

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR

**HOUSE BILL NO. 631**

**97TH GENERAL ASSEMBLY**

1246L.05C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal sections 160.045, 160.405, 160.420, 168.104, 168.114, 168.124, 168.126, 168.128, 168.221, and 168.410, RSMo, and to enact in lieu thereof seven new sections relating to educator quality.

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

Section A. Sections 160.045, 160.405, 160.420, 168.104, 168.114, 168.124, 168.126, 2 168.128, 168.221, and 168.410, RSMo, are repealed and seven new sections enacted in lieu 3 thereof, to be known as sections 160.405, 160.420, 168.104, 168.114, 168.124, 168.128, and 4 168.221, to read as follows:

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 be a legally binding 8 performance contract that describes the obligations and responsibilities of the school and the 9 sponsor as outlined in sections 160.400 to 160.425 and section 167.349 and shall also include:

- 10 (1) A mission and vision statement for the charter school;
- 11 (2) A description of the charter school's organizational structure and bylaws of the 12 governing body, which will be responsible for the policy, financial management, and operational 13 decisions of the charter school, including the nature and extent of parental, professional educator, 14 and community involvement in the governance and operation of the charter school;

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.

- 15 (3) A financial plan for the first three years of operation of the charter school including  
16 provisions for annual audits;
- 17 (4) A description of the charter school's policy for securing personnel services, its  
18 personnel policies, personnel qualifications, and professional development plan;
- 19 (5) A description of the grades or ages of students being served;
- 20 (6) The school's calendar of operation, which shall include at least the equivalent of a  
21 full school term as defined in section 160.011;
- 22 (7) A description of the charter school's pupil performance standards and academic  
23 program performance standards, which shall meet the requirements of subdivision (6) of  
24 subsection 4 of this section. The charter school program shall be designed to enable each pupil  
25 to achieve such standards and shall contain a complete set of indicators, measures, metrics, and  
26 targets for academic program performance, including specific goals on graduation rates and  
27 standardized test performance and academic growth;
- 28 (8) A description of the charter school's educational program and curriculum;
- 29 (9) The term of the charter, which shall be five years and shall be renewable;
- 30 (10) Procedures, consistent with the Missouri financial accounting manual, for  
31 monitoring the financial accountability of the charter, which shall meet the requirements of  
32 subdivision (4) of subsection 4 of this section;
- 33 (11) Preopening requirements for applications that require that charter schools meet all  
34 health, safety, and other legal requirements prior to opening;
- 35 (12) A description of the charter school's policies on student discipline and student  
36 admission, which shall include a statement, where applicable, of the validity of attendance of  
37 students who do not reside in the district but who may be eligible to attend under the terms of  
38 judicial settlements and procedures that ensure admission of students with disabilities in a  
39 nondiscriminatory manner;
- 40 (13) A description of the charter school's grievance procedure for parents or guardians;
- 41 (14) A description of the agreement between the charter school and the sponsor as to  
42 when a sponsor shall intervene in a charter school, when a sponsor shall revoke a charter for  
43 failure to comply with subsection 8 of this section, and when a sponsor will not renew a charter  
44 under subsection 9 of this section;
- 45 (15) Procedures to be implemented if the charter school should close, as provided in  
46 subdivision (6) of subsection 16 of section 160.400 including:
- 47 (a) Orderly transition of student records to new schools and archival of student records;
- 48 (b) Archival of business operation and transfer or repository of personnel records;
- 49 (c) Submission of final financial reports;
- 50 (d) Resolution of any remaining financial obligations; and

51 (e) Disposition of the charter school's assets upon closure;

52 (f) A notification plan to inform parents or guardians of students, the local school  
53 district, the retirement system in which the charter school's employees participate, and the state  
54 board of education within thirty days of the decision to close;

55 (16) A description of the special education and related services that shall be available  
56 to meet the needs of students with disabilities; and

57 (17) For all new or revised charters, procedures to be used upon closure of the charter  
58 school requiring that unobligated assets of the charter school be returned to the department of  
59 elementary and secondary education for their disposition, which upon receipt of such assets shall  
60 return them to the local school district in which the school was located, the state, or any other  
61 entity to which they would belong.

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63 Charter schools operating on August 27, 2012, shall have until August 28, 2015, to meet the  
64 requirements of this subsection.

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

66 (1) A charter shall be submitted to the sponsor, and follow the sponsor's policies and  
67 procedures for review and granting of a charter approval, and be approved by the state board of  
68 education by December first of the year prior to the proposed opening date of the charter school;

69 (2) A charter may be approved when the sponsor determines that the requirements of this  
70 section are met, determines that the applicant is sufficiently qualified to operate a charter school,  
71 and that the proposed charter is consistent with the sponsor's charter sponsorship goals and  
72 capacity. The sponsor's decision of approval or denial shall be made within ninety days of the  
73 filing of the proposed charter;

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

77 (4) If a proposed charter is denied by a sponsor, the proposed charter may be submitted  
78 to the state board of education, along with the sponsor's written reasons for its denial. If the state  
79 board determines that the applicant meets the requirements of this section, that the applicant is  
80 sufficiently qualified to operate the charter school, and that granting a charter to the applicant  
81 would be likely to provide educational benefit to the children of the district, the state board may  
82 grant a charter and act as sponsor of the charter school. The state board shall review the  
83 proposed charter and make a determination of whether to deny or grant the proposed charter  
84 within sixty days of receipt of the proposed charter, provided that any charter to be considered  
85 by the state board of education under this subdivision shall be submitted no later than March first

86 prior to the school year in which the charter school intends to begin operations. The state board  
87 of education shall notify the applicant in writing as the reasons for its denial, if applicable; and

88 (5) The sponsor of a charter school shall give priority to charter school applicants that  
89 propose a school oriented to high-risk students and to the reentry of dropouts into the school  
90 system. If a sponsor grants three or more charters, at least one-third of the charters granted by  
91 the sponsor shall be to schools that actively recruit dropouts or high-risk students as their student  
92 body and address the needs of dropouts or high-risk students through their proposed mission,  
93 curriculum, teaching methods, and services. For purposes of this subsection, a "high-risk"  
94 student is one who is at least one year behind in satisfactory completion of course work or  
95 obtaining high school credits for graduation, has dropped out of school, is at risk of dropping out  
96 of school, needs drug and alcohol treatment, has severe behavioral problems, has been suspended  
97 from school three or more times, has a history of severe truancy, is a pregnant or parenting teen,  
98 has been referred for enrollment by the judicial system, is exiting incarceration, is a refugee, is  
99 homeless or has been homeless sometime within the preceding six months, has been referred by  
100 an area school district for enrollment in an alternative program, or qualifies as high risk under  
101 department of elementary and secondary education guidelines. "Dropout" shall be defined  
102 through the guidelines of the school core data report. The provisions of this subsection do not  
103 apply to charters sponsored by the state board of education.

