

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 1611

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SWAN.

4806H.01P

D. ADAM CRUMBLISS, ChiefClerk

AN ACT

To repeal sections 160.011, 160.041, 160.775, 167.225, 167.265, 168.303, 168.500, 168.520, 171.031, 171.033, and 192.915, RSMo, and to enact in lieu thereof eighteen new sections relating to elementary and secondary education.

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

Section A. Sections 160.011, 160.041, 160.775, 167.225, 167.265, 168.303, 168.500, 2 168.520, 171.031, 171.033, and 192.915, RSMo, are repealed and eighteen new sections enacted 3 in lieu thereof, to be known as sections 160.011, 160.041, 160.440, 160.775, 161.1005, 167.225, 4 167.265, 167.266, 167.267, 168.303, 168.500, 168.520, 170.047, 170.048, 171.031, 171.033, 5 192.915, and 633.420, to read as follows:

160.011. As used in chapters 160, 161, 162, 163, 164, 165, 167, 168, 170, 171, 177 and 2 178, the following terms mean:

3 (1) "District" or "school district", when used alone, may include seven-director, urban, 4 and metropolitan school districts;

5 (2) "Elementary school", a public school giving instruction in a grade or grades not 6 higher than the eighth grade;

7 (3) "Family literacy programs", services of sufficient intensity in terms of hours, and of 8 sufficient duration, to make sustainable changes in families that include:

9 (a) Interactive literacy activities between parents and their children;

10 (b) Training of parents regarding how to be the primary teacher of their children and full 11 partners in the education of their children;

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.

12 (c) Parent literacy training that leads to high school completion and economic self
13 sufficiency; and

14 (d) An age-appropriate education to prepare children of all ages for success in school;

15 (4) "Graduation rate", the quotient of the number of graduates in the current year as of
16 June thirtieth divided by the sum of the number of graduates in the current year as of June
17 thirtieth plus the number of twelfth graders who dropped out in the current year plus the number
18 of eleventh graders who dropped out in the preceding year plus the number of tenth graders who
19 dropped out in the second preceding year plus the number of ninth graders who dropped out in
20 the third preceding year;

21 (5) "High school", a public school giving instruction in a grade or grades not lower than
22 the ninth nor higher than the twelfth grade;

23 (6) "Metropolitan school district", any school district the boundaries of which are
24 coterminous with the limits of any city which is not within a county;

25 (7) "Public school" includes all elementary and high schools operated at public expense;

26 (8) "School board", the board of education having general control of the property and
27 affairs of any school district;

28 (9) "School term", a minimum of one hundred seventy-four school days, as that term is
29 defined in section 160.041, for schools with a five-day school week or a minimum of one
30 hundred forty-two school days, as that term is defined in section 160.041, for schools with a
31 four-day school week, and one thousand forty-four hours of actual pupil attendance as scheduled
32 by the board pursuant to section 171.031 during a twelve-month period in which the academic
33 instruction of pupils is actually and regularly carried on for a group of students in the public
34 schools of any school district. **In the school year 2017-18 and subsequent years, one
35 thousand forty-four hours of actual pupil attendance shall be required with no minimum
36 number of school days required.** A school term may be within a school year or may consist
37 of parts of two consecutive school years, but does not include summer school. A district may
38 choose to operate two or more terms for different groups of children. A school term for students
39 participating in a school flex program as established in section 160.539 may consist of a
40 combination of actual pupil attendance and attendance at college or technical career education
41 or approved employment aligned with the student's career academic plan for a total of [one
42 thousand forty-four] **the required number of hours as provided in this subdivision;**

43 (10) "Secretary", the secretary of the board of a school district;

44 (11) "Seven-director district", any school district which has seven directors and includes
45 urban districts regardless of the number of directors an urban district may have unless otherwise
46 provided by law;

47 (12) "Taxpayer", any individual who has paid taxes to the state or any subdivision
48 thereof within the immediately preceding twelve-month period or the spouse of such individual;

49 (13) "Town", any town or village, whether or not incorporated, the plat of which has
50 been filed in the office of the recorder of deeds of the county in which it is situated;

51 (14) "Urban school district", any district which includes more than half of the population
52 or land area of any city which has not less than seventy thousand inhabitants, other than a city
53 which is not within a county.

160.041. 1. The "minimum school day" consists of three hours for schools with a five-
2 day school week or four hours for schools with a four-day school week in which the pupils are
3 under the guidance and direction of teachers in the teaching process. A "school month" consists
4 of four weeks of five days each for schools with a five-day school week or four weeks of four
5 days each for schools with a four-day school week. **In the school year 2017-18 and subsequent**
6 **years, no minimum number of school days shall be required, and each school district shall**
7 **define, for itself, the term "school day" or "minimum school day"**. The "school year"
8 commences on the first day of July and ends on the thirtieth day of June following.

