

SECOND REGULAR SESSION

HOUSE BILL NO. 2089

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE POLLITT (52).

4665H.01I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 168.021 and 169.596, RSMo, and to enact in lieu thereof two new sections relating to teacher employment.

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

Section A. Sections 168.021 and 169.596, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 168.021 and 169.596, to read as follows:

168.021. 1. Certificates of license to teach in the public schools of the state shall be
2 granted as follows:

3 (1) By the state board, under rules and regulations prescribed by it:

4 (a) Upon the basis of college credit;

5 (b) Upon the basis of examination;

6 (2) By the state board, under rules and regulations prescribed by the state board with
7 advice from the advisory council established by section 168.015 to any individual who
8 presents to the state board a valid doctoral degree from an accredited institution of higher
9 education accredited by a regional accrediting association such as North Central Association.
10 Such certificate shall be limited to the major area of postgraduate study of the holder, shall be
11 issued only after successful completion of the examination required for graduation pursuant
12 to rules adopted by the state board of education, and shall be restricted to those certificates
13 established pursuant to subdivision (2) of subsection 3 of this section;

14 (3) By the state board, which shall issue the professional certificate classification in
15 both the general and specialized areas most closely aligned with the current areas of
16 certification approved by the state board, commensurate with the years of teaching experience
17 of the applicant, and based upon the following criteria:

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.

18 (a) Recommendation of a state-approved baccalaureate-level teacher preparation
19 program;

20 (b) **a.** Successful attainment of the Missouri qualifying score on the exit assessment
21 for teachers or administrators designated by the state board of education[-];

22 **b. (i)** Applicants who have not successfully achieved a qualifying score on the
23 designated examinations will be issued a two-year nonrenewable provisional certificate;

24 **(ii)** **During the two-year nonrenewable provisional certification, an individual**
25 **teacher may gain full professional certification by:**

26 **i.** Achieving a qualifying score on the designated exam; or

27 **ii.** Successfully achieving an acceptable score on the state-approved teacher
28 evaluation system from seven walk-through evaluations, two formative evaluations, and
29 one summative evaluation for each of the two probationary years and being offered a
30 third contract by the employing district. For any applicant who has a change in job
31 status because of a reduction in the workforce or a change in life circumstances, the
32 scores required under this item may be scores achieved in any school district during the
33 two-year nonrenewable provisional certification period; and

34 **(iii)** The employing school district shall recommend to the department of
35 elementary and secondary education that the individual teacher be awarded a full
36 professional certification by the state board under rules prescribed by the state board;
37 and

38 (c) Upon completion of a background check as prescribed in section 168.133 and
39 possession of a valid teaching certificate in the state from which the applicant's teacher
40 preparation program was completed;

41 (4) By the state board, under rules prescribed by it, on the basis of a relevant
42 bachelor's degree, or higher degree, and a passing score for the designated exit examination,
43 for individuals whose academic degree and professional experience are suitable to provide a
44 basis for instruction solely in the subject matter of banking or financial responsibility, at the
45 discretion of the state board. Such certificate shall be limited to the major area of study of the
46 holder and shall be restricted to those certificates established under subdivision (2) of
47 subsection 3 of this section. Holders of certificates granted under this subdivision shall be
48 exempt from the teacher tenure act under sections 168.102 to 168.130 and each school district
49 shall have the decision-making authority on whether to hire the holders of such certificates;

50 (5) By the state board, under rules and regulations prescribed by it, on the basis of
51 certification by the American Board for Certification of Teacher Excellence (ABCTE) and
52 verification of ability to work with children as demonstrated by sixty contact hours in any one
53 of the following areas as validated by the school principal: sixty contact hours in the
54 classroom, of which at least forty-five must be teaching; sixty contact hours as a substitute

55 teacher, with at least thirty consecutive hours in the same classroom; sixty contact hours of
56 teaching in a private school; or sixty contact hours of teaching as a paraprofessional, for an
57 initial four-year ABCTE certificate of license to teach, except that such certificate shall not be
58 granted for the areas of early childhood education, or special education. For certification in
59 the area of elementary education, ninety contact hours in the classroom shall be required, of
60 which at least thirty shall be in an elementary classroom. Upon the completion of the
61 **following** requirements ~~[listed in paragraphs (a), (b), (c), and (d) of this subdivision]~~, an
62 applicant shall be eligible to apply for a career continuous professional certificate under
63 subdivision (3) of subsection 3 of this section:

64 (a) Completion of thirty contact hours of professional development within four years,
65 which may include hours spent in class in an appropriate college curriculum;

66 (b) Validated completion of two years of the mentoring program of the American
67 Board for Certification of Teacher Excellence or a district mentoring program approved by
68 the state board of education;

69 (c) Attainment of a successful performance-based teacher evaluation; and

70 (d) Participation in a beginning teacher assistance program; or

71 (6) **(a)** By the state board, under rules and regulations prescribed by ~~[#]~~ **the board**,
72 which shall issue an initial visiting scholars certificate at the discretion of the board, based on
73 the following criteria:

74 ~~[(a)]~~ **a.** Verification from the hiring school district that the applicant will be employed
75 ~~[as part of a business education partnership initiative designed]~~ to build career pathways
76 systems for students in a grade or grades not lower than the ninth grade for which the
77 applicant's academic degree or professional experience qualifies ~~[him or her]~~ **the applicant**;

78 ~~[(b)]~~ **b.** Appropriate and relevant bachelor's degree or higher, occupational license, or
79 industry-recognized credential;

80 ~~[(c)]~~ **c.** Completion of the application for a one-year visiting scholars certificate; and

81 ~~[(d)]~~ **d.** Completion of a background check as prescribed under section 168.133.

82 **(b)** The initial visiting scholars certificate shall certify the holder of such certificate to
83 teach for one year. An applicant shall be eligible to renew an initial visiting scholars
84 certificate a maximum of ~~[two]~~ **four** times, based upon the completion of the requirements
85 listed under ~~[paragraphs (a), (b), and (d)]~~ **subparagraphs a., b., and d. of paragraph (a)** of
86 this subdivision; completion of professional development required by the school district and
87 school; and attainment of a satisfactory performance-based teacher evaluation.

88 2. All valid teaching certificates issued pursuant to law or state board policies and
89 regulations prior to September 1, 1988, shall be exempt from the professional development
90 requirements of this section and shall continue in effect until they expire, are revoked or
91 suspended, as provided by law. When such certificates are required to be renewed, the state

92 board or its designee shall grant to each holder of such a certificate the certificate most nearly
93 equivalent to the one so held. Anyone who holds, as of August 28, 2003, a valid PC-I, PC-II,
94 or continuous professional certificate shall, upon expiration of ~~[his or her]~~ **such person's**
95 current certificate, be issued the appropriate level of certificate based upon the classification
96 system established pursuant to subsection 3 of this section.

97 3. (1) Certificates of license to teach in the public schools of the state shall be based
98 upon minimum requirements prescribed by the state board of education which shall include
99 completion of a background check as prescribed in section 168.133. The state board shall
100 provide for the following levels of professional certification: an initial professional certificate
101 and a career continuous professional certificate.

102 (2) The initial professional certificate shall be issued upon completion of
103 requirements established by the state board of education and shall be valid based upon
104 verification of actual teaching within a specified time period established by the state board of
105 education. The state board shall require holders of the four-year initial professional certificate
106 to:

107 (a) Participate in a mentoring program approved and provided by the district for a
108 minimum of two years;

109 (b) Complete thirty contact hours of professional development, which may include
110 hours spent in class in an appropriate college curriculum, or for holders of a certificate under
111 subdivision (4) of subsection 1 of this section, an amount of professional development in
112 proportion to the certificate holder's hours in the classroom, if the certificate holder is
113 employed less than full time; and

114 (c) Participate in a beginning teacher assistance program.

115 (3) (a) The career continuous professional certificate shall be issued upon
116 verification of completion of four years of teaching under the initial professional certificate
117 and upon verification of the completion of the requirements articulated in paragraphs (a)~~], (b),~~
118 ~~and] to~~ (c) of subdivision (2) of this subsection or paragraphs (a)~~], (b), (c), and] to~~ (d) of
119 subdivision (5) of subsection 1 of this section.