104 3. If a charter is approved by a sponsor, the charter application shall be submitted to the  
105 state board of education, along with a statement of finding that the application meets the  
106 requirements of sections 160.400 to 160.425 and section 167.349 and a monitoring plan under  
107 which the charter sponsor shall evaluate the academic performance of students enrolled in the  
108 charter school. The state board of education may, within sixty days, disapprove the granting of  
109 the charter. The state board of education may disapprove a charter on grounds that the  
110 application fails to meet the requirements of sections 160.400 to 160.425 and section 167.349  
111 or that a charter sponsor previously failed to meet the statutory responsibilities of a charter  
112 sponsor.

113 4. A charter school shall, as provided in its charter:

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

116 (2) Comply with laws and regulations of the state, county, or city relating to health,  
117 safety, and state minimum educational standards, as specified by the state board of education,  
118 including the requirements relating to student discipline under sections 160.261, 167.161,  
119 167.164, and 167.171, notification of criminal conduct to law enforcement authorities under  
120 sections 167.115 to 167.117, academic assessment under section 160.518, **charter school**  
121 **personnel performance evaluations under subsection 4 of section 160.420**, transmittal of

122 school records under section 167.020, the minimum number of school days and hours required  
123 under section 160.041, and the employee criminal history background check and the family care  
124 safety registry check under section 168.133;

125 (3) Except as provided in sections 160.400 to 160.425, be exempt from all laws and rules  
126 relating to schools, governing boards and school districts;

127 (4) Be financially accountable, use practices consistent with the Missouri financial  
128 accounting manual, provide for an annual audit by a certified public accountant, publish audit  
129 reports and annual financial reports as provided in chapter 165, provided that the annual financial  
130 report may be published on the department of elementary and secondary education's internet  
131 website in addition to other publishing requirements, and provide liability insurance to indemnify  
132 the school, its board, staff and teachers against tort claims. A charter school that receives local  
133 educational agency status under subsection 6 of this section shall meet the requirements imposed  
134 by the Elementary and Secondary Education Act for audits of such agencies and comply with all  
135 federal audit requirements for charters with local education agency status. For purposes of an  
136 audit by petition under section 29.230, a charter school shall be treated as a political subdivision  
137 on the same terms and conditions as the school district in which it is located. For the purposes  
138 of securing such insurance, a charter school shall be eligible for the Missouri public entity risk  
139 management fund pursuant to section 537.700. A charter school that incurs debt shall include  
140 a repayment plan in its financial plan;

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

144 (6) (a) Design a method to measure pupil progress toward the pupil academic standards  
145 adopted by the state board of education pursuant to section 160.514, establish baseline student  
146 performance in accordance with the performance contract during the first year of operation,  
147 collect student performance data as defined by the annual performance report throughout the  
148 duration of the charter to annually monitor student academic performance, and to the extent  
149 applicable based upon grade levels offered by the charter school, participate in the statewide  
150 system of assessments, comprised of the essential skills tests and the nationally standardized  
151 norm-referenced achievement tests, as designated by the state board pursuant to section 160.518,  
152 complete and distribute an annual report card as prescribed in section 160.522, which shall also  
153 include a statement that background checks have been completed on the charter school's board  
154 members, report to its sponsor, the local school district, and the state board of education as to  
155 its teaching methods and any educational innovations and the results thereof, and provide data  
156 required for the study of charter schools pursuant to subsection 4 of section 160.410. No charter

157 school shall be considered in the Missouri school improvement program review of the district  
158 in which it is located for the resource or process standards of the program.

159 (b) For proposed high risk or alternative charter schools, sponsors shall approve  
160 performance measures based on mission, curriculum, teaching methods, and services. Sponsors  
161 shall also approve comprehensive academic and behavioral measures to determine whether  
162 students are meeting performance standards on a different time frame as specified in that school's  
163 charter. Student performance shall be assessed comprehensively to determine whether a high  
164 risk or alternative charter school has documented adequate student progress. Student  
165 performance shall be based on sponsor-approved comprehensive measures as well as  
166 standardized public school measures. Annual presentation of charter school report card data to  
167 the department of elementary and secondary education, the state board, and the public shall  
168 include comprehensive measures of student progress.

169 (c) Nothing in this subdivision shall be construed as permitting a charter school to be  
170 held to lower performance standards than other public schools within a district; however, the  
171 charter of a charter school may permit students to meet performance standards on a different time  
172 frame as specified in its charter. The performance standards for alternative and special purpose  
173 charter schools that target high-risk students as defined in subdivision (5) of subsection 2 of this  
174 section shall be based on measures defined in the school's performance contract with its  
175 sponsors;

176 (7) Comply with all applicable federal and state laws and regulations regarding students  
177 with disabilities, including sections 162.670 to 162.710, the Individuals with Disabilities  
178 Education Act (20 U.S.C. Section 1400) and Section 504 of the Rehabilitation Act of 1973 (29  
179 U.S.C. Section 794) or successor legislation;

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

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

185 (b) A statement outlining the reasons for approval or disapproval by the sponsor,  
186 specifically addressing the requirements of sections 160.400 to 160.425 and 167.349.

