

48TH ANNUAL COOPERATIVE
CONFERENCE FOR SCHOOL
ADMINISTRATORS -
2009 LEGISLATION UPDATE

August 2-4, 2009

HOUSE BILLS



HB236 – Kaitlyn's Law

- Requires school districts to establish a policy and adopt procedures that allow students with disabilities who have completed four years of high school to participate in graduation activities.
- Written notice of the policy and procedures must be given to students with disabilities and their parent or guardian.
- Contains an emergency clause.
- Signed by the Governor on May 14, 2009.

HB265 – Public School Retirement System

- Allows PSRS/PEERS to commingle funds for investment purposes.
- Allows PSRS/PEERS to indemnify system boards and employees for legal liability.
- Restricts, beginning July 1, 2010, additional non-profit educational employees from becoming members.
- Makes other technical amendments.
- Signed by the Governor on July 13, 2009.

HB289 – Special Education Due Process

- Removes the exception for expedited hearings and makes the five-day notice applicable to all special education due process hearings.
- Provides that responsible public agencies (i.e. school districts) must designate someone who has authority to bind the district to sign settlement agreements resulting from a resolution session.
- Signed by the Governor on July 9, 2009.

HB490 – A+ Schools

- Corrects a drafting error in legislation adopted last year that disqualified some public vocational and technical schools from participating in the A+ Schools Program.
- Clarifies that certain requirements are applicable only to private schools and not to public vocational or technical schools.
- Signed by the Governor on July 9, 2009.

HB506 – METS Week

- Requires the Governor to issue an annual proclamation designating the first week of March as "Math, Engineering, Technology and Science (METS) Week."
- Recommends that the week be observed with appropriate activities in public schools.
- Signed by the Governor on June 24, 2009.

HB682 – School Make-up Days Due to Inclement Weather

- Allows an exception for the 2008-2009 school year by requiring schools to make up half of the additional lost or canceled days up to a total of 10 full make-up days.
- Contains an emergency clause
- Signed by the Governor on May 14, 2009.

HB922 – Allergy Prevention

- Requires districts to adopt a policy on allergy prevention and response by July 1, 2011, with a focus on potentially deadly food-borne allergies.
- Specifies the contents of the policy.
- DESE to develop a model policy by July 1, 2010.
- Signed by the Governor on July 8, 2009.

SENATE BILLS



SB232 – Discrimination

- Prohibits municipal fire departments, municipal police departments, state agencies, state departments, and political subdivisions from discriminating in employment practices based on an individual's elementary or secondary education program, provided that the program is permitted under Missouri law.
- Employers may require individuals to have other abilities or skills applicable to their position.
- Signed by the Governor on July 9, 2009.

SB291

Omnibus Education Legislation

NEW PROGRAMS



Missouri Senior Cadets Program

- Missouri Senior Cadets Program is created to allow twelfth graders in public school to mentor students grades K-8.
- Participating students who attend a Missouri public college or university will be reimbursed for up to three credit hours per semester for up to four years, subject to appropriations.
- DESE to adopt standards for school districts and mentors participating in the program

Persistence to Graduation Fund

- ❑ Creates the Persistence to Graduation Fund.
- ❑ DESE to distribute grants to implement drop-out prevention strategies.
- ❑ Grants may be available to school districts that have at least sixty percent of students eligible for a free and reduced lunch.
- ❑ Preference given to districts that propose a holistic approach to drop-out prevention.
- ❑ DESE must report annually to the General Assembly the recipients and amount of grants and data for the preceding five years for each recipient district.

Volunteerism Program

- ❑ Creates the Volunteer and Parents Incentive Program, to be implemented and administered by DESE.
- ❑ Provides a reimbursement to parents or volunteers who donate time at certain schools.
- ❑ Subject to appropriation, for every one hundred hours donated by a volunteer or parent, DESE will provide a reimbursement for the cost of three credit hours at a Missouri public institution of higher learning.
- ❑ The reimbursement cannot exceed \$500 every two years.

Missouri Preschool Plus

- ❑ Creates the Missouri Preschool Plus Grant Program as a pilot program within the Missouri Preschool Project.
- ❑ School districts that are classified as unaccredited and non-sectarian community-based organizations located within those school districts may receive grants.
- ❑ Grants run for three years and are renewable.
- ❑ Children who are one or two years away from kindergarten entry may participate in the program. Children of active duty military personnel will receive admission preference.

Teacher Compensation

- Creates the "Teacher Choice Compensation Package" for the St. Louis City School District to permit performance-based salary stipends, upon the decision of a teacher, to reward teachers for objectively demonstrated superior performance.
- Creates the Teacher Choice Compensation Fund in the State Treasury.
- The General Assembly must annually appropriate \$5 million to the fund.
- DESE will also develop criteria for determining eligibility for stipend increments

STUDIES



Study of Open Enrollment

- The Joint Committee on Education must study the issue of open enrollment of public school students across school district boundary lines.
- Input to be solicited from any state agencies, school districts, political subdivisions of this state, teachers, and the general public.
- The joint committee shall prepare a final report to be submitted to the general assembly by December 31, 2009.

