

SENATE BILL NO. 265

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR ESLINGER.

0710S.02I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 167.903, 168.021, and 169.596, RSMo, and to enact in lieu thereof six new sections relating to workforce development in elementary and secondary education, with an effective date for certain sections.

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

Section A. Sections 167.903, 168.021, and 169.596, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 161.214, 167.903, 167.907, 167.908, 168.021, and 169.596, to read as follows:

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

(1) "Board", the state board of education;

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

(3) "School innovation team", a group of natural persons representing:

(a) A single elementary or secondary school;

(b) A group of two or more elementary or secondary schools within the same school district that share common interests, such as geographical location or educational focus, or that sequentially serve classes of students as they progress through elementary and secondary education;

(c) A group of two or more elementary or secondary schools not within the same school district that share common interests, such as geographical location or

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

17 educational focus, or that sequentially serve classes of
18 students as they progress through elementary and secondary
19 education;

20 (d) A single school district; or

21 (e) A group of two or more school districts that share
22 common interests, such as geographical location or
23 educational focus, or that sequentially serve classes of
24 students as they progress through elementary and secondary
25 education;

26 (4) "School innovation waiver", a waiver granted by
27 the board to a single school, group of schools, single
28 school district, or group of school districts pursuant to
29 this section, in which the school, group of schools, school
30 district, or group of school districts is exempt from a
31 specific requirement imposed by chapter 160, chapter 161,
32 chapter 162, chapter 167, chapter 170, or chapter 171, or
33 any regulations promulgated thereunder by the board or the
34 department. Any school innovation waiver granted to a
35 school district or group of school districts shall be
36 applicable to every elementary and secondary school within
37 the school district or group of school districts unless the
38 plan specifically provides otherwise.

39 2. Any school innovation team seeking a school
40 innovation waiver may submit a plan to the board for one or
41 more of the following purposes:

42 (1) Improving student readiness for employment, higher
43 education, vocational training, technical training, or any
44 other form of career and job training;

45 (2) Increasing the compensation of teachers; or

46 (3) Improving the recruitment, retention, training,
47 preparation, or professional development of teachers.

48 3. Any plan for a school innovation waiver shall:

49 (1) Identify the specific provision of law for which a
50 waiver is being requested and provide an explanation for why
51 the specific provision of law inhibits the ability of the
52 school or school district to accomplish the goal stated in
53 the plan;

54 (2) Demonstrate that the intent of the specific
55 provision of law can be addressed in a more effective,
56 efficient or economical manner and that the waiver or
57 modification is necessary to implement the plan;

58 (3) Include measurable annual performance targets and
59 goals for the implementation of the plan;

60 (4) Specify the innovations to be pursued in meeting
61 one or more of the goals listed in subsection 2 of this
62 section;

63 (5) Demonstrate parental, school employee, and
64 community and business support for, and engagement with, the
65 plan; and

66 (6) Be approved by at least the minimum number of
67 people required to be on the school innovation team prior to
68 submitting the plan for approval.

69 4. (1) In evaluating a plan submitted by a school
70 innovation team under subsection 2 of this section, the
71 board shall consider whether the plan will:

72 (a) Improve the preparation, counseling, and overall
73 readiness of students for postsecondary life;

74 (b) Increase teacher salaries in a financially
75 sustainable and prudent manner; or

76 (c) Increase the attractiveness of the teaching
77 profession for prospective teachers and active teachers
78 alike.

79 (2) The board may approve any plan submitted under
80 subsection 2 of this section if it determines that:

81 (a) The plan successfully demonstrates the ability to
82 address the intent of the provision of law to be waived in a
83 more effective, efficient or economical manner;

84 (b) The waivers or modifications are demonstrated to
85 be necessary to stimulate improved student readiness for
86 postsecondary life, increase teacher salaries, or increase
87 the attractiveness of the teaching profession for
88 prospective teachers and active teachers;

89 (c) The plan has demonstrated sufficient participation
90 from among the teachers, principals, superintendent,
91 faculty, school board, parents, and the community at large;
92 and

93 (d) The plan is based upon sound educational
94 practices, does not endanger the health and safety of
95 students or staff, and does not compromise equal opportunity
96 for learning.

97 (3) The board may propose modifications to the plan in
98 cooperation with the school innovation team.

