish procedures to conduct administrative
192 hearings upon determination by the sponsor that grounds exist to revoke a charter. Final
193 decisions of a sponsor from hearings conducted pursuant to this subsection are subject to judicial
194 review pursuant to chapter 536, RSMo.

195 (5) A termination shall be effective only at the conclusion of the school year, unless the
196 sponsor determines that continued operation of the school presents a clear and immediate threat
197 to the health and safety of the children.

198 (6) A charter sponsor shall make available the school accountability report card
199 information as provided under section 160.522 and the results of the academic monitoring
200 required under subsection 3 of this section.

201 [8.] **9. (1)** A sponsor shall take all reasonable steps necessary to confirm that each
202 charter school sponsored by such sponsor is in material compliance and remains in material
203 compliance with all material provisions of the charter and sections 160.400 to 160.420 and
204 167.349, RSMo. Every charter school shall provide all information necessary to confirm
205 ongoing compliance with all provisions of its charter and sections 160.400 to 160.420 and
206 167.349, RSMo, in a timely manner to its sponsor.

207 **(2) (a) Beginning January 1, 2011, during the year in which a charter is considered**
208 **for renewal, a charter school sponsor shall demonstrate to the state board of education that**
209 **the charter school is in compliance with federal and state laws on accountability;**
210 **transparency; maintenance of parent, student, and employee rights; performance of**
211 **charter requirements; and the following academic performance standards:**

212 **a. For a charter school the grade span of which includes high school grades, the**
213 **average graduation rate for the most recent three years is no lower than seventy percent**
214 **in any three of the last four years unless the school has as its mission dropout recovery and**
215 **enrolls students from the ages of seventeen to twenty-one; and**

216 **b. For all charter schools, is among the lowest achieving five percent of Title I**
217 **schools in corrective action or restructuring.**

218 **(b) The state board of education shall determine if compliance with all standards**
219 **enumerated in paragraph (a) of this subdivision has been achieved. If compliance has been**
220 **achieved, the state board of education shall so note at its next regularly scheduled meeting.**
221 **If compliance with all standards has not been achieved, the charter school and its sponsor**
222 **may file a statement no later than January thirty-first, stating the reasons why the charter**
223 **school should not be closed. If no such statement is filed, the charter school shall cease**
224 **operation at the end of the current academic year. If a statement is timely filed, the state**
225 **board of education shall hold a public hearing no later than March first on the merits of**
226 **keeping the school open. The state board of education shall vote no later than March**
227 **thirty-first to continue the operation of the charter school and may impose conditions on**
228 **its continuing operation as specified in subdivision (1) of subsection 8 of this section, or to**
229 **close the charter school at the end of the current academic year.**

230 [9.] **10.** A school district may enter into a lease with a charter school for physical
231 facilities.

232 [10.] **11.** A governing board or a school district employee who has control over
233 personnel actions shall not take unlawful reprisal against another employee at the school district
234 because the employee is directly or indirectly involved in an application to establish a charter
235 school. A governing board or a school district employee shall not take unlawful reprisal against
236 an educational program of the school or the school district because an application to establish

237 a charter school proposes the conversion of all or a portion of the educational program to a
238 charter school. As used in this subsection, "unlawful reprisal" means an action that is taken by
239 a governing board or a school district employee as a direct result of a lawful application to
240 establish a charter school and that is adverse to another employee or an educational program.

241 [11.] **12.** Charter school board members shall be subject to the same liability for acts
242 while in office as if they were regularly and duly elected members of school boards in any other
243 public school district in this state. The governing board of a charter school may participate, to
244 the same extent as a school board, in the Missouri public entity risk management fund in the
245 manner provided under sections 537.700 to 537.756, RSMo.

246 [12.] **13.** Any entity, either public or private, operating, administering, or otherwise
247 managing a charter school shall be considered a quasi-public governmental body and subject to
248 the provisions of sections 610.010 to 610.035, RSMo.

249 [13.] **14.** The chief financial officer of a charter school shall maintain:

250 (1) A surety bond in an amount determined by the sponsor to be adequate based on the
251 cash flow of the school; or

252 (2) An insurance policy issued by an insurance company licensed to do business in
253 Missouri on all employees in the amount of five hundred thousand dollars or more that provides
254 coverage in the event of employee theft.

160.410. 1. A charter school shall enroll:

2 (1) All pupils resident in the district in which it operates;

3 (2) Nonresident pupils eligible to attend a district's school under an urban voluntary
4 transfer program; [and]

5 (3) **In the case of a charter school whose mission includes student drop-out**
6 **prevention or recovery, any nonresident pupil from the same or an adjacent county who**
7 **is considered high risk or is a dropout, or any nonresident pupil from the same or an**
8 **adjacent county who resides in a residential care facility, a transitional living group home,**
9 **or an independent living program whose last school of enrollment is in the school district**
10 **where the charter school is established, who submits a timely application; and**

11 (4) In the case of a workplace charter school, any student eligible to attend under
12 subdivision (1) or (2) of this subsection whose parent is employed in the business district, who
13 submits a timely application, unless the number of applications exceeds the capacity of a
14 program, class, grade level or building. The configuration of a business district shall be set forth
15 in the charter and shall not be construed to create an undue advantage for a single employer or
16 small number of employers.

17 2. If capacity is insufficient to enroll all pupils who submit a timely application, the
18 charter school shall have an admissions process that assures all applicants of an equal chance of
19 gaining admission except that:

20 (1) A charter school may establish a geographical area around the school whose residents
21 will receive a preference for enrolling in the school, provided that such preferences do not result
22 in the establishment of racially or socioeconomically isolated schools and provided such
23 preferences conform to policies and guidelines established by the state board of education; [and]

24 (2) A charter school may also give a preference for admission of children whose siblings
25 attend the school or whose parents are employed at the school or in the case of a workplace
26 charter school, a child whose parent is employed in the business district or at the business site
27 of such school; **and**

28 **(3) A charter school whose mission includes student drop-out prevention or**
29 **recovery as described in subdivision (3) of subsection 1 of this section shall give preference**
30 **for admission to resident pupils over nonresident pupils.**

31 3. A charter school shall not limit admission based on race, ethnicity, national origin,
32 disability, gender, income level, proficiency in the English language or athletic ability, but may
33 limit admission to pupils within a given age group or grade level.

34 4. The department of elementary and secondary education shall commission a study of
35 the performance of students at each charter school in comparison with an equivalent group of
36 district students representing an equivalent demographic and geographic population and a study
37 of the impact of charter schools upon the constituents they serve in the districts in which they are
38 located, to be conducted by the joint committee on education. The charter school study shall
39 include analysis of the administrative and instructional practices of each charter school and shall
40 include findings on innovative programs that illustrate best practices and lend themselves to
41 replication or incorporation in other schools. The joint committee on education shall coordinate
42 with individuals representing charter [public] schools and the districts in which charter schools
43 are located in conducting the study. The study of a charter school's student performance in
44 relation to a comparable group shall be designed to provide information that would allow parents
45 and educators to make valid comparisons of academic performance between the charter school's
46 students and an equivalent group of district students representing an equivalent demographic and
47 geographic population. The student performance assessment and comparison shall include, but
48 may not be limited to:

49 (1) Missouri assessment program test performance and aggregate growth over several
50 years;

51 (2) Student reenrollment rates;

52 (3) Educator, parent, and student satisfaction data;

53 (4) Graduation rates in secondary programs; and

54 (5) Performance of students enrolled in the same public school for three or more
55 consecutive years. The impact study shall be undertaken every two years to determine the impact
56 of charter schools on the constituents they serve in the districts where charter schools are
57 operated. The impact study shall include, but is not limited to, determining if changes have been
58 made in district policy or procedures attributable to the charter school and to perceived changes
59 in attitudes and expectations on the part of district personnel, school board members, parents,
60 students, the business community and other education stakeholders. The department of
61 elementary and secondary education shall make the results of the studies public and shall deliver
62 copies to the governing boards of the charter schools, the sponsors of the charter schools, the
63 school board and superintendent of the districts in which the charter schools are operated.

64 5. A charter school shall make available for public inspection, and provide upon request,
65 to the parent, guardian, or other custodian of any school-age pupil resident in the district in which
66 the school is located the following information:

67 (1) The school's charter;

68 (2) The school's most recent annual report card published according to section 160.522;
69 [and]

70 (3) The results of background checks on the charter school's board members; **and**

71 **(4) If a charter school is operated by a management company, a copy of the written**
72 **contract between the governing board of the charter school and the educational**
73 **management organization or the charter management organization for services.**

74 The charter school may charge reasonable fees, not to exceed the rate specified in section
75 610.026, RSMo, for furnishing copies of documents under this subsection.