Study of Instructional Goals

- The Commissioner of Education is required to study and evaluate the progress, or lack thereof, in achieving instructional goals, and make these findings available by free public electronic media.
- Records and reports based upon the school reports must be made available by free electronic record on the DESE's website on the first business day of each month.

Charter Schools

- Establishes standards for sponsors of charter schools to be eligible for funding.
- Gives charter sponsors greater latitude on taking remedial action against charters.
- Charters are allowed to maintain an insurance policy rather a surety bond against employee theft.
- Charter study to be conducted by the Joint Committee on Education. (Sections 160.400, 160.405, 160.410)

Kansas City School District



- The Joint Committee on Education must study the issue of governance in the Kansas City School District during the legislative interim through December 31, 2009.
- The Joint Committee must prepare a report and submit it to the General Assembly with any recommendations for legislative action.

GOVERNANCE



General Election Day

- Provides that the first Tuesday after the first Monday in November 2009 will be a general election day for the purpose of allowing school districts to incur debt.
- Mo. Constitution Art. VI, Sect. 26(b) - Majority required for incurring debt is 4/7's on general elections days.

Lapsed School Districts

- Allows the State Board of Education to appoint additional members to the Special Administrative Board governing a lapsed school district.
- The State Board of Education may set a final term of office for any special administrative board member, after which a successor member must be elected by the school district as described in the act.

School District Boundary Lines

- Defines significant difference in the time involved in transporting students as a difference of forty-five minutes or more per trip in travel time.
- Repeals the requirement that a board of arbitration approve a boundary change if the potential receiving district has obtained a score consistent with "accredited" on its most recent annual performance report and the potential sending district has obtained a score consistent with "unaccredited" on its most recent annual performance report.

Four-Day School Week

- Allows districts to establish a four-day school week by resolution of the local board of education to include 142 days and 1044 hours of pupil attendance.
- A school district that adopts a four-day school week and subsequently meets at least two or fewer performance standards on its annual performance report over a two year period must revert to a five-day school week until performance improves.
- Make-up days must be held if to ensure a minimum of 142 days and a minimum of 1044 hours of school attendance. School districts that adopt a four-day school week may schedule make-up days on Friday.

School Make-up Days



- Creates an exception for the 2008-2009 school year and subsequent school years. School districts may only have to make up a total of ten school days.

School District Records

- Allows school districts to maintain permanent records in a digital or electronic format.
- School districts must follow the manufacturer's guidelines, suggestions, and recommendations when using digital or electronic storage media and must not use them beyond the manufacturer suggested or recommended period of time.

Employee Background Checks

- An employee background check and fingerprint record is good for one year and transferable from district to district or to a private or parochial school.
- A teacher's change in certification will not affect the transferability of records.

STUDENTS



School Flex Program

- Program for eligible eleventh and twelfth grade students intended to promote graduation. Allows enrollment in college, technical training or employment aligned with the student's academic plan.
- Districts report to DESE annually. DESE to report to the Joint Committee on Education.

School Flex Program

- Modifies compulsory attendance, except for the St. Louis, by raising the compulsory age to 17 or the successful completion 16 credits..
- Completed credit toward graduation is defined as one hundred hours or more of instruction in a course.
- Home school education enforcement and records are subject to the review of the local prosecuting attorney.

Seclusion Rooms

- Requires school district discipline policies to prohibit confining a student in an unattended, locked space, except for an emergency situation while awaiting the arrival of law enforcement personnel.
- Districts must adopt a written policy on the use of restrictive behavioral interventions by July 1, 2011.
- DESE must develop a model policy by July 1, 2010 in cooperation with associations, organizations, agencies, and individuals with specialized expertise in behavior management.

Parent's Bill of Rights

- DESE to produce "The Parents' Bill of Rights," to inform parents of children with an IEP of their educational rights under federal and state law by January 1, 2010.
- DESE ensure that the content is consistent with legal interpretations of existing federal and state law and provides equitable treatment of all disability groups and interests.
- DESE must post a copy of it on its website.
- Districts to distribute a copy upon determining that a student qualifies for an individualized education program and at any such time as a school district is required under state or federal law to provide the parent or parents with notice of procedural safeguards.

