

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 239

97TH GENERAL ASSEMBLY

Reported from the Committee on General Laws, March 28, 2013, with recommendation that the Senate Committee Substitute do pass.

1339S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 168.021, RSMo, and to enact in lieu thereof two new sections relating to elementary and secondary education.

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

Section A. Section 168.021, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 167.168 and 168.021, to read as
3 follows:

**167.168. 1. No school district shall require a student to use an
2 identification device that uses radio frequency identification
3 technology, or similar technology, to identify the student, transmit
4 information regarding the student, or monitor or track the location of
5 the student.**

**6 2. For purposes of this section, "radio frequency identification
7 technology" shall mean a wireless identification system that uses an
8 electromagnetic radio frequency signal to transmit data without
9 physical contact between a card, badge, or tag and another device.**

168.021. 1. Certificates of license to teach in the public schools of the
2 state shall be 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
7 board with advice from the advisory council established by section 168.015 to any
8 individual who presents to the state board a valid doctoral degree from an

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

9 accredited institution of higher education accredited by a regional accrediting
10 association such as North Central Association. Such certificate shall be limited
11 to the major area of postgraduate study of the holder, shall be issued only after
12 successful completion of the examination required for graduation pursuant to
13 rules adopted by the state board of education, and shall be restricted to those
14 certificates established pursuant to subdivision (1) of subsection 3 of this section;

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

20 (a) Recommendation of a state-approved baccalaureate-level teacher
21 preparation program;

22 (b) Successful attainment of the Missouri qualifying score on the exit
23 assessment for teachers or administrators designated by the state board of
24 education. Applicants who have not successfully achieved a qualifying score on
25 the designated examinations will be issued a two-year nonrenewable provisional
26 certificate; and

27 (c) Upon completion of a background check as prescribed in section
28 168.133 and possession of a valid teaching certificate in the state from which the
29 applicant's teacher preparation program was completed;

30 (4) By the state board, under rules prescribed by it, on the basis of a
31 relevant bachelor's degree, or higher degree, and a passing score for the
32 designated exit examination, for individuals whose academic degree and
33 professional experience are suitable to provide a basis for instruction solely in the
34 subject matter of banking or financial responsibility, at the discretion of the state
35 board. Such certificate shall be limited to the major area of study of the holder
36 and shall be restricted to those certificates established under subdivision (1) of
37 subsection 3 of this section. Holders of certificates granted under this subdivision
38 shall be exempt from the teacher tenure act under sections 168.102 to 168.130
39 and each school district shall have the decision-making authority on whether to
40 hire the holders of such certificates; or

41 (5) By the state board, under rules and regulations prescribed by it, on
42 the basis of certification by the American Board for Certification of Teacher
43 Excellence (ABCTE) and verification of ability to work with children as
44 demonstrated by sixty contact hours in any one of the following areas as validated

45 by the school principal: sixty contact hours in the classroom, of which at least
46 forty-five must be teaching; sixty contact hours as a substitute teacher, with at
47 least thirty consecutive hours in the same classroom; sixty contact hours of
48 teaching in a private school; or sixty contact hours of teaching as a
49 paraprofessional, for an initial four-year ABCTE certificate of license to teach,
50 except that such certificate shall not be granted for the areas of early childhood
51 education, elementary education, or special education. Upon the completion of
52 the requirements listed in paragraphs (a), (b), (c), and (d) of this subdivision, an
53 applicant shall be eligible to apply for a career continuous professional certificate
54 under subdivision (2) of subsection 3 of this section:

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

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

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

62 (d) Participate in a beginning teacher assistance program.

63 2. All valid teaching certificates issued pursuant to law or state board
64 policies and regulations prior to September 1, 1988, shall be exempt from the
65 professional development requirements of this section and shall continue in effect
66 until they expire, are revoked or suspended, as provided by law. When such
67 certificates are required to be renewed, the state board or its designee shall grant
68 to each holder of such a certificate the certificate most nearly equivalent to the
69 one so held. Anyone who holds, as of August 28, 2003, a valid PC-I, PC-II, or
70 continuous professional certificate shall, upon expiration of his or her current
71 certificate, be issued the appropriate level of certificate based upon the
72 classification system established pursuant to subsection 3 of this section.

73 3. Certificates of license to teach in the public schools of the state shall
74 be based upon minimum requirements prescribed by the state board of education
75 which shall include completion of a background check as prescribed in section
76 168.133. The state board shall provide for the following levels of professional
77 certification: an initial professional certificate and a career continuous
78 professional certificate.