187 5. (1) Proposed or existing high-risk or alternative charter schools may include  
188 alternative arrangements for students to obtain credit for satisfying graduation requirements in  
189 the school's charter application and charter. Alternative arrangements may include, but not be  
190 limited to, credit for off-campus instruction, embedded credit, work experience through an  
191 internship arranged through the school, and independent studies. When the state board of  
192 education approves the charter, any such alternative arrangements shall be approved at such time.

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

197 6. The charter of a charter school may be amended at the request of the governing body  
198 of the charter school and on the approval of the sponsor. The sponsor and the governing board  
199 and staff of the charter school shall jointly review the school's performance, management and  
200 operations during the first year of operation and then every other year after the most recent  
201 review or at any point where the operation or management of the charter school is changed or  
202 transferred to another entity, either public or private. The governing board of a charter school  
203 may amend the charter, if the sponsor approves such amendment, or the sponsor and the  
204 governing board may reach an agreement in writing to reflect the charter school's decision to  
205 become a local educational agency. In such case the sponsor shall give the department of  
206 elementary and secondary education written notice no later than March first of any year, with the  
207 agreement to become effective July first. The department may waive the March first notice date  
208 in its discretion. The department shall identify and furnish a list of its regulations that pertain  
209 to local educational agencies to such schools within thirty days of receiving such notice.

210 7. Sponsors shall annually review the charter school's compliance with statutory  
211 standards including:

212 (1) Participation in the statewide system of assessments, as designated by the state board  
213 of education under section 160.518;

214 (2) Assurances for the completion and distribution of an annual report card as prescribed  
215 in section 160.522;

216 (3) The collection of baseline data during the first three years of operation to determine  
217 the longitudinal success of the charter school;

218 (4) A method to measure pupil progress toward the pupil academic standards adopted by  
219 the state board of education under section 160.514; and

220 (5) Publication of each charter school's annual performance report.

221 8. (1) (a) A sponsor's intervention policies shall give schools clear, adequate, evidence-  
222 based, and timely notice of contract violations or performance deficiencies and mandate  
223 intervention based upon findings of the state board of education of the following:

224 a. The charter school provides a high school program which fails to maintain a  
225 graduation rate of at least seventy percent in three of the last four school years unless the school  
226 has dropout recovery as its mission;

227 b. The charter school's annual performance report results are below the district's annual  
228 performance report results based on the performance standards that are applicable to the grade

229 level configuration of both the charter school and the district in which the charter school is  
230 located in three of the last four school years; and

231 c. The charter school is identified as a persistently lowest achieving school by the  
232 department of elementary and secondary education.

233 (b) A sponsor shall have a policy to revoke a charter during the charter term if there is:

234 a. Clear evidence of underperformance as demonstrated in the charter school's annual  
235 performance report in three of the last four school years; or

236 b. A violation of the law or the public trust that imperils students or public funds.

237 (c) A sponsor shall revoke a charter or take other appropriate remedial action, which may  
238 include placing the charter school on probationary status for no more than twelve months,  
239 provided that no more than one designation of probationary status shall be allowed for the  
240 duration of the charter contract, at any time if the charter school commits a serious breach of one  
241 or more provisions of its charter or on any of the following grounds: failure to meet the  
242 performance contract as set forth in its charter, failure to meet generally accepted standards of  
243 fiscal management, failure to provide information necessary to confirm compliance with all  
244 provisions of the charter and sections 160.400 to 160.425 and 167.349 within forty-five days  
245 following receipt of written notice requesting such information, or violation of law.

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

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

253 (4) The sponsor of a charter school shall establish procedures to conduct administrative  
254 hearings upon determination by the sponsor that grounds exist to revoke a charter. Final  
255 decisions of a sponsor from hearings conducted pursuant to this subsection are subject to an  
256 appeal to the state board of education, which shall determine whether the charter shall be  
257 revoked.

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

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

264 9. (1) A sponsor shall take all reasonable steps necessary to confirm that each charter  
265 school sponsored by such sponsor is in material compliance and remains in material compliance  
266 with all material provisions of the charter and sections 160.400 to 160.425 and 167.349. Every  
267 charter school shall provide all information necessary to confirm ongoing compliance with all  
268 provisions of its charter and sections 160.400 to 160.425 and 167.349 in a timely manner to its  
269 sponsor.

270 (2) The sponsor's renewal process of the charter school shall be based on the thorough  
271 analysis of a comprehensive body of objective evidence and consider if:

272 (a) The charter school has maintained results on its annual performance report that meet  
273 or exceed the district in which the charter school is located based on the performance standards  
274 that are applicable to the grade-level configuration of both the charter school and the district in  
275 which the charter school is located in three of the last four school years;

276 (b) The charter school is organizationally and fiscally viable determining at a minimum  
277 that the school does not have:

278 a. A negative balance in its operating funds;

279 b. A combined balance of less than three percent of the amount expended for such funds  
280 during the previous fiscal year; or

281 c. Expenditures that exceed receipts for the most recently completed fiscal year;

282 (c) The charter is in compliance with its legally binding performance contract and  
283 sections 160.400 to 160.425 and section 167.349.

284 (3) (a) Beginning August first during the year in which a charter is considered for  
285 renewal, a charter school sponsor shall demonstrate to the state board of education that the  
286 charter school is in compliance with federal and state law as provided in sections 160.400 to  
287 160.425 and section 167.349 and the school's performance contract including but not limited to  
288 those requirements specific to academic performance.

289 (b) Along with data reflecting the academic performance standards indicated in  
290 paragraph (a) of this subdivision, the sponsor shall submit a revised charter application to the  
291 state board of education for review.

292 (c) Using the data requested and the revised charter application under paragraphs (a) and  
293 (b) of this subdivision, the state board of education shall determine if compliance with all  
294 standards enumerated in this subdivision has been achieved. The state board of education at its  
295 next regularly scheduled meeting shall vote on the revised charter application.

296 (d) If a charter school sponsor demonstrates the objectives identified in this subdivision,  
297 the state board of education shall renew the school's charter.

298 10. A school district may enter into a lease with a charter school for physical facilities.