99 5. Any waiver granted under this section shall be
100 effective for a period of no longer than three school years
101 beginning the school year following the school year in which
102 the waiver is approved. Any waiver may be renewed. No more
103 than one school innovation waiver shall be in effect with
104 respect to any one elementary or secondary school at one
105 time.

106 6. This section shall not be construed to allow the
107 state board of education to authorize the waiver of any
108 statutory requirements relating to teacher certification,
109 teacher tenure, or any requirement imposed by federal law.

110 7. The board may promulgate rules implementing the
111 provisions of this section. Any rule or portion of a rule,
112 as that term is defined in section 536.010, that is created

113 under the authority delegated in this section shall become
114 effective only if it complies with and is subject to all of
115 the provisions of chapter 536 and, if applicable, section
116 536.028. This section and chapter 536 are nonseverable and
117 if any of the powers vested with the general assembly
118 pursuant to chapter 536 to review, to delay the effective
119 date, or to disapprove and annul a rule are subsequently
120 held unconstitutional, then the grant of rulemaking
121 authority and any rule proposed or adopted after August 28,
122 2021, shall be invalid and void.

167.903. 1. Each student prior to his or her ninth
2 grade year at a public school, including a charter school,
3 [may] **shall** develop with help from the school's [guidance]
4 counselors [a personal plan of study] **an individual career**
5 **and academic plan**, which shall be reviewed [regularly, as
6 needed] **once per semester** by school personnel and the
7 student's parent or guardian and updated based upon the
8 needs of the student. Each plan shall present a sequence of
9 courses and experiences that conclude with the student
10 reaching his or her postsecondary goals, with implementation
11 of the plan [of study] transferring to the program of
12 postsecondary education or training upon the student's high
13 school graduation. The plan shall include, but not be
14 limited to:

- 15 (1) Requirements for graduation from the school
16 district or charter school;
- 17 (2) Career or postsecondary goals;
- 18 (3) Coursework or program of study related to career
19 and postsecondary goals, which shall include, if relevant,
20 opportunities that the district or school may not directly
21 offer;

22 (4) Grade-appropriate and career-related experiences,
23 as outlined in the grade-level expectations of the Missouri
24 comprehensive [guidance] program; and

25 (5) Student assessments, interest inventories, or
26 academic results needed to develop, review, and revise the
27 personal plan of study, which shall include, if relevant,
28 assessments, inventories, or academic results that the
29 school district or charter school may not offer.

30 2. Each school district shall adopt a policy to permit
31 the waiver of the requirements of this section for any
32 student with a disability if recommended by the student's
33 IEP committee. For purposes of this subsection, "IEP" means
34 individualized education program.

35 3. Each student prior to the completion of the second
36 semester of his or her twelfth grade year shall include, as
37 part of his or her individual career and academic plan, a
38 declaration as to his or her postsecondary plans, including,
39 but not limited to:

40 (1) Confirming employment upon graduation;

41 (2) Acceptance to an institution of higher education,
42 whether a two-year institution or a four-year institution;

43 (3) Acceptance to participate in a vocational,
44 technical, or other training program designed to prepare the
45 student for employment; or

46 (4) Commitment to enlist in the armed forces.

167.907. 1. No pupil shall receive a certificate of
2 graduation from any public or private school unless he or
3 she has completed and submitted the Free Application for
4 Federal Student Aid, as maintained by the United States
5 Department of Education.

6 2. A student shall be exempt from the requirement to
7 complete or submit the Free Application for Federal Student

8 Aid under subsection 1 of this section if such student
9 submits to the student's school:

10 (1) Written confirmation of a commitment to enlist in
11 the armed forces; or

12 (2) A written document or form, signed by the
13 student's parent or guardian, attesting that he or she
14 understands what the application is and has chosen not to
15 file such application.