76 **6. When a student attending a charter school who is a resident of the school district**
77 **in which the charter school is located moves out of the boundaries of such school district,**
78 **the student may complete the current semester and shall be considered a resident student.**
79 **The student's parent or legal guardian shall be responsible for the student's transportation**
80 **to and from the charter school.**

81 **7. If a change in school district boundary lines occurs under sections 162.223,**
82 **162.431, 162.441, 162.451, or by action of the state board of education under section**
83 **162.081, including attachment of a school district's territory to another district or**
84 **dissolution, such that a student attending a charter school prior to such change no longer**
85 **resides in a school district in which charter schools are permitted to operate, then the**
86 **student may complete the current academic year at the charter school. The student shall**
87 **be considered a resident student. The student's parent or legal guardian shall be**
88 **responsible for the student's transportation to and from the charter school.**

160.415. 1. For the purposes of calculation and distribution of state school aid under
2 section 163.031, RSMo, pupils enrolled in a charter school shall be included in the pupil
3 enrollment of the school district within which each pupil resides. Each charter school shall
4 report the names, addresses, and eligibility for free and reduced lunch, special education, or
5 limited English proficiency status, as well as eligibility for categorical aid, of pupils resident in
6 a school district who are enrolled in the charter school to the school district in which those pupils
7 reside. The charter school shall report the average daily attendance data, free and reduced lunch
8 count, special education pupil count, and limited English proficiency pupil count to the state
9 department of elementary and secondary education. Each charter school shall promptly notify
10 the state department of elementary and secondary education and the pupil's school district when
11 a student discontinues enrollment at a charter school.

12 2. Except as provided in subsections 3 and 4 of this section, the aid payments for charter
13 schools shall be as described in this subsection.

14 (1) A school district having one or more resident pupils attending a charter school shall
15 pay to the charter school an annual amount equal to the product of the charter school's weighted
16 average daily attendance and the state adequacy target, multiplied by the dollar value modifier
17 for the district, plus local tax revenues per weighted average daily attendance from the incidental
18 and teachers' funds in excess of the performance levy as defined in section 163.011, RSMo, plus
19 all other state aid attributable to such pupils.

20 (2) The district of residence of a pupil attending a charter school shall also pay to the
21 charter school any other federal or state aid that the district receives on account of such child.

22 (3) If the department overpays or underpays the amount due to the charter school, such
23 overpayment or underpayment shall be repaid by the public charter school or credited to the
24 public charter school in twelve equal payments in the next fiscal year.

25 (4) The amounts provided pursuant to this subsection shall be prorated for partial year
26 enrollment for a pupil.

27 (5) A school district shall pay the amounts due pursuant to this subsection as the
28 disbursal agent and no later than twenty days following the receipt of any such funds. The
29 department of elementary and secondary education shall pay the amounts due when it acts as the
30 disbursal agent within five days of the required due date.

31 3. A workplace charter school shall receive payment for each eligible pupil as provided
32 under subsection 2 of this section, except that if the student is not a resident of the district and
33 is participating in a voluntary interdistrict transfer program, the payment for such pupils shall be
34 the same as provided under section 162.1060, RSMo.

35 4. A charter school that has declared itself as a local educational agency shall receive
36 from the department of elementary and secondary education an annual amount equal to the

37 product of the charter school's weighted average daily attendance and the state adequacy target,
38 multiplied by the dollar value modifier for the district, plus local tax revenues per weighted
39 average daily attendance from the incidental and teachers funds in excess of the performance
40 levy as defined in section 163.011, RSMo, plus all other state aid attributable to such pupils. If
41 a charter school declares itself as a local education agency, the department of elementary and
42 secondary education shall, upon notice of the declaration, reduce the payment made to the school
43 district by the amount specified in this subsection and pay directly to the charter school the
44 annual amount reduced from the school district's payment.

45 5. If a school district fails to make timely payments of any amount for which it is the
46 disbursal agent, the state department of elementary and secondary education shall authorize
47 payment to the charter school of the amount due pursuant to subsection 2 of this section and shall
48 deduct the same amount from the next state school aid apportionment to the owing school
49 district. If a charter school is paid more or less than the amounts due pursuant to this section,
50 the amount of overpayment or underpayment shall be adjusted equally in the next twelve
51 payments by the school district or the department of elementary and secondary education, as
52 appropriate. Any dispute between the school district and a charter school as to the amount owing
53 to the charter school shall be resolved by the department of elementary and secondary education,
54 and the department's decision shall be the final administrative action for the purposes of review
55 pursuant to chapter 536, RSMo. During the period of dispute, the department of elementary and
56 secondary education shall make every administrative and statutory effort to allow the continued
57 education of children in their current public charter school setting.

58 6. The charter school and a local school board may agree by contract for services to be
59 provided by the school district to the charter school. The charter school may contract with any
60 other entity for services. Such services may include but are not limited to food service, custodial
61 service, maintenance, management assistance, curriculum assistance, media services and libraries
62 and shall be subject to negotiation between the charter school and the local school board or other
63 entity. Documented actual costs of such services shall be paid for by the charter school.

64 7. A charter school may enter into contracts with community partnerships and state
65 agencies acting in collaboration with such partnerships that provide services to children and their
66 families linked to the school.

67 8. A charter school shall be eligible for transportation state aid pursuant to section
68 163.161, RSMo, and shall be free to contract with the local district, or any other entity, for the
69 provision of transportation to the students of the charter school.

70 9. (1) The proportionate share of state and federal resources generated by students with
71 disabilities or staff serving them shall be paid in full to charter schools enrolling those students
72 by their school district where such enrollment is through a contract for services described in this

73 section. The proportionate share of money generated under other federal or state categorical aid
74 programs shall be directed to charter schools serving such students eligible for that aid.

75 (2) A charter school district shall provide the special services provided pursuant to
76 section 162.705, RSMo, and may provide the special services pursuant to a contract with a
77 school district or any provider of such services.

78 10. A charter school may not charge tuition, nor may it impose fees that a school district
79 is prohibited from imposing.

80 11. A charter school is authorized to incur debt in anticipation of receipt of funds. A
81 charter school may also borrow to finance facilities and other capital items. A school district
82 may incur bonded indebtedness or take other measures to provide for physical facilities and other
83 capital items for charter schools that it sponsors or contracts with. Upon the dissolution of a
84 charter school, any liabilities of the corporation will be satisfied through the procedures of
85 chapter 355, RSMo. **The department of elementary and secondary education may withhold**
86 **funding at a level the department determines to be adequate during a school's last year of**
87 **operation until the department determines that school records, liabilities, and reporting**
88 **requirements, including a full audit, are satisfied.**

89 12. Charter schools shall not have the power to acquire property by eminent domain.

90 13. The governing body of a charter school is authorized to accept grants, gifts or
91 donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or
92 donation may not be accepted by the governing body if it is subject to any condition contrary to
93 law applicable to the charter school or other public schools, or contrary to the terms of the
94 charter.

160.420. 1. Any school district in which charter schools may be established under
2 sections 160.400 to 160.420 shall establish a uniform policy which provides that if a charter
3 school offers to retain the services of an employee of a school district, and the employee accepts
4 a position at the charter school, an employee at the employee's option may remain an employee
5 of the district and the charter school shall pay to the district the district's full costs of salary and
6 benefits provided to the employee. The district's policy shall provide that any teacher who
7 accepts a position at a charter school and opts to remain an employee of the district retains such
8 teacher's permanent teacher status and retains such teacher's seniority rights in the district for
9 three years. The school district shall not be liable for any such employee's acts while an
10 employee of the charter school.

11 2. A charter school may employ noncertificated instructional personnel; provided that
12 no more than twenty percent of the full-time equivalent instructional staff positions at the school
13 are filled by noncertificated personnel. All noncertificated instructional personnel shall be
14 supervised by certificated instructional personnel. A charter school that has a foreign language

15 immersion experience as its chief educational mission, as stated in its charter, shall not be subject
16 to the twenty-percent requirement of this subsection but shall ensure that any teachers whose
17 duties include instruction given in a foreign language have current valid credentials in the
18 country in which such teacher received his or her training and shall remain subject to the
19 remaining requirements of this subsection. The charter school shall ensure that all instructional
20 employees of the charter school have experience, training and skills appropriate to the
21 instructional duties of the employee, and the charter school shall ensure that a criminal
22 background check and [child abuse] **family care safety** registry check are conducted for each
23 employee of the charter school prior to the hiring of the employee **under the requirements of**
24 **section 168.133**. The charter school may not employ instructional personnel whose certificate
25 of license to teach has been revoked or is currently suspended by the state board of education.
26 Appropriate experience, training and skills of noncertificated instructional personnel shall be
27 determined considering:

- 28 (1) Teaching certificates issued by another state or states;
- 29 (2) Certification by the National Standards Board;
- 30 (3) College degrees in the appropriate field;
- 31 (4) Evidence of technical training and competence when such is appropriate; and
- 32 (5) The level of supervision and coordination with certificated instructional staff.

33 3. Personnel employed by the charter school shall participate in the retirement system
34 of the school district in which the charter school is located, subject to the same terms, conditions,
35 requirements and other provisions applicable to personnel employed by the school district. For
36 purposes of participating in the retirement system, the charter school shall be considered to be
37 a public school within the school district, and personnel employed by the charter school shall be
38 public school employees. In the event of a lapse of the school district's corporate organization
39 as described in subsections 1 and 4 of section 162.081, RSMo, personnel employed by the
40 charter school shall continue to participate in the retirement system and shall do so on the same
41 terms, conditions, requirements and other provisions as they participated prior to the lapse.

42 [4. The charter school and a local school board may agree by contract for services to be
43 provided by the school district to the charter school. The charter school may contract with any
44 other entity for services. Such services may include but are not limited to food service, custodial
45 service, maintenance, management assistance, curriculum assistance, media services and libraries
46 and shall be subject to negotiation between the charter school and the local school board or other
47 entity. Documented actual costs of such services shall be paid for by the charter school.