299 11. A governing board or a school district employee who has control over personnel  
300 actions shall not take unlawful reprisal against another employee at the school district because  
301 the employee is directly or indirectly involved in an application to establish a charter school. A  
302 governing board or a school district employee shall not take unlawful reprisal against an  
303 educational program of the school or the school district because an application to establish a  
304 charter school proposes the conversion of all or a portion of the educational program to a charter  
305 school. As used in this subsection, "unlawful reprisal" means an action that is taken by a  
306 governing board or a school district employee as a direct result of a lawful application to  
307 establish a charter school and that is adverse to another employee or an educational program.

308 12. Charter school board members shall be subject to the same liability for acts while  
309 in office as if they were regularly and duly elected members of school boards in any other public  
310 school district in this state. The governing board of a charter school may participate, to the same  
311 extent as a school board, in the Missouri public entity risk management fund in the manner  
312 provided under sections 537.700 to 537.756.

313 13. Any entity, either public or private, operating, administering, or otherwise managing  
314 a charter school shall be considered a quasi-public governmental body and subject to the  
315 provisions of sections 610.010 to 610.035.

316 14. The chief financial officer of a charter school shall maintain:

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

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

160.420. 1. Any school district in which charter schools may be established under  
2 sections 160.400 to 160.425 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 family care safety registry check are conducted for each employee of the  
23 charter school prior to the hiring of the employee under the requirements of section 168.133.  
24 The charter school may not employ instructional personnel whose certificate of license to teach  
25 has been revoked or is currently suspended by the state board of education. Appropriate  
26 experience, training and skills of noncertificated instructional personnel shall be determined  
27 considering:

- 28 (1) Teaching certificates issued by another state or states;
- 29 (2) Certification by the National Board for Professional Teaching Standards;
- 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, personnel employed by the charter school  
40 shall continue to participate in the retirement system and shall do so on the same terms,  
41 conditions, requirements and other provisions as they participated prior to the lapse.

42 **4. (1) Nothing in this subsection shall be construed as an infringement upon the**  
43 **doctrine of at-will employment as exercised by a charter school.**

44 **(2) As used in this subsection, the following terms shall mean:**

45 **(a) "Student growth", the change in achievement for an individual student between**  
46 **two or more points in time based on standards-based measures that are rigorous, valid,**  
47 **and comparable across classrooms of similar content and levels;**

48 **(b) "Value-added model", a growth model used to isolate the effect of a teacher's**  
49 **impact on student learning, controlling for preexisting characteristics of a student,**

50 including but not limited to, where available, prior achievement data, and, where available  
51 and at the discretion of the charter school, a student's gifted status, section 504 status,  
52 attendance, disability status, eligibility for free or reduced lunch, limited English  
53 proficiency, or prior discipline history.

54 (3) Each charter school shall develop an evaluation system centered on student  
55 achievement, performance, and progress that conforms to the provisions of the charter  
56 school's performance contract, its mission, and this subsection, and implement it no later  
57 than the 2014-2015 school year. The evaluation system shall include formative  
58 performance reviews to provide feedback to teachers and summative evaluations, and the  
59 charter school shall use the evaluation results to improve student achievement,  
60 performance, and progress.

61 (4) Teachers and administrators shall be evaluated no less than annually, using  
62 multiple valid measures. Evaluation measures shall include the following elements:

63 (a) For those teachers who teach grades and courses that are subject to annual  
64 assessments, student achievement, and student growth on such assessments shall count for  
65 at least thirty-three percent of the evaluation, using value-added measures;

66 (b) For teachers who do not directly instruct students in subjects and grades  
67 subject to assessments but who are expected to contribute to student performance on such  
68 assessments, growth in student achievement on such assessments shall be used as an  
69 evaluation measure and shall count for a percentage of the evaluation to be determined by  
70 the charter school;

71 (c) Student growth shall be measured through such assessments in accordance with  
72 value-added methods or models and shall reflect at least one year's worth of growth for a  
73 school year of instruction, or that students otherwise achieved appropriate growth based  
74 on expectations derived from at least two years of individual student achievement data;

75 (d) Multiple additional measures for teachers shall be correlated with impacts on  
76 student achievement results. These measures may include student surveys and multiple  
77 classroom observations each year by trained master teachers, administrators, or other  
78 professionals, using clear, consistent observation rubrics provided to the teacher in  
79 advance of the school year, and may include other measures aligned with student  
80 achievement as determined by the charter school;

81 (e) Multiple additional measures for administrators shall be correlated with  
82 impacts on student achievement results for students in all subgroups and shall include the  
83 administrator's ability to create an academic environment which fosters student growth.  
84 However, where applicable, evaluations of administrators shall include the ability to  
85 attract, develop, and retain highly effective teachers; management of schools, including

86 **finances, space and legal compliance; and parental engagement in the school; and may**  
87 **include other measures aligned with student achievement.**

88 **(5) Each teacher and administrator shall be given one of four rating levels that are**  
89 **designated as "highly effective", "effective", "minimally effective", or "ineffective" . Such**  
90 **rating levels shall be directly correlated to the summative evaluation results provided for**  
91 **in subdivision (3) of this subsection.**

168.104. The following words and phrases when used in sections 168.102 to 168.130,  
2 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 except a metropolitan school district, having general control of the affairs of the district;

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

8 (3) "Indefinite contract", every contract heretofore or hereafter entered into between a  
9 school district and a permanent teacher;