120 (b) The career continuous professional certificate shall be continuous based upon
121 verification of actual employment in an educational position as provided for in state board
122 guidelines and completion of fifteen contact hours of professional development per year
123 which may include hours spent in class in an appropriate college curriculum. ~~[Should]~~ If the
124 possessor of a valid career continuous professional certificate ~~[fail]~~ **fails**, in any given year, to
125 meet the fifteen-hour professional development requirement, the possessor may, within two
126 years, make up the missing hours. In order to make up for missing hours, the possessor shall
127 first complete the fifteen-hour requirement for the current year and then may count hours in
128 excess of the current year requirement as make-up hours. ~~[Should]~~ If the possessor ~~[fail]~~ **fails**

129 to make up the missing hours within two years, the certificate shall become inactive. In order
130 to reactivate the certificate, the possessor shall complete twenty-four contact hours of
131 professional development which may include hours spent in the classroom in an appropriate
132 college curriculum within the six months prior to or after reactivating ~~[his or her]~~ **the**
133 **possessor's** certificate. The requirements of this paragraph shall be monitored and verified by
134 the local school district ~~[which]~~ **that** employs the holder of the career continuous professional
135 certificate.

136 (c) A holder of a career continuous professional certificate shall be exempt from the
137 professional development contact hour requirements of paragraph (b) of this subdivision if
138 such teacher has a local professional development plan in place within such teacher's school
139 district and meets two of the three following criteria:

- 140 a. Has ten years of teaching experience as defined by the state board of education;
141 b. Possesses a master's degree; or
142 c. Obtains a rigorous national certification as approved by the state board of
143 education.

144 4. Policies and procedures shall be established by which a teacher who was not
145 retained due to a reduction in force may retain the current level of certification. There shall
146 also be established policies and procedures allowing a teacher who has not been employed in
147 an educational position for three years or more to reactivate ~~[his or her]~~ **the teacher's** last
148 level of certification by completing twenty-four contact hours of professional development
149 which may include hours spent in the classroom in an appropriate college curriculum within
150 the six months prior to or after reactivating ~~[his or her]~~ **the teacher's** certificate.

151 5. The state board shall, upon completion of a background check as prescribed in
152 section 168.133, issue a professional certificate classification in the areas most closely
153 aligned with an applicant's current areas of certification, commensurate with the years of
154 teaching experience of the applicant, to any person who is hired to teach in a public school in
155 this state and who possesses a valid teaching certificate from another state or certification
156 under subdivision (4) of subsection 1 of this section, provided that the certificate holder shall
157 annually complete the state board's requirements for such level of certification, and shall
158 establish policies by which residents of states other than the state of Missouri may be assessed
159 a fee for a certificate of license to teach in the public schools of Missouri. Such fee shall be in
160 an amount sufficient to recover any or all costs associated with the issuing of a certificate of
161 license to teach. The board shall promulgate rules to authorize the issuance of a provisional
162 certificate of license, which shall be valid for three years and shall allow the holder to assume
163 classroom duties pending the completion of a criminal background check under section
164 168.133, for any applicant who:

- 165 (1) Is the spouse of a member of the Armed Forces stationed in Missouri;

(2) Relocated from another state within one year of the date of application;
(3) Underwent a criminal background check in order to be issued a teaching certificate of license from another state; and

(4) Otherwise qualifies under this section.

6. The state board may assess to holders of an initial professional certificate a fee, to be deposited into the excellence in education revolving fund established pursuant to section 160.268, for the issuance of the career continuous professional certificate. However, such fee shall not exceed the combined costs of issuance and any criminal background check required as a condition of issuance. Applicants for the initial ABCTE certificate shall be responsible for any fees associated with the program leading to the issuance of the certificate, but nothing in this section shall prohibit a district from developing a policy that permits fee reimbursement.

7. Any member of the public school retirement system of Missouri who entered covered employment with ten or more years of educational experience in another state or states and held a certificate issued by another state and subsequently worked in a school district covered by the public school retirement system of Missouri for ten or more years who later became certificated in Missouri shall have that certificate dated back to ~~[his or her]~~ **the member's** original date of employment in a Missouri public school.