48 5. A charter school may enter into contracts with community partnerships and state
49 agencies acting in collaboration with such partnerships that provide services to children and their
50 families linked to the school.

51 6. A charter school shall be eligible for transportation state aid pursuant to section
52 163.161, RSMo, and shall be free to contract with the local district, or any other entity, for the
53 provision of transportation to the students of the charter school.

54 7. (1) The proportionate share of state and federal resources generated by students with
55 disabilities or staff serving them shall be paid in full to charter schools enrolling those students
56 by their school district where such enrollment is through a contract for services described in this
57 section. The proportionate share of money generated under other federal or state categorical aid
58 programs shall be directed to charter schools serving such students eligible for that aid.

59 (2) A charter school district shall provide the special services provided pursuant to
60 section 162.705, RSMo, and may provide the special services pursuant to a contract with a
61 school district or any provider of such services.

62 8. A charter school may not charge tuition, nor may it impose fees that a school district
63 is prohibited from imposing.

64 9. A charter school is authorized to incur debt in anticipation of receipt of funds. A
65 charter school may also borrow to finance facilities and other capital items. A school district
66 may incur bonded indebtedness or take other measures to provide for physical facilities and other
67 capital items for charter schools that it sponsors or contracts with. Upon the dissolution of a
68 charter school, any liabilities of the corporation will be satisfied through the procedures of
69 chapter 355, RSMo.

70 10. Charter schools shall not have the power to acquire property by eminent domain.

71 11. The governing body of a charter school is authorized to accept grants, gifts or
72 donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or
73 donation may not be accepted by the governing body if it is subject to any condition contrary to
74 law applicable to the charter school or other public schools, or contrary to the terms of the
75 charter.]

162.1032. 1. For purposes of this section, the following terms shall mean:

2 (1) "Department", the department of elementary and secondary education;

3 (2) "Residency", the term as defined under section 167.020;

4 (3) "School district", a seven director or urban school district, except for an urban
5 school district containing most or all of a city with a population greater than three hundred
6 fifty thousand inhabitants.

7 2. For the school year commencing July 1, 2011, and for each succeeding school
8 year, a parent or guardian residing in a public school district may enroll his or her child
9 in a public school in another school district in the manner provided in this section.

10 3. For a parent or guardian to be able to enroll his or her child in a public school
11 in another school district, the following shall be required:

12 **(1) The child shall be enrolled in and attending a public school located in Missouri;**
13 **or**

14 **(2) The parent or guardian has registered, or is preparing to register, the child for**
15 **kindergarten or first grade.**

16 **4. By January fifteenth of the preceding school year, the parent shall send**
17 **notification to the school district of residence and the receiving district, on an application**
18 **or forms prescribed by the department, that the parent or guardian intends to enroll his**
19 **or her child in a public school in a school district other than the school district of residence.**
20 **If a school district does not have sufficient capacity to enroll all pupils who submit a timely**
21 **application, the school district shall institute an admissions process to ensure all applicants**
22 **an equal chance of admission, except that a school district may give preference for**
23 **admission to siblings of children who are already enrolled in the school district under this**
24 **section.**

25 **5. If a parent or guardian fails to send notification by January fifteenth as specified**
26 **in subsection 4 of this section, the parent or guardian may request transfer until the third**
27 **Friday in July of that calendar year, on an application or forms prescribed by the**
28 **department, by sending notification to the school district of residence and the receiving**
29 **district, provided that good cause exists for the failure to meet the deadline. The board of**
30 **education for the receiving district shall determine if good cause exists. For purposes of**
31 **this subsection, good cause shall mean:**

32 **(1) A change in a child's residence due to a change in family residence, a change in**
33 **the marital status of the child's parent or guardian, a guardianship or custody proceeding,**
34 **placement in foster care, adoption, participation in a substance abuse or mental health**
35 **treatment program; or**

36 **(2) A classification of the child's resident school district as unaccredited by the state**
37 **board of education.**

38 **6. Whenever a federal court-ordered desegregation directive exists for a school**
39 **district, enrollment options under this section are subject to the approval of the court of**
40 **continuing jurisdiction. The court order shall govern.**

41 **7. An application for open enrollment may be granted at any time with the**
42 **approval of the receiving district and the school district of residence. If the request is**
43 **granted, the board of education of the receiving district shall notify the parent or guardian**
44 **and the school district of residence within five days. The parent or guardian may**
45 **withdraw the request to enroll his or her child at any time prior to the start of the school**
46 **year. A request for enrollment under this section shall be valid for at least one year, and,**

47 once granted, shall not require another application until the pupil has completed all grades
48 available in the school district.

49 **8. Each school district shall adopt a policy for appropriate class size and teacher-**
50 **pupil ratios for all grade levels. The policy may allow for a number of spaces to remain**
51 **open to accommodate potential additional pupils who may reside in the district. No school**
52 **district shall be required to admit pupils under this section if such admittance would**
53 **violate its target class size and teacher-pupil ratio under this subsection. If a school district**
54 **denies enrollment to a pupil under this section, it shall state the grounds for the denial.**
55 **Each school district shall maintain records on:**

56 **(1) The number of transfers requested into and out of the district;**

57 **(2) The number of pupils accepted into the district; and**

58 **(3) The number of pupils denied enrollment into the district.**

59 **9. If, after enrolling his or her child in the receiving district, the parent or guardian**
60 **is dissatisfied, he or she may return his or her child to the school district of residence upon**
61 **notification to both the receiving district and the school district of residence. However, the**
62 **parent or guardian shall not be able to reenroll his or her child in the receiving district at**
63 **a later time. If the parent or guardian desires to enroll his or her child in a school district**
64 **other than the school district of residence or the initial receiving district, he or she shall**
65 **follow the procedures identified in this section.**

66 **10. If a request filed under this section is for a child requiring special education**
67 **under sections 162.670 to 162.999, the request to transfer to the other district shall only be**
68 **granted if the individualized education program team in the receiving district verifies that:**

69 **(1) The receiving district maintains a special education instructional program that**
70 **is appropriate to meet the child's educational needs; and**

71 **(2) The enrollment of the child in the receiving district's program would not cause**
72 **the size of the class in that special education instructional program to exceed the maximum**
73 **class size established in rules and regulations adopted by the state board of education or**
74 **federal guidelines for that program.**

75 **11. For children requiring special education, a member of the individualized**
76 **education program team in the school district of residence shall be part of the**
77 **individualized education program team in the receiving district for the initial planning**
78 **session or sessions. The board of education of the school district of residence shall pay to**
79 **the receiving district the actual costs incurred in providing the appropriate special**
80 **education.**

81 **12. The statewide assessment scores of pupils who enroll in another school district**
82 **under this section shall be treated in the same manner as the scores of resident pupils in**
83 **that district.**

84 **13. If a parent or guardian of a child who is participating in open enrollment under**
85 **this section moves to a different school district during the course of either district's**
86 **academic year, the child's first school district of residence shall be responsible for payment**
87 **of the amount per pupil as calculated under subsection 14 of this section or special**
88 **education costs to the receiving district for the balance of the school year in which the move**
89 **occurred. The new district of residence shall be responsible for the payments during**
90 **subsequent years.**

91 **14. For each pupil who enrolls in another school district under this section, the**
92 **department of elementary and secondary education shall calculate the per pupil cost for**
93 **the student's school district of residence and the receiving district and provide this**
94 **information to the student's parent or legal guardian, the student's school district of**
95 **residence, and the receiving district. If the per pupil cost is greater in the receiving district**
96 **than in the student's school district of residence, the board of education of the receiving**
97 **district may determine an amount to be paid by the student's parent or legal guardian, not**
98 **to exceed twenty-five percent of the difference between the two districts' per pupil costs to**
99 **the receiving district, or one thousand dollars, whichever is less. If the per pupil cost is**
100 **greater in the student's school district of residence than in the receiving district, the board**
101 **of education of the receiving district may determine an amount to be paid by the student's**
102 **school district of residence to it, not to exceed twenty-five percent of the difference between**
103 **the two districts' per pupil costs to the receiving district, or one thousand dollars,**
104 **whichever is less. The district of residence shall also pay to the receiving district any other**
105 **federal or state aid that the district receives on account of such child.**

106 **15. Payments shall be made to the receiving district from the school district of**
107 **residence for a child participating in open enrollment under this section at least twice a**
108 **year. If a timely payment is not made, the receiving district shall be entitled to a late**
109 **charge of up to three percent a month on the amount overdue, not to exceed three months.**
110 **When a payment is more than three months past due, the department, upon notice from**
111 **the receiving district, shall withhold the amount, including interest, from the school district**
112 **of residence's state school aid and send payment in full to the receiving district.**

113 **16. If a request to transfer is due to a change in family residence, or where the child**
114 **resides as a result of a change in a child's parents' marital status, a guardianship**
115 **proceeding, placement in foster care, adoption, or participation in a substance abuse or**
116 **mental health treatment program, and the child who is the subject of the request is not**

117 currently using any provision of open enrollment under this section, the parent or guardian
118 shall have the option to keep the child enrolled in the child's original school district of
119 residence with no interruption in the educational program. If a parent or guardian
120 exercises this option, the child's new district of residence is not required to pay the amount
121 calculated in subsection 14 of this section until the start of the first full year of enrollment
122 of the child.