Foster Care Education Bill of Rights

- Districts must designate an educational liaison for foster care children.
- Mandates procedures to: promote educational stability for foster care children, insure credit for satisfactory work completed by foster children; insure accommodation by schools of absences caused by child placement proceedings; allow timely transfer of school records; and insure access of foster children to educational services.
- The Commissioner of Education to act as an ombudsman For children placed for treatment in residential care facilities by the DSS

Hospitalized Students

- Adds children who temporarily reside in a children's hospital for rendering health care services to children under the age of eighteen for more than three days to the children for whom a school district or special school district is responsible for making payments for services to a serving school district,

Physical Activity Requirements

- Elementary students must participate in moderate physical activity, for the entire school year for an average of 150 minutes per week, or thirty minutes per day. One recess of twenty minutes per day must be provided, which may be incorporated into the lunch period.
- Middle school students may participate in at least 225 minutes of physical activity per week.
- Students with disabilities must participate to the extent appropriate.
- The Commissioner of Education to recognize students, schools, and school districts who have achieved improvement in fitness.
- Programs must be in place by the 2010-2011 school year.

INSTRUCTION



Teaching Standards

- Each public school, or charter school operated by a school district, must develop standards for teaching by June 30, 2010.
- The Department of Elementary and Secondary Education may provide assistance to public schools in developing these standards upon request.

Virtual Courses

- Authorizes school districts that offer virtual courses to resident students who are enrolled in the school district shall receive state school funding.
- School districts may develop a virtual program for any grade level.
- Charter schools may also offer virtual courses and receive state funding.

Teacher Certification

- Authorizes certification in banking and financial responsibility.
- Individuals must have a bachelor's degree or higher degree and professional experience suitable to provide a basis to teach in such areas, and must pass an exit examination.
- Certificate-holder is exempt from the Teacher Tenure Act.
- If the holder of such a certificate is employed less than full-time, professional development requirement is prorated.

Supplemental Educational Services

- Equipment and educational materials necessary for participation in supplemental educational services programming will not be deemed an incentive for purposes of compliance with DESE rules and regulations for supplemental educational services provider certification. |
- DESE may not prohibit providers from allowing students to retain equipment, including computers, used by them upon successful completion of supplemental and educational services.

SPECIFIC LEGISLATION



P-20 Council

- Allows the Governor to establish the "P-20 Council" as a private-not-for profit corporation on behalf of the state.
- The stated purpose of the P-20 Council will be to create a more efficient and effective education system to more adequately prepare students for entering the workforce and will be reflected in the articles of incorporation and bylaws.

SBE Records and Meetings

- The State Board of Education must provide seven days' written notice to members of board meetings.
- Changes from four, to three, the number of members needed to request a meeting of the board.
- Board material must be made available by free electronic record at least seven business days prior to any meeting.
- All records of decision, votes, exhibits, or outcomes must be available by free electronic media within forty-eight hours of the conclusion of a meeting.
- Materials prepared for the board must be delivered at least five days before the meeting.

Blue Springs School District

- Authorizes the Blue Springs school board to commission school officers to enforce laws relating to crimes committed on school premises, at school activities, and on school buses as described in the act.
- All school officers must be licensed peace officers.
- School officers must abide by school board policies and coordinate with the superintendent, or the superintendent's designee.

Kansas City Board of Education

- A vacancy that occurs on the school board of the Kansas City School District will be filled by special election instead of by appointment by board members.
- There will be a special election if a vacancy occurs more than six months prior to the next general municipal election.
- The State Board of Education is responsible for ordering a special election when a vacancy occurs.
- If a vacancy occurs less than six months prior to the next general municipal election, the vacancy will be filled at the next general municipal election.

St. Louis City - Tenure

- Current law provides that non-certified employees in the St. Louis City School District may earn tenure protection. This act eliminates tenure protection for employees hired after August 28, 2009.

North Kansas City Agreement

- Authorizes any school board to enter into an agreement with the county in which the school district is located, or a city, town, or village that is wholly or partially located within the boundaries of the school district to acquire, construct, improve, extend, repair, remodel, or finance sites, buildings, facilities, furnishings, and equipment for the school district's educational purposes.
- The agreement may provide for the present or future acquisition of an ownership in the facilities, including joint ventures.

SB 291 – EDUCATION FUNDING



SB291 – Education Funding



State Adequacy Target Calculation

- Removes the inclusion of the gaming revenues from the repeal of the loss limits. July 1, 2009.
- Removes the 5% limitation in the recalculation. July 1, 2010.

SB291 – Education Funding



Classroom Trust Fund - Beginning July 1, 2010.

- Additional gaming moneys will be deposited in the Classroom Trust Fund and distributed per prior year ADA through the Basic Formula
- Amount of CTF received in excess of FY10 must be placed in the Incidental or Teachers Funds.

SB291 – Education Funding

- Eliminates, after the 2008-09 school year, the state aid deduction when the summer school ADA decreases more than 35% of the 2005 summer school ADA. July 1, 2009.
- Modifies definition of “special education pupil count” to include the number of public school students with a current Individualized Service Plan (ISP). July 1, 2009.

SB291 – Education Funding



- Repeals Schools First Elementary and Secondary Education Improvement Fund on July 1, 2010.

SB291 – Education Funding



- Requires DESE to recalculate state aid for the Riverview Gardens School District for 2006-07 forward.
- Additional funding due the district for FY07 – FY10 will be distributed in equal amounts in FY10 – FY13.