8. Within thirty days of receiving an application from a spouse of an active duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri, or who has been transferred or is scheduled to be transferred to an adjacent state and is or will be domiciled in the state of Missouri, or has moved to the state of Missouri on a permanent change-of-station basis and has successfully completed the background check described under subsection 5 of this section and section 168.133, the state board shall issue to such applicant a full certificate of license to teach, provided that the applicant has paid all necessary fees and has otherwise met all requirements to be issued such a certificate.

169.596. 1. Notwithstanding any other provision of this chapter to the contrary, a retired certificated teacher receiving a retirement benefit from the retirement system established pursuant to sections 169.010 to 169.141 may, without losing ~~[his or her]~~ **such teacher's** retirement benefit, ~~[teach]~~ **be employed** full time for up to ~~[two]~~ **four** years for a school district covered by such retirement system; provided that the school district has a shortage of certified teachers, as determined by the school district~~[-and provided that no such retired certificated teacher shall be employed as a superintendent. The total number of such retired certificated teachers shall not exceed, at any one time, the lesser of ten percent of the total teacher staff for that school district, or five certificated teachers].~~ **A retired certificated teacher receiving a retirement benefit from the retirement system established under**

11 sections 169.010 to 169.141 may be employed full time for up to two years as a
12 superintendent under this subsection only if such teacher meets the certification
13 requirements for a superintendent and such teacher has been retired for at least twelve
14 months prior to such employment unless such employment is immediately necessary due
15 to death, disability, or termination for cause of the superintendent who held the position
16 being filled.

17 2. Notwithstanding any other provision of this chapter to the contrary, a retired
18 certificated teacher with creditable service, as defined in section 169.010, as a
19 superintendent and who is receiving a retirement benefit from the retirement system
20 established under sections 169.010 to 169.141 may, without losing such teacher's
21 retirement benefit, be employed full-time for up to four years for a school district
22 covered by such retirement system if the school district has a shortage of certified
23 teachers as determined by the school district. A retired certificated teacher with
24 creditable service, as defined in section 169.010, as a superintendent and who is
25 receiving a retirement benefit from the retirement system established under sections
26 169.010 to 169.141 may be employed full-time for up to two years as a superintendent
27 under this subsection only if such teacher has been retired for at least twelve months
28 prior to such employment unless such employment is immediately necessary due to
29 death, disability, or termination for cause of the superintendent who held the position
30 being filled.

31 3. Notwithstanding any other provision of this chapter to the contrary, a person
32 receiving a retirement benefit from the retirement system established pursuant to sections
33 169.600 to 169.715 may, without losing ~~[his or her]~~ **such person's** retirement benefit, be
34 employed full time for up to ~~[two]~~ **four** years for a school district covered by such retirement
35 system; provided that the school district has a shortage of noncertificated employees, as
36 determined by the school district. ~~[The total number of such retired noncertificated~~
37 ~~employees shall not exceed, at any one time, the lesser of ten percent of the total~~
38 ~~noncertificated staff for that school district, or five employees.]~~

39 4. The total number of retired members working for a school district under
40 subsections 1 and 2 of this section shall not exceed, at any one time, the lesser of:

41 (1) Ten percent of the total number of employees for that district; or

42 (2) Ten employees.

43 ~~[3.]~~ 5. The employer's contribution rate shall be paid by the hiring school district.

44 ~~[4.]~~ 6. In order to hire ~~[teachers and noncertificated employees pursuant to]~~ **retired**
45 **members under** the provisions of this section, the school district shall:

46 (1) Show a good faith effort to fill positions with nonretired certificated teachers or
47 nonretired noncertificated employees;

- 48 (2) Post the vacancy for at least one month;
- 49 (3) Have not offered early retirement incentives for either of the previous two years;
- 50 (4) Solicit applications through the local newspaper, other media, or teacher
- 51 education programs;
- 52 (5) Determine there is an insufficient number of eligible applicants for the advertised
- 53 position; and
- 54 (6) Declare a critical shortage of certificated teachers or noncertificated employees
- 55 that is active for one year.
- 56 ~~[5:]~~ 7. Any person hired pursuant to this section shall be included in the State
- 57 Directory of New Hires for purposes of income and eligibility verification pursuant to 42
- 58 U.S.C. Section 1320b-7, **as amended**.

✓