123 **17. In a public school district that qualified for a small schools grant under section**
124 **163.044, the addition of up to five percent average daily attendance attributable to open**
125 **enrollment under this section shall not disqualify the district for the grant. A decrease of**
126 **less than five percent from the average daily attendance used to determine qualification for**
127 **the grant that is attributable to open enrollment shall not qualify a school district for the**
128 **grant.**

129 **18. Notwithstanding sections 167.131 and 167.241, the parent or guardian shall be**
130 **responsible for transporting the pupil to school under this section without reimbursement.**
131 **A school district may provide transportation for a pupil to and from a point on an existing**
132 **school bus route provided that the parent or guardian transports the pupil to and from**
133 **such point. Nothing in this subsection shall be construed to prohibit a school district from**
134 **voluntarily providing such transportation.**

135 **19. Participation in interscholastic athletics for students enrolling in another school**
136 **district under this section shall be governed by the Missouri State High School Activities**
137 **Association's requirements and eligibility criteria and standards.**

138 **20. The state board of education shall promulgate rules and regulations necessary**
139 **to implement the provisions of this section. Any rule or portion of a rule, as that term is**
140 **defined in section 536.010, that is created under the authority delegated in this section shall**
141 **become effective only if it complies with and is subject to all of the provisions of chapter**
142 **536, and, if applicable, section 536.028. This section and chapter 536, are nonseverable and**
143 **if any of the powers vested with the general assembly pursuant to chapter 536, to review,**
144 **to delay the effective date, or to disapprove and annul a rule are subsequently held**
145 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
146 **after August 28, 2010, shall be invalid and void.**

167.650. 1. Each district school board shall establish a comprehensive program for
2 **student progression which shall include:**

3 **(1) Standards for evaluating each student's performance, including how well he or**
4 **she masters the performance standards approved by the state board of education;**

5 **(2) Specific level of reading performance for each grade level, including the levels**
6 **of performance on statewide assessments, below which a student shall receive remediation**

7 or be retained within an intensive program that is different from the previous year's
8 program and that takes into account the student's learning style; and

9 (3) Appropriate alternative placement for a student who has been retained two or
10 more years.

11 2. District school boards shall allocate remedial and supplemental instruction
12 resources to students in the following priority:

13 (1) Students who are not reading at grade level by the end of third grade;

14 (2) Students who fail to meet performance levels required for promotion consistent
15 with the district school board's plan for student progression required in subdivision (2) of
16 subsection 3 of this section.

17 3. (1) Each student shall participate in the statewide assessment tests required by
18 section 160.518. Each student who does not meet specific levels of performance as
19 determined by the district school board in reading for each grade level or who scores below
20 proficient in reading shall be provided with additional diagnostic assessments to determine
21 the nature of the student's difficulty and strategies for appropriate intervention and
22 instruction as described in subdivision (2) of this subsection.

23 (2) The school in which the student is enrolled shall, in consultation with the
24 student's parents, develop and implement a progress monitoring plan. A progress
25 monitoring plan shall provide flexibility for the school in meeting the academic needs of
26 the student and reduce paperwork. A student who is not meeting the school district or
27 state requirements for proficiency in reading shall be covered by one of the following plans
28 to target instruction and identify ways to improve his or her academic achievement:

29 (a) A federally required student plan such as an individual education plan;

30 (b) A schoolwide system of progress monitoring for all students; or

31 (c) An individualized progress monitoring plan.

32

33 The plan chosen shall be designed to assist the student's school in meeting state and district
34 expectations for proficiency. If the student has been identified as having a deficiency in
35 reading, the K-12 comprehensive literacy plan required by the school improvement
36 standards shall include instructional and support services to be provided to meet the
37 desired levels of performance. District school boards may require low-performing students
38 to attend remediation programs held before or after regular school hours or during the
39 summer if transportation is provided.

40 (3) Upon subsequent evaluation, if the documented deficiency has not been
41 remediated, the student may be retained. Every student who does not meet the minimum
42 performance grade-level expectations for reading shall continue to be provided with

43 remedial or supplemental instruction until the expectations are met or the student
44 graduates from high school or is no longer subject to compulsory school attendance.

45 **4. (1) Any student who exhibits a substantial deficiency in reading, based upon**
46 **locally determined or statewide assessments conducted in kindergarten or first grade,**
47 **second grade, or third grade, or through teacher observations, shall be given intensive**
48 **reading instruction immediately following the identification of the reading deficiency. The**
49 **student's reading proficiency shall be reassessed by locally determined assessments or**
50 **through teacher observations at the beginning of the grade following the intensive reading**
51 **instruction. The student shall continue to be provided with intensive reading instruction**
52 **until the reading deficiency is remedied.**

53 **(2) Beginning with the 2012-2013 school year, if the student's reading deficiency,**
54 **as identified in subdivision (1) of this subsection, is not remedied by the end of third grade,**
55 **as demonstrated by scoring at proficient or higher on the statewide assessment test in**
56 **reading for third grade, the student shall be retained.**

57 **(3) The parent of any student who exhibits a substantial deficiency in reading, as**
58 **described in subdivision (1) of this subsection, shall be notified in writing of the following:**

59 **(a) That his or her child has been identified as having a substantial deficiency in**
60 **reading;**

61 **(b) A description of the current services that are provided to the child;**

62 **(c) A description of the proposed supplemental instructional services and supports**
63 **that will be provided to the child that are designed to remediate the identified area of**
64 **reading deficiency;**

65 **(d) That if the child's reading deficiency is not remediated by the end of third**
66 **grade, the child shall be retained unless he or she is exempt from mandatory retention for**
67 **good cause;**

68 **(e) Strategies for parents to use in helping their child succeed in reading**
69 **proficiency;**

70 **(f) That the state assessment program is not the sole determiner of promotion and**
71 **that additional evaluations, portfolio reviews, and assessments are available to the child**
72 **to assist parents and the school district in knowing when a child is reading at or above**
73 **grade level and ready for grade promotion; and**

74 **(g) The district's specific criteria and policies for midyear promotion. Midyear**
75 **promotion means promotion of a retained student at any time during the year of retention**
76 **once the student has demonstrated ability to read at grade level.**

77 **5. (1) No student may be assigned to a grade level based solely on age or other**
78 **factors that constitute social promotion, which is defined for the purpose of this section as**

79 the progression from one grade to a higher grade without substantial evidence of a
80 student's ability to perform at grade level.

81 (2) The district school board may only exempt students from mandatory retention,
82 as provided in subdivision (2) of subsection 4 of this section, for good cause. Good cause
83 exemptions shall be limited to the following:

84 (a) Limited English proficient students who have had less than three years of
85 instruction in a program of English for speakers of other languages;

86 (b) Students with disabilities whose individual education plan indicates that
87 participation in the statewide assessment program is not appropriate, consistent with the
88 requirements of the state board of education;

89 (c) Students who demonstrate an acceptable level of performance on the alternative
90 reading assessment approved by the state board of education;

91 (d) Students who demonstrate, through a student portfolio, that the student is
92 reading on grade level as evidenced by demonstration of mastery of the state standards in
93 reading equal to at least a proficient performance on the statewide assessment;

94 (e) Students with disabilities who participate in the statewide assessment and who
95 have an individual education plan or a Section 504 plan that reflects that the student has
96 received intensive remediation in reading for more than two years but still demonstrates
97 a deficiency in reading and was previously retained in kindergarten, first grade, second
98 grade, or third grade;

99 (f) Students who have received intensive remediation in reading for two or more
100 years but still demonstrate a deficiency in reading and who were previously retained in
101 kindergarten, first grade, second grade, or third grade for a total of two years. Intensive
102 reading instruction for students so promoted shall include an altered instructional day that
103 includes specialized diagnostic information and specific reading strategies for each student.
104 The district school board shall assist schools and teachers to implement reading strategies
105 that research has shown to be successful in improving reading among low-performing
106 readers.

107 (3) Requests for good cause exemptions for students from the mandatory retention
108 requirement as described in paragraphs (c) and (d) of subdivision (2) of this subsection
109 shall be made consistent with the following:

110 (a) Documentation shall be submitted from the student's teacher to the school
111 principal that indicates that the promotion of the student is appropriate and is based upon
112 the student's academic record. In order to minimize paperwork requirements, such
113 documentation shall consist only of the existing progress monitoring plan, individual
114 educational plan, if applicable, or student portfolio;

115 (b) The school principal shall review and discuss such recommendation with the
116 teacher and make the determination as to whether the student should be promoted or
117 retained. If the school principal determines that the student should be promoted, the
118 school principal shall make such recommendation in writing to the district school
119 superintendent, which recommendation shall include documentation of the school district's
120 agreed-upon criteria upon which the recommendation was based. The district school
121 superintendent shall accept or reject the school principal's recommendation in writing.

122 6. (1) Students retained under the provisions of subdivision (2) of subsection 4 of
123 this section shall be provided intensive interventions in reading to ameliorate the student's
124 specific reading deficiency, as identified by a valid and reliable diagnostic assessment. This
125 intensive intervention shall include effective instructional strategies, participation in a
126 school district's summer reading program, and appropriate teaching methodologies
127 necessary to assist those students in becoming successful readers, able to read at or above
128 grade level, and ready for promotion to the next grade.