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 [five successive years and who has  
12 continued or who thereafter continues to be employed as a teacher by the school district or any  
13 supervisor of teachers who was employed as a teacher in the same school district for at least five  
14 successive years prior to becoming a supervisor of teachers and who] **at least four consecutive**  
15 **years and has earned four consecutive ratings of effective or highly effective based on his**  
16 **or her annual performance evaluations under section 168.128. A teacher shall lose**  
17 **"permanent teacher" status if a teacher receives a rating of ineffective or two consecutive**  
18 **ratings of minimally effective. After losing "permanent teacher" status a teacher shall**  
19 **return to "permanent teacher" status by earning three consecutive ratings of effective or**  
20 **highly effective or any combination thereof. In order to maintain permanent status the**  
21 **teacher also** continues thereafter to be employed as a certificated employee by the school  
22 district; except that, when a permanent teacher resigns or is permanently separated from  
23 employment by a school district, and is afterwards reemployed by the same school district,  
24 reemployment for the first school year does not constitute an indefinite contract but if he **or she**  
25 is employed for the succeeding year, the employment constitutes an indefinite contract; and  
26 except that any teacher employed under a part-time contract by a school district shall accrue  
27 credit toward permanent status on a prorated basis. Any permanent teacher who is promoted  
28 with his **or her** consent to a supervisory position including principal or assistant principal[, or  
29 is first employed by a district in a supervisory position including principal or assistant principal,  
30 shall not have permanent status in such position but] shall retain tenure in the position previously

31 held within the district[, or, after serving two years as principal or assistant principal, shall have  
32 tenure as a permanent teacher of that system];

33 (5) "Probationary teacher", any teacher as herein defined who [has been employed in the  
34 same school district for five successive years or less] **is not a "permanent teacher" as defined  
35 in this section.** In the case of any probationary teacher who has been employed in any other  
36 school system as a teacher for two or more years, the board of education shall [waive one year  
37 of his probationary period] **allow the final evaluation at the teacher's previous district to  
38 count as one year toward earning "permanent teacher" status;**

39 (6) "School district", every school district in this state, except metropolitan school  
40 district as defined in section 162.571;

41 (7) "Student growth", **the change in achievement for an individual student between  
42 two or more points in time based on standards-based measures that are rigorous, valid,  
43 and comparable across classrooms of similar content and levels;**

44 (8) "Teacher", any employee of a school district, except a metropolitan school district,  
45 regularly required to be certified under laws relating to the certification of teachers, except  
46 superintendents and assistant superintendents but including certified teachers who teach at the  
47 prekindergarten level in a nonmetropolitan public school within a prekindergarten program in  
48 which no fees are charged to parents or guardians;

49 (9) "Value-added model", **a growth model used to isolate the effect of a teacher's  
50 impact on student learning, controlling for preexisting characteristics of a student,  
51 including but not limited to, where available, prior achievement data, and, where available  
52 and at the discretion of the school district, a student's gifted status, section 504 status,  
53 attendance, disability status, eligibility for free or reduced lunch, limited English  
54 proficiency, or prior discipline history.**

168.114. 1. An indefinite contract with a permanent teacher shall not be terminated by  
2 the board of education of a school district except for one or more of the following causes:

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

5 (2) Immoral conduct;

6 (3) Incompetency, inefficiency or insubordination in line of duty;

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

9 (5) Excessive or unreasonable absence from performance of duties; or

10 (6) Conviction of a felony or a crime involving moral turpitude.

11 2. In determining the professional competency of or efficiency of a permanent teacher,  
12 consideration should be given to regular and special evaluation reports prepared in accordance

13 with the policy of the employing school district and to any written standards of performance  
14 which may have been adopted by the school board.

168.124. 1. The board of education of a school district may place on leave of absence  
2 as many teachers as may be necessary because of a decrease in pupil enrollment, school district  
3 reorganization or the financial condition of the school district. [In placing teachers on leave, the  
4 board of education shall be governed by the following provisions] **The board of education shall  
5 use, as the basis for its primary determination of which teaching personnel will lose their  
6 positions, educator evaluations under section 168.128. Nothing in this section shall prohibit  
7 the board of education from identifying specific content or grade areas in which reductions  
8 are necessary; however, reductions within specific areas shall be based primarily on  
9 educator evaluations conducted under section 168.128:**

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

12 (2) Permanent teachers shall be retained on the basis of performance-based evaluations  
13 and seniority (however, seniority shall not be controlling) within the field of specialization;

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

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

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

21 [(6)] (2) The leave of absence shall not impair the tenure of a teacher;

22 [(7)] (3) The leave of absence shall continue for a period of not more than three years  
23 unless extended by the board.

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

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

168.128. 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 168.102 to 168.130. In addition, the board of education of each school  
4 district shall cause a comprehensive, performance-based evaluation for each teacher employed  
5 by the district. Such evaluations shall be ongoing and [of sufficient specificity and frequency]  
6 **performed no less than annually** to provide for demonstrated standards of competency and  
7 academic ability.

8 **2. Consistent with department of elementary and secondary education regulations,**  
9 **each district shall fully implement an evaluation system that conforms to the provisions of**  
10 **this section, including using the evaluation results for personnel decisions in advance of the**  
11 **next school year. Each district with such assistance as may be available from the**  
12 **department shall develop an evaluation system that conforms to the provisions of this**  
13 **section and implement it no later than the 2014-15 school year. The evaluation system shall**  
14 **include formative performance reviews to provide feedback to teachers and shall include**  
15 **summative evaluations.**

16 **3. Each local school district shall establish and implement a local evaluation system**  
17 **for teachers and administrators centered on student achievement. Evaluations of all**  
18 **personnel shall be conducted no less than annually based on the following parameters;**  
19 **however, if any of the parameters shall be found by the department to be in conflict with**  
20 **the department's ability to comply with the conditions set forth in the waiver from the**  
21 **federal Elementary and Secondary Education Act, those items shall not be included:**

22 **(1) Each local district shall develop and implement an evaluation system for**  
23 **elementary and secondary school teachers and administrators that uses multiple measures,**  
24 **based on growth in student achievement, and shall use the evaluation system as the basis**  
25 **for personnel decisions about teachers and administrators, consistent with this section and**  
26 **with implementing regulations issued by the department of elementary and secondary**  
27 **education with input from the local districts;**

28 **(2) If a district fails to adopt an evaluation system consistent with the requirements**  
29 **and timelines of this section, or at the election of the district, the district shall use the model**  
30 **evaluation system developed by the department of elementary and secondary education**  
31 **under subsection 5 of this section;**

32 **(3) If a district chooses to adopt an evaluation system which differs from the model**  
33 **evaluation developed by the department under subsection 6 of this section, the local**  
34 **evaluation system shall be developed and implemented in consultation with teachers and**  
35 **administrators and with parents of students;**

36 (4) Teachers and administrators shall be evaluated using multiple valid measures.