79 (1) The initial professional certificate shall be issued upon completion of
80 requirements established by the state board of education and shall be valid based

81 upon verification of actual teaching within a specified time period established by
82 the state board of education. The state board shall require holders of the
83 four-year initial professional certificate to:

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

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

91 (c) Participate in a beginning teacher assistance program;

92 (2) (a) The career continuous professional certificate shall be issued upon
93 verification of completion of four years of teaching under the initial professional
94 certificate and upon verification of the completion of the requirements articulated
95 in paragraphs (a), (b), and (c) of subdivision (1) of this subsection or paragraphs
96 (a), (b), (c), and (d) of subdivision (5) of subsection 1 of this section.

97 (b) The career continuous professional certificate shall be continuous
98 based upon verification of actual employment in an educational position as
99 provided for in state board guidelines and completion of fifteen contact hours of
100 professional development per year which may include hours spent in class in an
101 appropriate college curriculum. Should the possessor of a valid career continuous
102 professional certificate fail, in any given year, to meet the fifteen-hour
103 professional development requirement, the possessor may, within two years, make
104 up the missing hours. In order to make up for missing hours, the possessor shall
105 first complete the fifteen-hour requirement for the current year and then may
106 count hours in excess of the current year requirement as make-up hours. Should
107 the possessor fail to make up the missing hours within two years, the certificate
108 shall become inactive. In order to reactivate the certificate, the possessor shall
109 complete twenty-four contact hours of professional development which may
110 include hours spent in the classroom in an appropriate college curriculum within
111 the six months prior to or after reactivating his or her certificate. The
112 requirements of this paragraph shall be monitored and verified by the local school
113 district which employs the holder of the career continuous professional certificate.

114 (c) A holder of a career continuous professional certificate shall be exempt
115 from the professional development contact hour requirements of paragraph (b) of
116 this subdivision if such teacher has a local professional development plan in place

- 117 within such teacher's school district and meets two of the three following criteria:
- 118 a. Has ten years of teaching experience as defined by the state board of
119 education;
- 120 b. Possesses a master's degree; or
- 121 c. Obtains a rigorous national certification as approved by the state board
122 of education.
- 123 4. Policies and procedures shall be established by which a teacher who
124 was not retained due to a reduction in force may retain the current level of
125 certification. There shall also be established policies and procedures allowing a
126 teacher who has not been employed in an educational position for three years or
127 more to reactivate his or her last level of certification by completing twenty-four
128 contact hours of professional development which may include hours spent in the
129 classroom in an appropriate college curriculum within the six months prior to or
130 after reactivating his or her certificate.
- 131 5. The state board shall, upon completion of a background check as
132 prescribed in section 168.133, issue a professional certificate classification in the
133 areas most closely aligned with an applicant's current areas of certification,
134 commensurate with the years of teaching experience of the applicant, to any
135 person who is hired to teach in a public school in this state and who possesses a
136 valid teaching certificate from another state or certification under subdivision (4)
137 of subsection 1 of this section, provided that the certificate holder shall annually
138 complete the state board's requirements for such level of certification, and shall
139 establish policies by which residents of states other than the state of Missouri
140 may be assessed a fee for a certificate license to teach in the public schools of
141 Missouri. Such fee shall be in an amount sufficient to recover any or all costs
142 associated with the issuing of a certificate of license to teach. The board shall
143 promulgate rules to authorize the issuance of a provisional certificate of license,
144 which shall allow the holder to assume classroom duties pending the completion
145 of a criminal background check under section 168.133, for any applicant who:
- 146 (1) Is the spouse of a member of the Armed Forces stationed in Missouri;
- 147 (2) Relocated from another state within one year of the date of
148 application;
- 149 (3) Underwent a criminal background check in order to be issued a
150 teaching certificate of license from another state; and
- 151 (4) Otherwise qualifies under this section.
- 152 6. The state board may assess to holders of an initial professional

153 certificate a fee, to be deposited into the excellence in education revolving fund
154 established pursuant to section 160.268, for the issuance of the career continuous
155 professional certificate. However, such fee shall not exceed the combined costs
156 of issuance and any criminal background check required as a condition of
157 issuance. Applicants for the initial ABCTE certificate shall be responsible for any
158 fees associated with the program leading to the issuance of the certificate, but
159 nothing in this section shall prohibit a district from developing a policy that
160 permits fee reimbursement.

161 7. Any member of the public school retirement system of Missouri who
162 entered covered employment with ten or more years of educational experience in
163 another state or states and held a certificate issued by another state and
164 subsequently worked in a school district covered by the public school retirement
165 system of Missouri for ten or more years who later became certificated in
166 Missouri shall have that certificate dated back to his or her original date of
167 employment in a Missouri public school.

168 8. The provisions of subdivision (5) of subsection 1 of this section, as well
169 as any other provision of this section relating to the American Board for
170 Certification of Teacher Excellence, shall terminate on August 28, [2014] **2020**.

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