129 (2) Beginning with the 2014-2015 school year, each school district shall:

130 (a) Conduct a review of student progress monitoring plans for all students who did
131 not score above the basic level on the reading portion of the state assessment or its
132 equivalent and did not meet the criteria for one of the good cause exemptions in
133 subdivision (2) of subsection 5 of this section. The review shall address additional supports
134 and services, as described in this subsection, needed to remediate the identified areas of
135 reading deficiency;

136 (b) Provide students who are retained under the provisions of subdivision (2) of
137 subsection 4 of this section with intensive instructional services and supports to remediate
138 the identified areas of reading deficiency, including a minimum of ninety minutes of daily,
139 scientifically research-based reading instruction as suggested by the department and other
140 strategies prescribed by the school district, which may include but are not limited to:

- 141 a. Small group instruction;
- 142 b. Reduced teacher-student ratios;
- 143 c. More frequent progress monitoring;
- 144 d. Tutoring or mentoring;
- 145 e. Transition classes containing third and fourth grade students;
- 146 f. Extended school day, week, or year; and
- 147 g. Summer reading camps.

148 (c) Provide written notification to the parent of any student who is retained under
149 the provisions of subdivision (2) of subsection 4 of this section that his or her child has not
150 met the proficiency level required for promotion and the reasons the child is not eligible

151 for a good cause exemption as provided in subdivision (2) of subsection 5 of this section.
152 The notification shall include a description of proposed interventions and supports that
153 will be provided to the child to remediate the identified areas of reading deficiency;

154 (d) Implement a policy for the midyear promotion of any student retained under
155 the provisions of subdivision (2) of subsection 4 of this section who can demonstrate that
156 he or she is a successful and independent reader, reading at or above grade level, and ready
157 to be promoted to fourth grade. Tools that school districts may use in reevaluating any
158 student retained may include subsequent assessments, alternative assessments, and
159 portfolio reviews, in accordance with rules of the state board of education. Students
160 promoted during the school year after November first shall demonstrate proficiency above
161 that required to score at the basic level of the third grade statewide assessment, as
162 determined by the state board of education. The state board of education shall adopt
163 standards that provide a reasonable expectation that the student's progress is sufficient to
164 master appropriate fourth grade level reading skills;

165 (e) Provide students who are retained under the provisions of subdivision (2) of
166 subsection 4 of this section with a high-performing teacher as determined by student
167 performance data and above-satisfactory performance appraisals;

168 (f) In addition to required reading enhancement and acceleration strategies,
169 provide parents of students to be retained with at least one of the following instructional
170 options:

171 a. Supplemental tutoring in scientifically research-based reading services in
172 addition to the regular reading block, including tutoring before or after school;

173 b. A "Read at Home" plan outlined in a parental contract, including participation
174 in "Families Building Better Readers Workshops" and regular parent-guided home
175 reading;

176 c. A mentor or tutor with specialized reading training;

177 (g) Establish a Reading Enhancement and Acceleration Development (READ)
178 Initiative. The focus of the READ initiative shall be to prevent the retention of third grade
179 students and to offer intensive accelerated reading instruction to third grade students who
180 failed to meet standards for promotion to fourth grade and to each K-3 student who is
181 assessed as exhibiting a reading deficiency. The READ initiative shall:

182 a. Be provided to all K-3 students at risk of retention as identified by an assessment
183 system approved by the department. The assessment shall measure phonemic awareness,
184 phonics, fluency, vocabulary, and comprehension;

185 b. Be provided during regular school hours in addition to the regular reading
186 instruction;

187 c. Provide a state-identified reading curriculum that has been reviewed by a
188 reading research center housed at a public higher education institution within the state
189 selected by the state board of education and meets, at a minimum, the following
190 specifications:

191 (i) Assists students assessed as exhibiting a reading deficiency in developing the
192 ability to read at grade level;

193 (ii) Provides skill development in phonemic awareness, phonics, fluency,
194 vocabulary, and comprehension;

195 (iii) Provides scientifically based and reliable assessment;

196 (iv) Provides initial and ongoing analysis of each student's reading progress;

197 (v) Is implemented during regular school hours;

198 (vi) Provides a curriculum in core academic subjects to assist the student in
199 maintaining or meeting proficiency levels for the appropriate grade in all academic
200 subjects;

201 (h) Establish at each school, where applicable, an intensive acceleration class for
202 retained third grade students who subsequently score at the below basic level on the
203 reading portion of the statewide assessment. The focus of the intensive acceleration class
204 shall be to increase a child's reading level at least two grade levels in one school year. The
205 intensive acceleration class shall:

206 a. Be provided to any student in third grade who scores at the below basic level on
207 the reading portion of the statewide assessment and who was retained in third grade the
208 prior year because of scoring at the below basic level on the reading portion of the
209 statewide assessment;

210 b. Have a reduced teacher-student ratio;

211 c. Provide uninterrupted reading instruction for the majority of student contact
212 time each day and incorporate opportunities to master the fourth grade level expectations
213 in other core subject areas;

214 d. Use a reading program that is scientifically research-based and has proven
215 results in accelerating student reading achievement within the same school year;

216 e. Provide intensive language and vocabulary instruction using a scientifically
217 research-based program, including use of a speech-language therapist;

218 f. Include weekly progress monitoring measures to ensure progress is being made;
219 and

220 g. Report to the department, in the manner described by the department, the
221 progress of students in the class at the end of the first semester;

222 (i) Report to the state board of education, as requested, on the specific intensive
223 reading interventions and supports implemented at the school district level. The
224 commissioner of education shall annually prescribe the required components of requested
225 reports; and

226 (j) Provide a student who has been retained in third grade and has received
227 intensive instructional services but is still not ready for promotion, as determined by the
228 school district, the option of being placed in a transitional instructional setting. Such
229 setting shall specifically be designed to produce learning gains sufficient to meet fourth
230 grade level performance expectations while continuing to remediate the areas of reading
231 deficiency.

232 7. (1) In addition to the requirements in subdivision (2) of subsection 4 of this
233 section, each district school board shall annually report to the parent of each student the
234 progress of the student toward achieving state and district expectations for proficiency in
235 reading. The district school board shall report to the parent the student's results on each
236 assessment that was used in making the determination of proficiency, which shall be based
237 upon the student's classroom work, observations, tests, district and state assessments, and
238 other relevant information. Progress reporting shall be provided to the parent in writing
239 in a format adopted by the district school board.

240 (2) Each district school board shall annually publish and report in writing to the
241 state board of education each year the following information on the prior school year
242 under section 160.522:

243 (a) The provisions of this section relating to public school student progression and
244 the district school board's policies and procedures on student retention and promotion;

245 (b) By grade, the number and percentage of all students retained in grades 1
246 through 8, to the extent permitted by federal law;

247 (c) Information on the total number of students who were promoted for good cause,
248 by each category of good cause as specified in subdivision (2) of subsection 5 of this section;

249 (d) Any revisions to the district school board's policy on student retention and
250 promotion from the prior year.

251 8. (1) The state board of education shall have authority as provided in section
252 161.092 to enforce this section.

253 (2) Any rule or portion of a rule, as that term is defined in section 536.010, that is
254 created under the authority delegated in this section shall become effective only if it
255 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
256 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
257 vested with the general assembly pursuant to chapter 536 to review, to delay the effective

258 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
259 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2010,**
260 **shall be invalid and void.**

261 **9. The department shall provide technical assistance as needed to aid district school**
262 **boards in administering this section.**

168.102. Sections 168.102 to 168.130 shall be known and may be cited as the "Teacher
2 Tenure Act" and shall become effective July 1, 1970, **and remain in effect until June 30, 2011.**

168.221. 1. The first five years of employment of all teachers entering the employment
2 of the metropolitan school district **for teachers hired prior to July 1, 2011,** shall be deemed a
3 period of probation during which period all appointments of teachers shall expire at the end of
4 each school year. During the probationary period any probationary teacher whose work is
5 unsatisfactory shall be furnished by the superintendent of schools with a written statement setting
6 forth the nature of his incompetency. If improvement satisfactory to the superintendent is not
7 made within one semester after the receipt of the statement, the probationary teacher shall be
8 dismissed. The semester granted the probationary teacher in which to improve shall not in any
9 case be a means of prolonging the probationary period beyond five years and six months from
10 the date on which the teacher entered the employ of the board of education. The superintendent
11 of schools on or before the fifteenth day of April in each year shall notify probationary teachers
12 who will not be retained by the school district of the termination of their services. Any
13 probationary teacher who is not so notified shall be deemed to have been appointed for the next
14 school year. Any principal who prior to becoming a principal had attained permanent employee
15 status as a teacher shall upon ceasing to be a principal have a right to resume his or her
16 permanent teacher position with the time served as a principal being treated as if such time had
17 been served as a teacher for the purpose of calculating seniority and pay scale. The rights and
18 duties and remuneration of a teacher who was formerly a principal shall be the same as any other
19 teacher with the same level of qualifications and time of service.

20 2. After completion of satisfactory probationary services, appointments of teachers shall
21 become permanent, subject to removal for any one or more causes herein described and to the
22 right of the board to terminate the services of all who attain the age of compulsory retirement
23 fixed by the retirement system. In determining the duration of the probationary period of
24 employment in this section specified, the time of service rendered as a substitute teacher shall
25 not be included.