37 Evaluation measures shall include the following elements:

38 (a) For those teachers who teach courses that are subject to annual assessments  
39 aligned with state standards, student achievement, and student growth on such assessments  
40 shall count for at least thirty-three percent of the evaluation, using value-added measures  
41 developed by the department of elementary and secondary education. The district shall  
42 be able to use a model developed by the school district and approved by the department  
43 of elementary and secondary education to measure student growth in this subsection;

44 (b) For teachers who do not directly instruct students in subjects and grades  
45 subject to assessments aligned with state standards, but who are expected to contribute to  
46 student performance on such assessments, growth in student achievement on such  
47 assessments shall be used as an evaluation measure and shall count for a percentage of the  
48 evaluation to be determined by the district. The district shall be able to use a model  
49 developed by the school district and approved by the department of elementary and  
50 secondary education to measure student growth in this subsection;

51 (c) Student growth shall be measured through such assessments in accordance with  
52 value-added methods or models developed by the department of elementary and secondary  
53 education, and shall reflect at least one year's worth of growth for a school year of  
54 instruction, or that students otherwise achieved appropriate growth based on expectations  
55 derived from at least two years of individual student achievement data;

56 (d) Multiple additional measures for teachers shall be correlated with impacts on  
57 student achievement results. These measures may include student surveys and multiple  
58 classroom observations each year by trained master teachers, administrators, or other  
59 professionals, using clear, consistent observation rubrics provided to the teacher in  
60 advance of the school year, and may include other measures aligned with student  
61 achievement as determined at the local level; however for these teachers hired after the  
62 start of the school year the board of education shall provide such rubrics as the earliest  
63 practical time;

64 (e) Multiple additional measures for administrators shall be correlated with  
65 impacts on student achievement results for students in all subgroups and shall include the  
66 administrator's ability to create an academic environment which fosters student growth.  
67 However, where applicable, evaluations of administrators shall include the ability to  
68 attract, develop, and retain highly effective teachers; management of schools, including  
69 finances, space and legal compliance; and parental engagement in the school; and may  
70 include other measures aligned with student achievement;

71           **(5) Each teacher and administrator shall be given one of four rating levels that are**  
72 **designated as "highly effective", "effective", "minimally effective", or "ineffective", as**  
73 **further defined by the department of elementary and secondary education or the local**  
74 **school district. Such rating levels shall be directly correlated to the summative evaluation**  
75 **results provided for in subsection 2 of this section;**

76           **(6) Districts shall base decisions regarding significant differentiation in retention,**  
77 **promotion, dismissals, and other staffing decisions primarily on evaluation results for**  
78 **teachers and administrators. Each teacher and administrator contract and collective**  
79 **bargaining agreement entered into, including option years exercised, after the effective**  
80 **date of this section shall authorize use of evaluation as the basis for the decisions described**  
81 **in this subsection. Unless otherwise prohibited by law, any contrary provisions of**  
82 **collective bargaining agreements, regulations, or policies shall be void.**

83           **4. Nothing in this section shall be construed to prohibit the board of education from**  
84 **taking disciplinary action concerning a teacher for issues not referenced in this section.**

85           **5. If a permanent teacher has received a rating of ineffective or minimally effective**  
86 **on an annual year-end performance evaluation, the school district shall provide the teacher**  
87 **with an individualized development plan developed by appropriate administrative**  
88 **personnel in consultation with the individual teacher.**

89           **6. The department of elementary and secondary education shall:**

90           **(1) Promulgate rules and regulations governing the development and**  
91 **implementation of local evaluation systems under subsection 3 of this section. Such rules**  
92 **and regulations shall be designed to preserve autonomy and flexibility for districts to adopt**  
93 **their own policies and processes for the evaluation system and may include, but not be**  
94 **limited to:**

95           **(a) Processes and requirements to determine the teacher of record for purposes of**  
96 **assigning student achievement scores to a teacher in evaluating the teacher's performance;**

97           **(b) Standards for rating levels to be assigned to teachers and administrators,**  
98 **consistent with subsection 3 of this section;**

99           **(c) Processes and requirements for value-added models to be used in measuring**  
100 **student achievement growth for purposes of teacher and administrator evaluation;**

101           **(2) Develop, implement, and publicly disseminate a statewide student growth model**  
102 **and a value-added model for determining student growth on assessments;**

103           **(3) Provide technical assistance to districts in developing and implementing a local**  
104 **evaluation system;**

105           **(4) Develop a model evaluation system that shall be used by districts that are not**  
106 **able to develop their own system or that elect to use the state model evaluation system; and**

107           **(5) Monitor local evaluation systems established under subsection 3 of this section**  
108 **to ensure that evaluation outcomes are consistent in the aggregate with student**  
109 **achievement results at the district and school levels; and that the evaluation systems meet**  
110 **the requirements of this section and implement rules and regulations issued by the**  
111 **department of elementary and secondary education; and direct any appropriate corrective**  
112 **actions.**

113           **7. In no circumstance shall the board of education renew the contract of any**  
114 **probationary teacher who has been rated "ineffective", as defined by the required**  
115 **evaluations of this section, for two consecutive school years.**

116           **8.** All evaluations shall be maintained in the teacher's personnel file at the office of the  
117 board of education. A copy of each evaluation shall be provided to the teacher and appropriate  
118 administrator. [The state department of elementary and secondary education shall provide  
119 suggested procedures for such an evaluation.]