167.908. The department of higher education and
2 workforce development shall, by rule, establish a procedure
3 for providing the means and capability for high school
4 students enrolled in career and technical education programs
5 described under section 170.029 to complete an application
6 for aid through the United States Department of Labor,
7 Employment and Training Administration pursuant to the
8 federal Workforce Innovation and Opportunity Act. The
9 department shall work with school districts that deliver
10 career and technical education programs to educate students
11 on the value of the aid that is available to them through
12 the federal Workforce Innovation and Opportunity Act. The
13 department shall also meet the following thresholds:

14 (1) For the 2021-2022 school year, the department
15 shall ensure that fifty percent of all department of
16 elementary and secondary education area career centers that
17 deliver career and technical education programs have the
18 means and capability for students at such schools to
19 complete an application for aid through the United States
20 Department of Labor, Employment and Training Administration
21 pursuant to the federal Workforce Innovation and Opportunity
22 Act.

23 (2) For the 2022-2023 school year, the department
24 shall ensure that seventy percent of all department of

25 elementary and secondary education area career centers that
26 deliver career and technical education programs have the
27 means and capability for students at such schools to
28 complete an application for aid through the United States
29 Department of Labor, Employment and Training Administration
30 pursuant to the federal Workforce Innovation and Opportunity
31 Act.

32 (3) For the 2023-2024 school year, the department
33 shall ensure that ninety percent of all department of
34 elementary and secondary education area career centers that
35 deliver career and technical education programs have the
36 means and capability for students at such schools to
37 complete an application for aid through the United States
38 Department of Labor, Employment and Training Administration
39 pursuant to the federal Workforce Innovation and Opportunity
40 Act.

41 (4) For the 2024-2025 school year and every school
42 year thereafter, the department shall ensure that one
43 hundred percent of all department of elementary and
44 secondary education area career centers that deliver career
45 and technical education programs have the means and
46 capability for students at such schools to complete an
47 application for aid through the United States Department of
48 Labor, Employment and Training Administration pursuant to
49 the federal Workforce Innovation and Opportunity Act.

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

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

5 (a) Upon the basis of college credit;

6 (b) Upon the basis of examination;

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

20 (3) By the state board, which shall issue the
21 professional certificate classification in both the general
22 and specialized areas most closely aligned with the current
23 areas of certification approved by the state board,
24 commensurate with the years of teaching experience of the
25 applicant, and based upon the following criteria:

26 (a) Recommendation of a state-approved baccalaureate-
27 level teacher preparation program;

28 (b) Successful attainment of the Missouri qualifying
29 score on the exit assessment for teachers or administrators
30 designated by the state board of education. Applicants who
31 have not successfully achieved a qualifying score on the
32 designated examinations will be issued a two-year
33 nonrenewable provisional certificate; and

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

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

53 (5) By the state board, under rules and regulations
54 prescribed by it, on the basis of certification by the
55 American Board for Certification of Teacher Excellence
56 (ABCTE) and verification of ability to work with children as
57 demonstrated by sixty contact hours in any one of the
58 following areas as validated by the school principal: sixty
59 contact hours in the classroom, of which at least forty-five
60 must be teaching; sixty contact hours as a substitute
61 teacher, with at least thirty consecutive hours in the same
62 classroom; sixty contact hours of teaching in a private
63 school; or sixty contact hours of teaching as a
64 paraprofessional, for an initial four-year ABCTE certificate
65 of license to teach, except that such certificate shall not
66 be granted for the areas of early childhood education, or
67 special education. For certification in the area of
68 elementary education, ninety contact hours in the classroom
69 shall be required, of which at least thirty shall be in an

70 elementary classroom. Upon the completion of the
71 requirements listed in paragraphs (a), (b), (c), and (d) of
72 this subdivision, an applicant shall be eligible to apply
73 for a career continuous professional certificate under
74 subdivision (3) of subsection 3 of this section:

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

78 (b) Validated completion of two years of the mentoring
79 program of the American Board for Certification of Teacher
80 Excellence or a district mentoring program approved by the
81 state board of education;

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

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

86 (6) By the state board, under rules and regulations
87 prescribed by it, which shall issue an initial visiting
88 scholars certificate at the discretion of the board, based
89 on the following criteria:

90 (a) Verification from the hiring school district that
91 the applicant will be employed [as part of a business-
92 education partnership initiative designed] to build career
93 pathways systems for students in a grade or grades not lower
94 than the ninth grade for which the applicant's academic
95 degree or professional experience qualifies him or her;

96 (b) Appropriate and relevant bachelor's degree or
97 higher, occupational license, or industry-recognized
98 credential;

99 (c) Completion of the application for a one-year
100 visiting scholars certificate; and

101 (d) Completion of a background check as prescribed
102 under section 168.133.