26 3. No teacher whose appointment has become permanent may be removed except for one
27 or more of the following causes: immorality, inefficiency in line of duty, violation of the
28 published regulations of the school district, violation of the laws of Missouri governing the
29 public schools of the state, or physical or mental condition which incapacitates him for

30 instructing or associating with children, and then only by a vote of not less than a majority of all
31 the members of the board, upon written charges presented by the superintendent of schools, to
32 be heard by the board after thirty days' notice, with copy of the charges served upon the person
33 against whom they are preferred, who shall have the privilege of being present, together with
34 counsel, offering evidence and making defense thereto. Notifications received by an employee
35 during a vacation period shall be considered as received on the first day of the school term
36 following. At the request of any person so charged the hearing shall be public. The action and
37 decision of the board upon the charges shall be final. Pending the hearing of the charges, the
38 person charged may be suspended if the rules of the board so prescribe, but in the event the board
39 does not by a majority vote of all the members remove the teacher upon charges presented by the
40 superintendent, the person shall not suffer any loss of salary by reason of the suspension.
41 Inefficiency in line of duty is cause for dismissal only after the teacher has been notified in
42 writing at least one semester prior to the presentment of charges against him by the
43 superintendent. The notification shall specify the nature of the inefficiency with such
44 particularity as to enable the teacher to be informed of the nature of his inefficiency.

45 4. No teacher whose appointment has become permanent shall be demoted nor shall his
46 salary be reduced unless the same procedure is followed as herein stated for the removal of the
47 teacher because of inefficiency in line of duty, and any teacher whose salary is reduced or who
48 is demoted may waive the presentment of charges against him by the superintendent and a
49 hearing thereon by the board. The foregoing provision shall apply only to permanent teachers
50 prior to the compulsory retirement age under the retirement system. Nothing herein contained
51 shall in any way restrict or limit the power of the board of education to make reductions in the
52 number of teachers or principals, or both, because of insufficient funds, decrease in pupil
53 enrollment, or abolition of particular subjects or courses of instruction, except that the abolition
54 of particular subjects or courses of instruction shall not cause those teachers who have been
55 teaching the subjects or giving the courses of instruction to be placed on leave of absence as
56 herein provided who are qualified to teach other subjects or courses of instruction, if positions
57 are available for the teachers in the other subjects or courses of instruction.

58 5. Whenever it is necessary to decrease the number of teachers because of insufficient
59 funds or a substantial decrease of pupil population within the school district, the board of
60 education upon recommendation of the superintendent of schools may cause the necessary
61 number of teachers beginning with those serving probationary periods to be placed on leave of
62 absence without pay, but only in the inverse order of their appointment. Nothing herein stated
63 shall prevent a readjustment by the board of education of existing salary schedules. No teacher
64 placed on a leave of absence shall be precluded from securing other employment during the
65 period of the leave of absence. Each teacher placed on leave of absence shall be reinstated in

66 inverse order of his placement on leave of absence. Such reemployment shall not result in a loss
67 of status or credit for previous years of service. No new appointments shall be made while there
68 are available teachers on leave of absence who are seventy years of age or less and who are
69 adequately qualified to fill the vacancy unless the teachers fail to advise the superintendent of
70 schools within thirty days from the date of notification by the superintendent of schools that
71 positions are available to them that they will return to employment and will assume the duties
72 of the position to which appointed not later than the beginning of the school year next following
73 the date of the notice by the superintendent of schools.

74 6. If any regulation which deals with the promotion of teachers is amended by increasing
75 the qualifications necessary to be met before a teacher is eligible for promotion, the amendment
76 shall fix an effective date which shall allow a reasonable length of time within which teachers
77 may become qualified for promotion under the regulations.

78 7. A teacher whose appointment has become permanent may give up the right to a
79 permanent appointment to participate in the teacher choice compensation package under sections
80 168.745 to 168.750.

168.1000. Sections 168.1000 to 168.1030 shall be known and may be cited as the
2 **"Teacher Continuing Contract Act" and shall become effective July 1, 2011.**

168.1002. The following words and phrases when used in sections 168.1000 to
2 **168.1030, except in those instances where the context indicates otherwise, mean:**

3 (1) **"Board of education", the school board or board of directors of a school district**
4 **having general control of the affairs of the district;**

5 (2) **"Continuing contract", every contract heretofore or hereafter entered into**
6 **between a school district and a permanent teacher;**

7 (3) **"Demotion", any reduction in salary or transfer to a position carrying a lower**
8 **salary, except on request of a teacher, other than any change in salary applicable to all**
9 **teachers or all teachers in a classification;**

10 (4) **"Permanent teacher", any teacher who has been employed or who is hereafter**
11 **employed as a teacher in the same school district for four successive years after July 1,**
12 **2011, and who has continued or who thereafter continues to be employed as a teacher by**
13 **the school district or any supervisor of teachers who was employed as a teacher in the same**
14 **school district for at least four successive years prior to becoming a supervisor of teachers**
15 **and who continues thereafter to be employed as a certificated employee by the school**
16 **district; except that, when a permanent teacher resigns or is permanently separated from**
17 **employment by a school district, and is afterwards reemployed by the same school district,**
18 **reemployment for the first school year does not constitute a continuing contract but if he**
19 **or she is employed for the succeeding year, the employment constitutes a continuing**

20 contract; and except that any teacher employed under a part-time contract by a school
21 district shall accrue credit toward permanent status on a prorated basis;

22 (5) "Probationary teacher", any teacher as herein defined who has been employed
23 in the same school district for four successive years or less. In the case of any probationary
24 teacher who has been employed in any other school system as a teacher for two or more
25 years with a mentor teacher, the board of education shall waive one year of his or her
26 remaining probationary period;

27 (6) "School district", every school district in this state;

28 (7) "Teacher", any employee of a school district regularly required to be certified
29 under laws relating to the certification of teachers, except superintendents and assistant
30 superintendents but including certified teachers who teach at the prekindergarten level in
31 a seven-director or urban public school within a prekindergarten program in which no fees
32 are charged to parents or guardians.

168.1004. The contract between a school district and a permanent teacher shall be
2 known as a continuing contract and shall continue in effect for a period of up to three
3 years, subject only to:

4 (1) Compulsory or optional retirement when the teacher reaches the age of
5 retirement provided by law, or regulation established by the local board of education;

6 (2) The death of the teacher;

7 (3) Resignation of the teacher with the written consent of the school board;

8 (4) Termination by the board of education after a hearing as hereinafter provided;

9 or

10 (5) The revocation of the teacher's certificate.

168.1006. 1. Every continuing contract shall contain the following provisions in
2 substantially the following form:

3 "It is hereby agreed by and between, the teacher, and the Board of Education
4 of School District, the employer, that the teacher, beginning on the day of,
5 20..., shall serve in the employ of the Board of Education and its successors for a term of
6 months for an annual compensation of \$, to be paid to the teacher in equal
7 installments according to local school board regulations less the contributions required by
8 law."

9 2. Every continuing contract shall be made by the order of the board of education,
10 shall be in writing and shall be signed by the permanent teacher and the president of the
11 board of education, or a facsimile signature of the president may be affixed at his or her
12 direction, and the contract shall be attested by the secretary of the board of education by
13 signature or facsimile.

14 **3. Nothing in the terms of the continuing contract shall restrict the power of the**
15 **board of education to terminate the contract for cause at any time.**

168.1008. 1. The board of education of a school district may modify a continuing
2 **contract annually on or before the fifteenth day of May in the following particulars:**

3 **(1) Determination of the date of beginning and length of the next school year;**

4 **(2) Fixing the amount of annual compensation for the following school year as**
5 **provided by the salary schedule adopted by the board of education applicable to all**
6 **teachers, which schedule may contain elements in addition to highest degree held and years**
7 **of service as long as such elements are equitably compensated among teachers covered by**
8 **those elements, which may include but are not limited to additional areas of certification,**
9 **certification in high-need subjects, additional duty pay for serving as a mentor or master**
10 **teacher, and demonstrated ability to improve student learning performance; and**

11 **(3) Utilizing information from teacher evaluations under section 168.1026, which**
12 **may include longer contract lengths for teachers with higher scores.**

13 **2. The modifications shall be effective at the beginning of the next school year. All**
14 **teachers affected by the modification shall be furnished written copies of the modifications**
15 **within thirty days after their adoption by the board of education.**

168.1010. A continuing contract between a permanent teacher and a board of
2 **education may be terminated or modified at any time by the mutual consent of the parties**
3 **thereto. Any teacher who desires to terminate his or her continuing contract at the end of**
4 **a school term shall give written notice of his or her intention to do so and the reasons**
5 **therefor not later than June first of the year in which the term ends.**

168.1012. 1. A continuing contract with a permanent teacher may be terminated
2 **by the board of education of a school district for one or more of the following causes:**

3 **(1) Unsatisfactory performance;**

4 **(2) Physical or mental condition unfitting him or her to instruct or associate with**
5 **children;**

6 **(3) Immoral conduct;**

7 **(4) Incompetency, inefficiency or insubordination in line of duty;**

8 **(5) Willful or persistent violation of, or failure to obey, the school laws of the state**
9 **or the published regulations of the board of education of the school district employing him**
10 **or her;**

11 **(6) Excessive or unreasonable absence from performance of duties; or**

12 **(7) Conviction of a felony or a crime involving moral turpitude.**

13 **2. In determining the professional competency of or efficiency of a permanent**
14 **teacher, consideration should be given to regular and special evaluation reports prepared**

15 in accordance with the policy of the employing school district and to any written standards
16 of performance which may have been adopted by the school board under sections 160.045
17 and 168.1026.

