

HB 2464 -- School Reform Measures

Sponsor: Dieckhaus

This bill establishes the Teacher Continuing Contract Act and changes the laws regarding charter schools, open school enrollment, and student academic progression.

TEACHER CONTINUING CONTRACT ACT

The Teacher Continuing Contract Act is established which will apply to teachers in all school districts, including St. Louis City, beginning July 1, 2011. In its main provisions, the bill:

- (1) Replaces the current standards of teacher evaluation with the Teacher Advancement Program standards in the framework for teaching rubric as developed by Charlotte Danielson;
- (2) Specifies that the current Teacher Tenure Act will remain in effect until June 30, 2011;
- (3) Specifies that a contract between a school district and a teacher will be known as a continuing contract and will continue in effect for up to three years;
- (4) Sets the number of years to reach permanent teacher status at four;
- (5) Allows elements other than years of service and highest degree held to be added to salary schedules including, but not limited to, additional certification areas, certification in high-need subjects, mentoring, and demonstrated ability to improve student performance;
- (6) Adds unsatisfactory performance to the list of reasons for which a permanent teacher may be terminated and requires teacher evaluations to be considered in determining professional competence;
- (7) Requires 15 days between the issuance of a notice of termination hearing and the hearing;
- (8) Allows appeals of school board termination decisions to the circuit court of the county where the employing school district's office is located;
- (9) Requires teachers to be evaluated regularly and twice in the final year of a continuing contract, with a scale of 88 based on the required teaching standards, and limits scores in the top two quartiles to no more than 60% of a building's teachers; and

(10) Sets the length of a continuing contract based on the quartile scores, with the top quartile receiving three-year contracts, the second quartile receiving two-year contracts, and the lowest two quartiles receiving one-year contracts.

Many provisions of the current teacher tenure law will remain the same in the new act, including but not limited to:

- (1) Modifications of continuing contracts;
- (2) Leaves of absence, except that a leave of absence due to teacher reduction may be granted for two years rather than three years;
- (3) Termination of probationary teachers;
- (4) Board member civil liability for charges against teachers; and
- (5) Teacher participation in school board election campaigns.

CHARTER SCHOOLS

The bill:

- (1) Allows charter schools to be operated in an unaccredited school district or in a school district that has a Title I school in level 3, 4, or 5 of improvement. Currently, charter schools are permitted only in the St. Louis and Kansas City school districts;
- (2) Expands those authorized to sponsor a charter school to include a community college whose service area encompasses some portion of an eligible school district; a private college or university with its primary campus in Missouri that meets specified enrollment and program requirements; and the mayor of St. Louis City;
- (3) Requires a sponsor to develop policies and procedures for the review of a charter school proposal; the granting of a charter; and the closing of a charter school, including record transfer and asset disposition;
- (4) Clarifies that the State Board of Education, when acting as an interim sponsor, may revoke the charter of the school it is sponsoring if the school fails to meet academic performance or other goals as specified in the school's charter;
- (5) Revises the required contents of charters to include an accountability plan that contains targets and measures for

academic performance, operation and governance, and the school's mission, when applicable, as well as procedures if the school should close;

(6) Requires a proposed charter to be submitted to the sponsor by August 15 of the year prior to the proposed opening date;

(7) Specifies that employee criminal history background checks and family care safety registry checks be required in the charter;

(8) Requires the establishment of baseline student performance data during the first year of operation; collection of the data throughout the duration of the charter; and participation in the statewide assessment system to the extent applicable based on the grade levels offered by the charter school;

(9) Allows a high risk or alternative charter school to establish alternative ways for students to obtain credit for graduation, such as credit for off-campus instruction, work experience, or embedded instruction. The Department of Elementary and Secondary Education, after three years, must conduct a study of a school which was granted alternative arrangements to assess student performance, graduation rates, educational outcomes, and entry into the workforce or higher education rates;

(10) Clarifies that the biennial operational review must be conducted during the first year of operation and every other year after the most current review;

(11) Removes the requirement that a charter school become a local educational agency for the sole purpose of direct access to federal grants and allows the school to become an agency if the sponsor and the governing board reach a written agreement to become an agency;

(12) Requires, beginning January 1, 2011, a charter school sponsor as part of the renewal process to demonstrate several areas of compliance if the school falls below the specified graduation rate or is in the lowest achieving 5% of Title I schools. If compliance cannot be established according to the deadlines in the bill, the state board may vote to close the school or to continue it under certain conditions;

(13) Allows a charter school whose mission includes dropout prevention or recovery to admit a nonresident student who is considered high risk or is a dropout from the same or an adjacent county when the student resides in a residential care facility, a transitional living group home, or an independent living program.