103 The initial visiting scholars certificate shall certify the
104 holder of such certificate to teach for one year. An
105 applicant shall be eligible to renew an initial visiting
106 scholars certificate a maximum of two times, based upon the
107 completion of the requirements listed under paragraphs (a),
108 (b), and (d) of this subdivision; completion of professional
109 development required by the school district and school; and
110 attainment of a satisfactory performance-based teacher
111 evaluation.

112 2. All valid teaching certificates issued pursuant to
113 law or state board policies and regulations prior to
114 September 1, 1988, shall be exempt from the professional
115 development requirements of this section and shall continue
116 in effect until they expire, are revoked or suspended, as
117 provided by law. When such certificates are required to be
118 renewed, the state board or its designee shall grant to each
119 holder of such a certificate the certificate most nearly
120 equivalent to the one so held. Anyone who holds, as of
121 August 28, 2003, a valid PC-I, PC-II, or continuous
122 professional certificate shall, upon expiration of his or
123 her current certificate, be issued the appropriate level of
124 certificate based upon the classification system established
125 pursuant to subsection 3 of this section.

126 3. (1) Certificates of license to teach in the public
127 schools of the state shall be based upon minimum
128 requirements prescribed by the state board of education
129 which shall include completion of a background check as
130 prescribed in section 168.133. The state board shall
131 provide for the following levels of professional

132 certification: an initial professional certificate and a
133 career continuous professional certificate.

134 (2) The initial professional certificate shall be
135 issued upon completion of requirements established by the
136 state board of education and shall be valid based upon
137 verification of actual teaching within a specified time
138 period established by the state board of education. The
139 state board shall require holders of the four-year initial
140 professional certificate to:

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

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

150 (c) Participate in a beginning teacher assistance
151 program.

152 (3) (a) The career continuous professional
153 certificate shall be issued upon verification of completion
154 of four years of teaching under the initial professional
155 certificate and upon verification of the completion of the
156 requirements articulated in paragraphs (a), (b), and (c) of
157 subdivision (2) of this subsection or paragraphs (a), (b),
158 (c), and (d) of subdivision (5) of subsection 1 of this
159 section.

160 (b) The career continuous professional certificate
161 shall be continuous based upon verification of actual
162 employment in an educational position as provided for in
163 state board guidelines and completion of fifteen contact

164 hours of professional development per year which may include
165 hours spent in class in an appropriate college curriculum.
166 Should the possessor of a valid career continuous
167 professional certificate fail, in any given year, to meet
168 the fifteen-hour professional development requirement, the
169 possessor may, within two years, make up the missing hours.
170 In order to make up for missing hours, the possessor shall
171 first complete the fifteen-hour requirement for the current
172 year and then may count hours in excess of the current year
173 requirement as make-up hours. Should the possessor fail to
174 make up the missing hours within two years, the certificate
175 shall become inactive. In order to reactivate the
176 certificate, the possessor shall complete twenty-four
177 contact hours of professional development which may include
178 hours spent in the classroom in an appropriate college
179 curriculum within the six months prior to or after
180 reactivating his or her certificate. The requirements of
181 this paragraph shall be monitored and verified by the local
182 school district which employs the holder of the career
183 continuous professional certificate.

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

190 a. Has ten years of teaching experience as defined by
191 the state board of education;

192 b. Possesses a master's degree; or

193 c. Obtains a rigorous national certification as
194 approved by the state board of education.

195 4. Policies and procedures shall be established by
196 which a teacher who was not retained due to a reduction in
197 force may retain the current level of certification. There
198 shall also be established policies and procedures allowing a
199 teacher who has not been employed in an educational position
200 for three years or more to reactivate his or her last level
201 of certification by completing twenty-four contact hours of
202 professional development which may include hours spent in
203 the classroom in an appropriate college curriculum within
204 the six months prior to or after reactivating his or her
205 certificate.