18 **168.1014. 1. The continuing contract of a permanent teacher may not be**
19 **terminated by the board of education until after service upon the teacher of written**
20 **charges specifying with particularity the grounds alleged to exist for termination of such**
21 **contract, notice of a hearing on charges and a hearing by the board of education on**
22 **charges if requested by the teacher.**

23 **2. At least thirty days before service of notice of charges, the teacher shall be given**
24 **by the school board or the superintendent of schools warning in writing, stating specifically**
25 **the causes which, if not removed, may result in charges. Thereafter, both the**
26 **superintendent, or his or her designated representative, and the teacher shall meet and**
27 **confer in an effort to resolve the matter.**

28 **3. Notice of a hearing upon charges, together with a copy of charges, shall be served**
29 **on the permanent teacher at least fifteen days prior to the date of the hearing but no later**
30 **than April fifteen for a termination to take effect the next school year. The notice and copy**
31 **of the charges shall be served upon the teacher by certified mail with personal delivery**
32 **addressed to him at his or her last known address. If the teacher or his or her agent does**
33 **not request a hearing on the charges within five days after receipt of the notice, the board**
34 **of education may, by a majority vote, order the contract of the teacher terminated. If a**
35 **hearing is requested by either the teacher or the board of education, it shall take place not**
36 **less than twenty nor more than thirty days after notice of a hearing has been furnished the**
37 **permanent teacher.**

38 **4. On the filing of charges in accordance with this section, the board of education**
39 **may suspend the teacher from active performance of duty until a decision is rendered by**
40 **the board of education but the teacher's salary shall be continued during such suspension.**
41 **If a decision to terminate a teacher's employment by the board of education is appealed,**
42 **and the decision is reversed, the teacher shall be paid his or her salary lost during the**
43 **pending of the appeal.**

44 **168.1016. If a hearing is requested on the termination of a continuing contract it**
45 **shall be conducted by the board of education in accordance with the following provisions:**

46 **(1) The hearing shall be public;**

47 **(2) Both the teacher and the person filing charges may be represented by counsel**
48 **who may cross-examine witnesses;**

6 (3) Testimony at hearings shall be on oath or affirmation administered by the
7 president of the board of education, who for the purpose of hearings held under sections
8 168.1000 to 168.1030 shall have the authority to administer oaths;

9 (4) The school board shall have the power to subpoena witnesses and documentary
10 evidence as provided in section 536.077, and shall do so on its own motion or at the request
11 of the teacher against whom charges have been made. The school board shall hear
12 testimony of all witnesses named by the teacher; however, the school board may limit the
13 number of witnesses to be subpoenaed on behalf of the teacher to not more than ten;

14 (5) The board of education shall employ a stenographer who shall make a full
15 record of the proceedings of the hearings and who shall, within ten days after the
16 conclusion thereof, furnish the board of education and the teacher, at no cost to the
17 teacher, with a copy of the transcript of the record, which shall be certified by the
18 stenographer to be complete and correct. The transcript shall not be open to public
19 inspection, unless the hearing on the termination of the contract was an open hearing or
20 if an appeal from the decision of the board is taken by the teacher;

21 (6) All costs of the hearing shall be paid by the school board except the cost of
22 counsel for the teacher, and the school board may apply to the attorney general for
23 reimbursement of such costs;

24 (7) The decision of the board of education resulting in the demotion of a permanent
25 teacher or the termination of a continuing contract shall be by a majority vote of the
26 members of the board of education and the decision shall be made within seven days after
27 the transcript is furnished them. A written copy of the decision shall be furnished the
28 teacher within three days thereafter.

 168.1018. 1. The teacher shall have the right to appeal from the decision of the
2 board of education to the circuit court of the county where the employing school district's
3 main office is located. The appeal shall be taken within fifteen days after service of a copy
4 of the decision of the board of education upon the teacher, and if an appeal is not taken
5 within the time, then the decision of the board of education shall become final.

6 2. The appeal may be taken by filing notice of appeal with the board of education,
7 whereupon the board of education, under its certificate, shall forward to the court all
8 documents and papers on file in the matter, together with a transcript of the evidence, the
9 findings and the decision of the board of education, which shall thereupon become the
10 record of the cause. Such appeal shall be heard as provided in chapter 536.

11 3. If the circuit court finds in favor of the teacher, the teacher shall be restored to
12 permanent teacher status and shall receive compensation for the period during which he

13 or she may have been suspended from work, and such other relief as may be granted by
14 the court. No further appeal shall be permitted.

168.1020. A board of education may establish policies for granting leave of absence
2 including sabbatical leave, maternity leave, sick leave, and military leave. The board of
3 education of a school district may, upon the written request of a teacher, and for good
4 cause shown, grant a leave of absence or place him or her on a part-time teaching schedule
5 for a period of one year, subject to renewal from year to year. Leaves and military service
6 shall not be counted as continuous full-time service in computing eligibility for a continuing
7 contract but shall not impair the continuing contract previously acquired by a teacher
8 under sections 168.1000 to 168.1030 nor affect any credit toward a continuing contract
9 previously earned. Any teacher under sections 168.1000 to 168.1030 who is called into
10 active military service with the armed forces of the United States is eligible for
11 reinstatement upon his or her discharge from said service without loss of the teacher's
12 continuing contract. Any permanent teacher employed on a part-time basis, whether at
13 his or her request or not, shall retain permanent status. Any probationary teacher
14 employed on a part-time basis, whether at his or her request or not, shall retain all credit
15 earned toward permanent status and shall continue to earn credit on a pro rata basis
16 toward permanent status.

168.1022. 1. The board of education of a school district may place on leave of
2 absence as many teachers as may be necessary because of a decrease in pupil enrollment,
3 school district reorganization or the financial condition of the school district. In placing
4 teachers on leave, the board of education shall be governed by the following provisions:

5 (1) No permanent teacher shall be placed on leave of absence while probationary
6 teachers are retained in positions for which a permanent teacher is qualified;

7 (2) Permanent teachers shall be retained on the basis of performance-based
8 evaluations and seniority within the field of specialization; seniority shall not be
9 controlling;

10 (3) Permanent teachers shall be reinstated to the positions from which they have
11 been given leaves of absence, or if not available, to positions requiring like training and
12 experience, or to other positions in the school system for which they are qualified by
13 training and experience;

14 (4) No appointment of new teachers shall be made while there are available
15 teachers on unrequested leave of absence who are properly qualified to fill such vacancies;

16 (5) A teacher placed on leave of absence may engage in teaching or another
17 occupation during the period of such leave;

18 (6) The leave of absence shall not impair the continuing contract of a teacher;

19 (7) The leave of absence shall continue for a period of not more than two years
20 unless extended by the board.

21 2. Should a board of education choose to utilize the mechanism for reducing teacher
22 forces as provided in subsection 1 of this section in an attempt to manage adverse financial
23 conditions caused at least partially by a withholding of, or a decrease or less than expected
24 increase in, education appropriations, then the district additionally shall follow the
25 provisions of subsection 3 of this section.

26 3. If a school district has an unrestricted combined ending fund balance of more
27 than ten percent of current expenditures in its teachers' and incidental funds, and in the
28 subsequent fiscal year such district, because of state appropriations, places a contracted
29 teacher on leave of absence after forty days subsequent to the governor signing the
30 elementary and secondary education appropriation bill, the district shall pay the affected
31 teacher the greater of his or her salary for any days worked under the contract, or a sum
32 equal to three thousand dollars.

 168.1024. 1. A board of education at a regular or special meeting may contract
2 with and employ by a majority vote legally qualified probationary teachers for the school
3 district. The contract shall be made by order of the board; shall specify the number of
4 months school is to be taught and the wages per month to be paid; shall be signed by the
5 probationary teacher and the president of the board, or a facsimile signature of the
6 president may be affixed at his or her discretion; and the contract shall be attested by the
7 secretary of the board by signature or facsimile. The board shall not employ one of its
8 members as a teacher; nor shall any person be employed as a teacher who is related within
9 the fourth degree to any board member, either by consanguinity or affinity, where the vote
10 of the board member is necessary to the selection of the person.

11 2. If in the opinion of the board of education any probationary teacher has been
12 doing unsatisfactory work, the board of education, through its authorized administrative
13 representative, shall provide the teacher with a written statement definitely setting forth
14 his or her alleged incompetency and specifying the nature thereof, in order to furnish the
15 teacher an opportunity to correct his or her fault and overcome his or her incompetency.
16 If improvement satisfactory to the board of education has not been made within ninety
17 days of the receipt of the notification, the board of education may terminate the
18 employment of the probationary teacher immediately or at the end of the school year. Any
19 motion to terminate the employment of a probationary teacher shall include only one
20 person and must be approved by a majority of the members of the board of education. A
21 tie vote thereon constitutes termination. On or before the fifteenth day of April in each
22 school year, the board of education shall notify in writing a probationary teacher who will

23 not be retained by the school district of the termination of his or her employment. Upon
24 request, the notice shall contain a concise statement of the reason or reasons the
25 employment of the probationary teacher is being terminated. If the reason for the
26 termination is due to a decrease in pupil enrollment, school district reorganization, or the
27 financial condition of the school district, then the district shall in all cases issue notice to
28 the teacher expressly declaring such as the reason for such termination. Nothing contained
29 in this section shall give rise to a cause of action not currently cognizant at law by a
30 probationary teacher for any reason given in said writing so long as the board issues the
31 letter in good faith without malice, but an action for actual damages may be maintained
32 by any person for the deprivation of a right conferred by this act.