120           **9. No permanent teacher shall be retained after three consecutive ratings of**  
121 **ineffective.**

168.221. 1. The first [five] **four** years of employment of all teachers entering the  
2 employment of the metropolitan school district shall be deemed a period of probation during  
3 which period all appointments of teachers shall expire at the end of each school year. During the  
4 probationary period any probationary teacher whose work is unsatisfactory **due to either an**  
5 **ineffective or minimally effective evaluation under section 168.128 or some other**  
6 **performance issue** shall be furnished by the superintendent of schools with a written statement  
7 setting forth the nature of his **or her** incompetency. If improvement satisfactory to the  
8 superintendent is not made within one semester after the receipt of the statement, the  
9 probationary teacher shall be dismissed. The semester granted the probationary teacher in which  
10 to improve shall not in any case be a means of prolonging the probationary period beyond  
11 [five] **four** years and six months from the date on which the teacher entered the employ of the  
12 board of education. **Nothing in this section shall be construed to prohibit the superintendent**  
13 **from taking disciplinary action relating to a probationary teacher for issues of conduct**  
14 **which is not based on performance.** The superintendent of schools on or before the fifteenth  
15 day of April in each year shall notify probationary teachers who will not be retained by the  
16 school district of the termination of their services. Any probationary teacher who is not so  
17 notified shall be deemed to have been appointed for the next school year. **A teacher may be**  
18 **considered a permanent teacher when such teacher meets the definition of "permanent**  
19 **teacher" defined in section 168.104.** Any principal who prior to becoming a principal had  
20 attained permanent employee status as a teacher shall upon ceasing to be a principal have a right  
21 to resume his or her permanent teacher position with the time served as a principal being treated

22 as if such time had been served as a teacher for the purpose of calculating seniority and pay scale.  
23 The rights and duties and remuneration of a teacher who was formerly a principal shall be the  
24 same as any other teacher with the same level of qualifications and time of service. **The criteria**  
25 **for granting a permanent appointment to a teacher shall include multiple measures for**  
26 **assessing a teacher's effectiveness, which include but are not limited to the following:**

27 (1) (a) **Evidence of demonstrated effectiveness, as shown through objective**  
28 **measures of student academic growth, which shall be the predominant criterion for**  
29 **granting a permanent appointment;**

30 (b) **Other multiple measures of teacher performance, including multiple classroom**  
31 **observations and classroom and district measures of student learning; and**

32 (c) **Four consecutive ratings of effective or highly effective;**

33 (2) **Upon meeting the requirements provided in subdivision (1) of this subsection,**  
34 **a teacher shall undergo a formal review and conferral process before being granted a**  
35 **permanent appointment. The formal review shall be conducted by the teacher's principal**  
36 **and the superintendent's designee and shall include a review of the teacher's performance**  
37 **evaluations and progress as an instructor, as demonstrated by the criteria outlined in this**  
38 **subsection.**

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

45 3. No teacher whose appointment has become permanent may be removed except for one  
46 or more of the following causes: immorality, inefficiency in line of duty, violation of the  
47 published regulations of the school district, violation of the laws of Missouri governing the  
48 public schools of the state, or physical or mental condition which incapacitates him **or her** for  
49 instructing or associating with children, and then only by a vote of not less than a majority of all  
50 the members of the board, upon written charges presented by the superintendent of schools, to  
51 be heard by the board after thirty days' notice, with copy of the charges served upon the person  
52 against whom they are preferred, who shall have the privilege of being present at the hearing,  
53 together with counsel, offering evidence and making defense thereto. Notifications received by  
54 an employee during a vacation period shall be considered as received on the first day of the  
55 school term following. At the request of any person so charged the hearing shall be public.  
56 During any time in which powers granted to the district's board of education are vested in a  
57 special administrative board, the special administrative board may appoint a hearing officer to

58 conduct the hearing. The hearing officer shall conduct the hearing as a contested case under  
59 chapter 536 and shall issue a written recommendation to the board rendering the charges against  
60 the teacher. The board shall render a decision on the charges upon the review of the hearing  
61 officer's recommendations and the record from the hearing. The action and decision of the board  
62 upon the charges shall be final. Pending the hearing of the charges, the person charged may be  
63 suspended if the rules of the board so prescribe, but in the event the board does not by a majority  
64 vote of all the members remove the teacher upon charges presented by the superintendent, the  
65 person shall not suffer any loss of salary by reason of the suspension. Inefficiency in line of duty  
66 is cause for dismissal only after the teacher has been notified in writing at least one semester  
67 prior to the presentment of charges against him **or her** by the superintendent. The notification  
68 shall specify the nature of the inefficiency with such particularity as to enable the teacher to be  
69 informed of the nature of his **or her** inefficiency.

70 4. No **permanent** teacher, **as defined in section 168.104**, whose appointment has  
71 become permanent shall be demoted nor shall his **or her** salary be reduced unless the same  
72 procedure is followed as herein stated for the removal of the teacher because of inefficiency in  
73 line of duty **or incompetency**, and any teacher whose salary is reduced or who is demoted may  
74 waive the presentment of charges against him **or her** by the superintendent and a hearing thereon  
75 by the board. The foregoing provision shall apply only to permanent teachers prior to the  
76 compulsory retirement age under the retirement system. Nothing herein contained shall in any  
77 way restrict or limit the power of the board of education to make reductions in the number of  
78 teachers or principals, or both, because of insufficient funds, decrease in pupil enrollment, or  
79 abolition of particular subjects or courses of instruction, except that the abolition of particular  
80 subjects or courses of instruction shall not cause those teachers who have been teaching the  
81 subjects or giving the courses of instruction to be placed on leave of absence as herein provided  
82 who are qualified to teach other subjects or courses of instruction, if positions are available for  
83 the teachers in the other subjects or courses of instruction.