206 5. The state board shall, upon completion of a
207 background check as prescribed in section 168.133, issue a
208 professional certificate classification in the areas most
209 closely aligned with an applicant's current areas of
210 certification, commensurate with the years of teaching
211 experience of the applicant, to any person who is hired to
212 teach in a public school in this state and who possesses a
213 valid teaching certificate from another state or
214 certification under subdivision (4) of subsection 1 of this
215 section, provided that the certificate holder shall annually
216 complete the state board's requirements for such level of
217 certification, and shall establish policies by which
218 residents of states other than the state of Missouri may be
219 assessed a fee for a certificate of license to teach in the
220 public schools of Missouri. Such fee shall be in an amount
221 sufficient to recover any or all costs associated with the
222 issuing of a certificate of license to teach. The board
223 shall promulgate rules to authorize the issuance of a
224 provisional certificate of license, which shall be valid for
225 three years and shall allow the holder to assume classroom

226 duties pending the completion of a criminal background check
227 under section 168.133, for any applicant who:

228 (1) Is the spouse of a member of the Armed Forces
229 stationed in Missouri;

230 (2) Relocated from another state within one year of
231 the date of application;

232 (3) Underwent a criminal background check in order to
233 be issued a teaching certificate of license from another
234 state; and

235 (4) Otherwise qualifies under this section.

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

248 7. Any member of the public school retirement system
249 of Missouri who entered covered employment with ten or more
250 years of educational experience in another state or states
251 and held a certificate issued by another state and
252 subsequently worked in a school district covered by the
253 public school retirement system of Missouri for ten or more
254 years who later became certificated in Missouri shall have
255 that certificate dated back to his or her original date of
256 employment in a Missouri public school.

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

169.596. 1. Notwithstanding any other provision of
2 this chapter to the contrary, a retired certificated teacher
3 receiving a retirement benefit from the retirement system
4 established pursuant to sections 169.010 to 169.141 may,
5 without losing his or her retirement benefit, **[teach] be**
6 **employed** full time for up to **[two] four** years for a school
7 district covered by such retirement system; provided that
8 the school district has a shortage of certified teachers, as
9 determined by the school district[, and provided that no
10 such retired certificated teacher shall be employed as a
11 superintendent. The total number of such retired
12 certificated teachers shall not exceed, at any one time, the
13 lesser of ten percent of the total teacher staff for that
14 school district, or five certificated teachers]. **A retired**
15 **certificated teacher receiving a retirement benefit from the**
16 **retirement system established pursuant to sections 169.010**
17 **to 169.141 may only be employed as a superintendent under**
18 **this subsection if he or she has been retired for at least**

19 **twelve months prior to such employment, unless such**
20 **employment is immediately necessary due to death,**
21 **disability, or termination for cause of the superintendent**
22 **who held the position being filled.**

23 2. Notwithstanding any other provision of this chapter
24 to the contrary, a person receiving a retirement benefit
25 from the retirement system established pursuant to sections
26 169.600 to 169.715 may, without losing his or her retirement
27 benefit, be employed full time for up to ~~[two]~~ **four** years
28 for a school district covered by such retirement system;
29 provided that the school district has a shortage of
30 noncertificated employees, as determined by the school
31 district. [The total number of such retired noncertificated
32 employees shall not exceed, at any one time, the lesser of
33 ten percent of the total noncertificated staff for that
34 school district, or five employees.]

35 3. **The total number of retired members working for a**
36 **school district under subsections 1 and 2 of this section**
37 **shall not exceed, at any one time, the lesser of ten percent**
38 **of the total number of employees for that district or ten**
39 **employees.**

40 4. The employer's contribution rate shall be paid by
41 the hiring school district.

42 [4.] 5. In order to hire teachers and noncertificated
43 employees pursuant to the provisions of this section, the
44 school district shall:

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

48 (2) Post the vacancy for at least one month;

49 (3) Have not offered early retirement incentives for
50 either of the previous two years;

51 (4) Solicit applications through the local newspaper,
52 other media, or teacher education programs;

53 (5) Determine there is an insufficient number of
54 eligible applicants for the advertised position; and

55 (6) Declare a critical shortage of certificated
56 teachers or noncertificated employees that is active for one
57 year.

58 **[5.] 6.** Any person hired pursuant to this section
59 shall be included in the State Directory of New Hires for
60 purposes of income and eligibility verification pursuant to
61 42 U.S.C. Section 1320b-7.

 Section B. The enactment of section 167.907 and the
2 repeal and reenactment of section 167.903 of this act shall
3 become effective on August 28, 2022.

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