Resident students will be given preference for admission over nonresident pupils;

(14) Requires charter schools operated by management companies to make copies available for public inspection and upon the request of specified district residents of the written contract between the governing board of the charter school and the educational or charter management organization;

(15) Allows a charter school student who has moved out of the school district to finish the current semester at the charter school. If school district boundaries change so that a student attending a charter school no longer resides in the district, the student may complete the current school year. In both instances, the student's parent or legal guardian will be responsible for the student's transportation to and from the school; and

(16) Allows the department to withhold funding during a charter school's last year of operation until it determines that school records, liabilities, and reporting requirements including a full audit are satisfied.

OPEN SCHOOL ENROLLMENT

Beginning with the school year starting July 1, 2011, a student currently enrolled in a public school in a district other than the cities of Kansas City and St. Louis is allowed to enroll in a public school in another school district. The student's parent or guardian must notify the child's school district of residence and the receiving district by January 15 of the preceding school year of the intent to change the child's enrollment on an application prescribed by the Department of Elementary and Secondary Education. If a parent or guardian fails to provide notification by January 15, he or she may do so until the third Friday in July of that calendar year if there is good cause as specified in the bill. An application for enrollment may be granted at any time with the approval of the child's school district of residence and the receiving district.

Each school district must adopt a policy for appropriate class size and teacher-pupil ratios for all grade levels. No district is required to admit a student if doing so would violate its class size and teacher-pupil ratio. If a district denies entry to any student, it must state the grounds for the denial. Each district must maintain records on the number of transfers requested into and out of the district, the number of pupils accepted, and the number of pupils denied.

A parent or guardian may return his or her child to the school district of residence at a later time upon proper notification to

both districts. If the parent or guardian returns the child to the school district of residence, he or she cannot re-enroll the child in the other school district but may request enrollment in a different school district by following the procedures in the bill.

For a student receiving special education services, a request to enroll in another school district will only be approved if the receiving district maintains a special education program appropriate for the child and the enrollment would not cause the established maximum class size to be exceeded. A member of the individualized education program (IEP) team in the school district of residence must be part of the IEP team in the receiving district for any initial planning sessions. The board of education of the school district of residence must pay the receiving district the actual costs incurred in providing the appropriate special education.

The department will calculate the per-pupil cost for the residence and receiving districts. If the cost is greater in the receiving district, the board of the receiving district may calculate an amount, not to exceed 25% of the difference between the costs of the two districts or \$1,000, whichever is less, to be paid by the parents. If the cost is greater in the residence district, the board of the receiving district may calculate a payment by the above method for the residence district to pay the receiving district. The school district of residence must also pay the receiving district any other federal or state aid that the district receives on account of the child. If a student enrolled in another school district moves to a different school district during the academic year, the first school district of residence must continue paying the receiving district for the remainder of the school year. The new school district of residence must pay for any subsequent years. The bill specifies the calculation of a late payment fee and the withholding of the amount if it is overdue for more than three months from a school district of residence, certain changes of residence, and enrollment variations that may affect eligibility for the small schools grant.

The parent or guardian is responsible for transporting the student to the receiving school district without reimbursement. A district may provide transportation to and from a point on an existing bus route if the parent or guardian transports the child to that point. Participation in interscholastic athletics will be governed by the requirements and eligibility criteria and standards of the Missouri State High School Activities Association (MSHSAA).

STUDENT ACADEMIC PROGRESSION

Each school district must establish requirements for student academic progression. A district must develop standards for evaluating performance; specify reading levels, including when remediation will be required; and provide appropriate alternative placement for students retained for two or more years. A district must allocate its remedial and supplemental instruction resources to readers who are struggling at the end of third grade and to students who do not meet the district's standards for progression. Student progress will be monitored using district performance levels and the state assessment for reading; and if a student is not meeting proficiency requirements, a plan for targeted instruction must be developed. If a student's deficiency remains unremediated, he or she may be retained. All students who do not meet grade level standards for reading will continue to receive additional instruction until they are reading at grade level, graduate from high school, or are no longer subject to compulsory school attendance.

Any student in kindergarten through third grade who exhibits a substantial deficiency in reading will be given intensive instruction as soon as the deficiency is identified. Beginning in the 2012-2013 school year, retention will be required of students who are not proficient in reading by the end of third grade. Parents must be notified in writing about the deficiency, the type of services currently being provided, the services that are proposed, and other specified information. Promotion decisions must not be made solely on age or other factors that constitute social promotion except for good cause. Good cause exemptions from retention are specified as well as the procedure for requesting an exemption.

Students who are retained must be given intensive intervention for their specific deficiencies. By school year 2014-2015, each district must review student progress monitoring plans for struggling readers and intensive programs for others. Midyear promotion to fourth grade is allowed under certain specified circumstances. The bill lists instructional options that parents may choose including an initiative targeted to third graders at risk of being retained and an intensive acceleration class for students who score below the basic level on the reading portion of the state assessment.

Each district must annually report individual results to each parent and the aggregated data to the State Board of Education. The state board is authorized to enforce the bill's provisions, and the Department of Elementary and Secondary Education must provide any needed technical assistance to district school boards.