84 5. **Each metropolitan school district shall establish and implement a local**  
85 **evaluation system for teachers and administrators that conforms to the requirements of**  
86 **section 168.128. If a permanent teacher, as defined in section 168.104, has received a rating**  
87 **of ineffective or minimally effective on an annual year-end performance evaluation, the**  
88 **school district shall provide the teacher with an individualized development plan developed**  
89 **by appropriate administrative personnel in consultation with the individual teacher.**

90 6. Whenever it is necessary to decrease the number of teachers because of insufficient  
91 funds or a substantial decrease of pupil population within the school district, the board of  
92 education upon recommendation of the superintendent of schools may cause the necessary  
93 number of teachers [beginning with those serving probationary periods] to be placed on leave

94 of absence without pay[, but only in the inverse order of their appointment]. **Nothing in this**  
 95 **section shall be construed to prohibit the board of education from identifying specific**  
 96 **content or grade areas in which reductions are necessary; however, reductions within**  
 97 **specific areas shall be based primarily on educator evaluation under section 168.128.**  
 98 Nothing herein stated shall prevent a readjustment by the board of education of existing salary  
 99 schedules. No teacher placed on a leave of absence shall be precluded from securing other  
 100 employment during the period of the leave of absence. [Each teacher placed on leave of absence  
 101 shall be reinstated in inverse order of his placement on leave of absence.] Such reemployment  
 102 shall not result in a loss of status or credit for previous years of service. No new appointments  
 103 shall be made while there are available teachers on leave of absence who are seventy years of age  
 104 or less and who are adequately qualified to fill the vacancy unless the teachers fail to advise the  
 105 superintendent of schools within thirty days from the date of notification by the superintendent  
 106 of schools that positions are available to them that they will return to employment and will  
 107 assume the duties of the position to which appointed not later than the beginning of the school  
 108 year next following the date of the notice by the superintendent of schools.

109 [6.] 7. If any regulation which deals with the promotion of teachers is amended by  
 110 increasing the qualifications necessary to be met before a teacher is eligible for promotion, the  
 111 amendment shall fix an effective date which shall allow a reasonable length of time within which  
 112 teachers may become qualified for promotion under the regulations.

113 [7.] 8. A teacher whose appointment has become permanent may give up the right to a  
 114 permanent appointment to participate in the teacher choice compensation package under sections  
 115 168.745 to 168.750.

116 **9. In no circumstance shall the board of education renew the contract of any**  
 117 **probationary teacher who has been rated "ineffective", as defined by the required**  
 118 **evaluations of section 168.128, for two consecutive school years.**

119 **10. No permanent teacher shall be retained after three consecutive ratings of**  
 120 **ineffective.**

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

5 2. Teaching standards shall include, but not be limited to, the following:

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

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

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

- 11                   (4) The teacher uses professional communication and interaction with the  
12 school community;
- 13                   (5) The teacher keeps current on instructional knowledge and seeks and  
14 explores changes in teaching behaviors that will improve student performance;  
15 and
- 16                   (6) The teacher acts as a responsible professional in the overall mission  
17 of the school.
- 18                   3. The department may provide assistance to public schools in  
19 developing these standards upon request.]  
20

2                   [168.126. 1. A board of education at a regular or special meeting may  
3 contract with and employ by a majority vote legally qualified probationary  
4 teachers for the school district. The contract shall be made by order of the board;  
5 shall specify the number of months school is to be taught and the wages per  
6 month to be paid; shall be signed by the probationary teacher and the president  
7 of the board, or a facsimile signature of the president may be affixed at his  
8 discretion; and the contract shall be attested by the secretary of the board by  
9 signature or facsimile. The board shall not employ one of its members as a  
10 teacher; nor shall any person be employed as a teacher who is related within the  
11 fourth degree to any board member, either by consanguinity or affinity, where the  
12 vote of the board member is necessary to the selection of the person.

13                   2. If in the opinion of the board of education any probationary teacher has  
14 been doing unsatisfactory work, the board of education, through its authorized  
15 administrative representative, shall provide the teacher with a written statement  
16 definitely setting forth his alleged incompetency and specifying the nature  
17 thereof, in order to furnish the teacher an opportunity to correct his fault and  
18 overcome his incompetency. If improvement satisfactory to the board of  
19 education has not been made within ninety days of the receipt of the notification,  
20 the board of education may terminate the employment of the probationary teacher  
21 immediately or at the end of the school year. Any motion to terminate the  
22 employment of a probationary teacher shall include only one person and must be  
23 approved by a majority of the members of the board of education. A tie vote  
24 thereon constitutes termination. On or before the fifteenth day of April in each  
25 school year, the board of education shall notify in writing a probationary teacher  
26 who will not be retained by the school district of the termination of his  
27 employment. Upon request, the notice shall contain a concise statement of the  
28 reason or reasons the employment of the probationary teacher is being  
29 terminated. If the reason for the termination is due to a decrease in pupil  
30 enrollment, school district reorganization, or the financial condition of the school  
31 district, then the district shall in all cases issue notice to the teacher expressly  
32 declaring such as the reason for such termination. Nothing contained in this  
33 section shall give rise to a cause of action not currently cognizant at law by a  
probationary teacher for any reason given in said writing so long as the board

34 issues the letter in good faith without malice, but an action for actual damages  
35 may be maintained by any person for the deprivation of a right conferred by this  
36 act.

37 3. Any probationary teacher who is not notified of the termination of his  
38 employment shall be deemed to have been appointed for the next school year,  
39 under the terms of the contract for the preceding year. A probationary teacher  
40 who is informed of reemployment by written notice shall be tendered a contract  
41 on or before the fifteenth day of May, and shall within fifteen days thereafter  
42 present to the employing board of education a written acceptance or rejection of  
43 the employment tendered, and failure of such teachers to present the acceptance  
44 within such time constitutes a rejection of the board's offer. A contract between  
45 a probationary teacher and a board of education may be terminated or modified  
46 at any time by the mutual consent of the parties thereto.]  
47

2 [168.410. School administrators and school district superintendents shall  
be evaluated in the following manner:

3 (1) The board of education of each school district shall cause a  
4 comprehensive performance-based evaluation for each administrator employed  
5 by the district. Such evaluation shall be ongoing and of sufficient specificity and  
6 frequency to provide for demonstrated standards of competency and academic  
7 ability;

8 (2) All evaluations shall be maintained in the respective administrator's  
9 personnel file at the office of the board of education of the school district. A  
10 copy of each evaluation shall be provided to the person being evaluated and to  
11 the appropriate administrator;

12 (3) The state department of elementary and secondary education shall  
13 provide suggested procedures for the evaluations performed under this section.]

✓