33 3. Any probationary teacher who is not notified of the termination of his or her
34 employment shall be deemed to have been appointed for the next school year, under the
35 terms of the contract for the preceding year. A probationary teacher who is informed of
36 reemployment by written notice shall be tendered a contract on or before the fifteenth day
37 of May, and shall within fifteen days thereafter present to the employing board of
38 education a written acceptance or rejection of the employment tendered, and failure of
39 such teachers to present the acceptance within such time constitutes a rejection of the
40 board's offer. A contract between a probationary teacher and a board of education may
41 be terminated or modified at any time by the mutual consent of the parties thereto.

168.1026. 1. The board of education of each school district shall maintain records
2 showing periods of service, dates of appointment, and other necessary information for the
3 enforcement of sections 168.1000 to 168.1030.

4 2. In addition, the board of education of each school district shall cause a
5 comprehensive, performance-based evaluation for each teacher employed by the district.

6 3. All teachers shall be evaluated regularly and shall be evaluated twice annually
7 in the final year of their continuing contract by a qualified administrator, who may be an
8 employee of another accredited district. Advance notice of evaluations shall not be given.
9 All evaluations shall be on a scale of 88, based on the four achievement levels of the twenty-
10 two standards adopted in section 160.045 so that scores are comparable. No more than
11 sixty percent of a building's teachers shall receive a score in the top two quartiles
12 combined.

13 4. Teachers who are on a continuing contract who score in the top twenty-five
14 percent in their final continuing contract year shall receive a subsequent continuing
15 contract for a three-year period; those who score in the middle fifty percent shall receive
16 a two-year continuing contract; those who score in the lowest twenty-five percent shall
17 receive a one-year contract.

18 **5. All evaluations shall be maintained in the teacher's personnel file at the office of**
19 **the board of education. A copy of each evaluation shall be provided to the teacher and**
20 **appropriate administrator.**

21 **6. The state department of elementary and secondary education shall provide**
22 **suggested procedures for such an evaluation.**

168.1028. No member of a board of education or duly designated administrative
2 **officer of a board of education shall be liable in a civil action based on a statement of**
3 **charges against a school teacher.**

168.1030. No teacher shall take part in the management of the campaign for the
2 **election or defeat of members of a board of education by which he or she is employed. Any**
3 **teacher who violates the provisions of this section shall be subject to termination of his or**
4 **her employment by the district with the right of a hearing as heretofore provided.**

 [167.640. 1. School districts may adopt a policy with regard to student
2 promotion which may require remediation as a condition of promotion to the next
3 grade level for any student identified by the district as failing to master skills and
4 competencies established for that particular grade level by the district board of
5 education. School districts may also require parents or guardians of such students
6 to commit to conduct home-based tutorial activities with their children or, in the
7 case of a student with disabilities eligible for services pursuant to sections
8 162.670 to 162.1000, RSMo, the individual education plan shall determine the
9 nature of parental involvement consistent with the requirements for a free,
10 appropriate public education.

11 2. Such remediation shall recognize that different students learn
12 differently and shall employ methods designed to help these students achieve at
13 high levels. Such remediation may include, but shall not necessarily be limited
14 to, a mandatory summer school program focused on the areas of deficiency or
15 other such activities conducted by the school district outside of the regular school
16 day. Decisions concerning the instruction of a child who receives special
17 educational services pursuant to sections 162.670 to 162.1000, RSMo, shall be
18 made in accordance with the child's individualized education plan.

19 3. School districts providing remediation pursuant to this section outside
20 of the traditional school day may count extra hours of instruction in the
21 calculation of average daily attendance as defined in section 163.011, RSMo.]
22

 [167.645. 1. For purposes of this section, the following terms mean:

2 (1) "Reading assessment", a recognized method of judging a student's
3 reading ability, with results expressed as reading at a particular grade level. The
4 term reading assessment shall include, but is not limited to, standard checklists
5 designed for use as a student reads out loud, paper-and-pencil tests promulgated
6 by nationally recognized organizations and other recognized methods of
7 determining a student's reading accuracy, expression, fluency and comprehension

8 in order to make a determination of the student's grade-level reading ability.
9 Assessments which do not give a grade-level result may be used in combination
10 with other assessments to reach a grade-level determination. Districts are
11 encouraged but not required to select assessment methods identified pursuant to
12 section 167.346. Districts are also encouraged to use multiple methods of
13 assessment;

14 (2) "Summer school", for reading instruction purposes, a minimum of
15 forty hours of reading instruction and practice. A school district may arrange the
16 hours and days of instruction to coordinate with its regular program of summer
17 school.

18 2. For purposes of this section, methods of reading assessment shall be
19 determined by each school district. Unless a student has been determined in the
20 current school year to be reading at grade level or above, each school district shall
21 administer a reading assessment or set of assessments to each student within
22 forty-five days of the end of the third-grade year, except that the provisions of
23 this subsection shall not apply to students receiving special education services
24 under an individualized education plan pursuant to sections 162.670 to 162.999,
25 RSMo, to students receiving services pursuant to Section 504 of the
26 Rehabilitation Act of 1973 whose services plan includes an element addressing
27 reading or to students determined to have limited English proficiency or to
28 students who have been determined, prior to the beginning of any school year, to
29 have a cognitive ability insufficient to meet the reading requirement set out in this
30 section, provided that districts shall provide reading improvement plans for
31 students determined to have such insufficient cognitive ability. The assessment
32 required by this subsection shall also be required for students who enter a school
33 district in grades four, five or six unless such student has been determined in the
34 current school year to be reading at grade level or above.

35 3. Beginning with school year 2002-03, for each student whose
36 third-grade reading assessment determines that such student is reading below
37 second-grade level, the school district shall design a reading improvement plan
38 for the student's fourth-grade year. Such reading improvement plan shall include,
39 at a minimum, thirty hours of additional reading instruction or practice outside
40 the regular school day during the fourth-grade year. The school district shall
41 determine the method of reading instruction necessary to enforce this subsection.
42 The school district may also require the student to attend summer school for
43 reading instruction as a condition of promotion to fourth grade. The department
44 of elementary and secondary education may, from funds appropriated for the
45 purpose, reimburse school districts for additional instructional personnel costs
46 incurred in the implementation and execution of the thirty hours of additional
47 reading instruction minus the revenue generated by the school district through the
48 foundation formula for the additional reading instruction average daily
49 attendance.

50 4. Each student for whom a reading improvement plan has been designed
51 pursuant to subsection 3 of this section shall be given another reading
52 assessment, to be administered within forty-five days of the end of such student's
53 fourth-grade year. If such student is determined to be reading below third-grade
54 level, the student shall be required to attend summer school to receive reading
55 instruction. At the end of such summer school instruction, such student shall be
56 given another reading assessment. If such student is determined to be reading
57 below third-grade level, the district shall notify the student's parents or guardians,
58 and the student shall not be promoted to fifth grade. No student shall be denied
59 promotion more than once solely for inability to meet the reading standards set
60 out in this section.

61 5. The process described in subsections 3 and 4 of this section shall be
62 repeated as necessary through the end of the sixth grade, with the target grade
63 level rising accordingly. Mandatory retention in grade shall not apply to grades
64 subsequent to fourth grade.

65 6. The mandatory process of additional reading instruction pursuant to
66 this section shall cease at the end of the sixth grade. The permanent record of
67 students who are determined to be reading below the fifth-grade level at the end
68 of sixth grade shall carry a notation advising that such student has not met
69 minimal reading standards. The notation shall stay on the student's record until
70 such time as the district determines that a student has met minimal reading
71 standards.

72 7. Each school district shall be required to offer summer school reading
73 instruction to any student with a reading improvement plan. Districts may fulfill
74 the requirement of this section through cooperative arrangements with
75 neighboring districts; provided that such districts shall timely make all payments
76 provided pursuant to such cooperative agreements.

77 8. A school district may adopt a policy that requires retention in grade of
78 any student who has been determined to require summer school instruction in
79 reading and who does not fulfill the summer school attendance requirement.

80 9. Nothing in this section shall preclude a school district from retaining
81 any student in grade when a determination is made in accordance with district
82 policy that retention is in the best interests of the student.

83 10. The state board of education shall not incorporate information about
84 the number of students receiving additional instruction pursuant to this section
85 into any element of any standard of the Missouri school improvement program
86 or its successor accreditation program; provided, however, each district shall
87 make available, upon the request of any parent, patron, or media outlet within the
88 district, the number and percentage of students receiving remediation pursuant
89 to this section. The information shall be presented in a way that does not permit
90 personal identification of any student or educational personnel.

91 11. Each school district shall make a systematic effort to inform parents
92 of the methods and materials used to teach reading in kindergarten through fourth

93 grade, in terms understandable to a layperson and shall similarly inform parents
94 of students for whom a reading improvement plan is required pursuant to this
95 section.]

✓