9 2. Notwithstanding the provisions of subsection 1 of this section, the commissioner of
10 education is authorized to reduce the required number of hours [and] **or** days in which the pupils
11 are under the guidance and direction of teachers in the teaching process if:

12 (1) There is damage to or destruction of a public school facility which requires the dual
13 utilization of another school facility; or

14 (2) Flooding or other inclement weather as defined in subsection 1 of section 171.033
15 prevents students from attending the public school facility.

16

17 Such reduction shall not extend beyond two calendar years in duration.

160.440. 1. For purposes of this section, "magnet school" means a school with
2 **specialized curricula that draws its student body from geographic areas outside the**
3 **attendance zone of such school but within the attendance zone of the school district in**
4 **which such school is located.**

5 **2. Notwithstanding any other provision of law, a school district may convert any**
6 **school within its district into a magnet school. Any student who lives within the attendance**
7 **zone of the school district may attend such magnet school, subject to the provisions of**
8 **subsection 3 of this section.**

9 **3. If capacity is insufficient to enroll all students who seek admission to the magnet**
10 **school, the magnet school shall have an admissions process that assures that all students**
11 **who seek admission have an equal chance of gaining admission, except that the magnet**

12 school may give a preference for admission of students who submit an application for
13 admission before a certain date.

14 4. A school district shall not be required to provide transportation to any student
15 attending a magnet school who lives outside the attendance zone of such school but within
16 the attendance zone of the school district.

17 5. This section shall not apply to any admission of a student into a magnet school
18 before July 1, 2017.

160.775. 1. Every district shall adopt an antibullying policy by September 1, 2007.

2 2. "Bullying" means intimidation, **unwanted aggressive behavior**, or harassment that
3 causes a [reasonable] student to fear for his or her physical safety or property; **substantially**
4 **interferes with the educational performance, opportunities, or benefits of any student**
5 **without exception; or substantially disrupts the orderly operation of the school.** Bullying
6 may consist of, **but is not limited to**, physical actions, including gestures, or oral, cyberbullying,
7 electronic, or written communication, and any threat of retaliation for reporting of such acts.
8 **Bullying of students is prohibited on school property, at any school function, or on a school**
9 **bus. "Cyberbullying" means bullying as defined in this subsection through the**
10 **transmission of a communication including, but not limited to, a message, text, sound, or**
11 **image by means of an electronic device including, but not limited to, a telephone, wireless**
12 **telephone, or other wireless communication device, computer, or pager.**

13 3. Each district's antibullying policy shall be founded on the assumption that all students
14 need a safe learning environment. Policies shall treat **all** students equally and shall not contain
15 specific lists of protected classes of students who are to receive special treatment. Policies may
16 include age-appropriate differences for schools based on the grade levels at the school. Each
17 such policy shall contain a statement of the consequences of bullying.

18 4. Each district's antibullying policy shall **be included in the student handbook and**
19 **shall require, at a minimum, the following components:**

20 (1) **A statement prohibiting bullying, defined no less inclusively than in subsection**
21 **2 of this section;**

22 (2) **A statement requiring** district employees to report any instance of bullying of which
23 the employee has firsthand knowledge [. The district policy shall address training of employees
24 in the requirements of the district policy.], **has reasonable cause to suspect that a student has**
25 **been subject to bullying, or has received a report of bullying from a student. The policy**
26 **shall require a district employee who witnesses an incident of bullying or has received**
27 **reliable information that an incident of bullying has occurred to report the incident to the**
28 **district's designated individual at the school within two school days of the employee**

29 witnessing or receiving the reliable information regarding the incident. The policy shall
30 require that the district maintain records of all incidents of bullying and their resolution;

31 (3) A procedure for reporting an act of bullying. The policy shall also include a
32 statement requiring that the district designate an individual at each school in the district
33 to receive reports of incidents of bullying. Such individual shall be a district employee who
34 is teacher level staff or above;

35 (4) A procedure for prompt investigation of reports of violations and complaints,
36 identifying one or more employees responsible for the investigation including, at a
37 minimum, the following requirements:

38 (a) Within two school days of a report of an incident of bullying being received, the
39 school principal, or his or her designee, shall initiate an investigation of the incident;

40 (b) The school principal may appoint other school staff to assist with the
41 investigation; and

42 (c) The investigation shall be completed within ten school days from the date of the
43 written report unless good cause exists to extend the investigation;

44 (5) The range of ways in which a school will respond once an incident of bullying
45 is confirmed with disciplinary action ranging from a minimum of counseling for the
46 bullying to a maximum of expulsion of the student based on the establishment of
47 reasonable criteria related to the severity of the actions;

48 (6) A statement that prohibits reprisal or retaliation against any person who
49 reports an act of bullying and the consequence and appropriate remedial action for a
50 person who engages in reprisal or retaliation;

51 (7) A statement of how the policy is to be publicized; and

52 (8) A process for discussing the district's antibullying policy with students and
53 training school employees and volunteers who have significant contact with students in the
54 requirements of the policy, including, at a minimum, the following statements:

55 (a) The school district shall provide information and appropriate training to the
56 school district staff who have significant contact with students regarding the policy;

57 (b) The school district shall give annual notice of the policy to students, parents or
58 guardians, and staff;

59 (c) The school district shall provide education and information to students
60 regarding bullying, including information regarding the school district policy prohibiting
61 bullying, the harmful effects of bullying, and other applicable initiatives to prevent
62 bullying, including student peer-to-peer initiatives to provide accountability and policy
63 enforcement for those found to have engaged in bullying, reprisal, or retaliation against
64 any person who reports an act of bullying;

65 (d) The administration of the school district shall instruct its school counselors,
66 school social workers, licensed social workers, mental health professionals, and school
67 psychologists to educate students who are victims of bullying on techniques for students
68 to overcome bullying's negative effects. Such techniques shall include, but not be limited
69 to, cultivating the student's self-worth and self-esteem; teaching the student to defend
70 himself or herself assertively and effectively; helping the student develop social skills; and
71 encouraging the student to develop an internal locus of control. The provisions of this
72 paragraph shall not be construed to contradict or limit any other provision of this section;
73 and

74 (e) The administration of the school district shall implement programs and other
75 initiatives to address bullying, to respond to such conduct in a manner that does not
76 stigmatize the victim, and to make resources or referrals available to victims of bullying.

77 5. Notwithstanding any other provision of law to the contrary, any school district
78 may subject any student to discipline for cyberbullying. A school district may discipline
79 any student for cyberbullying to the greatest extent allowed by law. The district shall have
80 jurisdiction to prohibit cyberbullying that originates on a school's campus or at a district
81 activity if the electronic communication was made using the school's technological
82 resources, if there is a sufficient nexus to the educational environment, or if the electronic
83 communication was made on the school's campus or at a district activity using the
84 student's own personal technological resources. The district shall have jurisdiction to
85 prohibit cyberbullying that originates off the school's campus if:

86 (1) It was reasonably foreseeable that the electronic communication would reach
87 the school's campus; or

88 (2) There is a sufficient nexus between the electronic communication and the school
89 that includes, but is not limited to, speech that is directed at a school-specific audience, or
90 the speech was brought onto or accessed on the school campus, even if it was not the
91 student in question who did so. The district may also prohibit cyberbullying that occurs
92 outside of the district to the greatest extent allowed by law including, but not limited to,
93 situations in which the cyberbullying negatively impacts the educational environment or
94 constitutes a true threat. Even in situations where the district does not have legal authority
95 to discipline a student, the district may contact law enforcement and take other
96 appropriate actions to protect students and clarify district expectations.

97 6. Each district shall annually review its antibullying policy and revise it as needed.
98 The district's school board shall receive input from school personnel, students, and
99 administrators when reviewing and revising the policy.

100 7. Each district shall develop a method to keep track of any correspondence
101 between individuals and the district or any school in the district regarding an incident of
102 bullying. Such correspondence shall be a closed record under chapter 610.

103 8. Each district shall annually report to the department of elementary and
104 secondary education the number of confirmed reported bullying incidents in the district
105 at the school level and the district level and any action taken in response to an incident of
106 bullying including, but not limited to, expulsions and suspensions for each school in the
107 district. No district shall release any confidential information not authorized by state or
108 federal law for public release. The department of elementary and secondary education
109 shall post this information on its internet website within thirty days of receiving it but shall
110 ensure that no personally identifiable information is posted.

111 9. Notwithstanding the provisions of this section, so long as a school district has an
112 antibullying policy or policies which were in effect before August 28, 2016, a school district
113 shall not be required to implement or adhere to subsections 2 through 8 of this section. No
114 changes shall be made to a district's antibullying policy or policies unless the local school
115 board of the district approves such changes through a majority vote of the board.

161.1005. 1. By July 1, 2017, the department of elementary and secondary
2 education shall employ a dyslexia therapist, licensed psychometrist, licensed speech-
3 language pathologist, certified academic language therapist, or certified training specialist
4 to serve as the department's dyslexia specialist. Such dyslexia specialist shall have a
5 minimum of three years of field experience in screening, identifying, and treating dyslexia
6 and related disorders.

7 2. The department of elementary and secondary education shall ensure that the
8 dyslexia specialist has completed training and received certification from a program
9 approved by the legislative task force on dyslexia established in section 633.420 and is able
10 to provide necessary information and support to school district teachers.

11 3. The dyslexia specialist shall:

12 (1) Be highly trained in dyslexia and related disorders, including best practice
13 interventions and treatment models;

14 (2) Be responsible for the implementation of professional development; and

15 (3) Serve as the primary source of information and support for districts addressing
16 the needs of students with dyslexia and related disorders.

17 4. In addition to the duties assigned under subsection 3 of this section, the dyslexia
18 specialist shall assist the department of elementary and secondary education with
19 developing and administering professional development programs to be made available to
20 school districts no later than the 2017-18 school year. The programs shall focus on

21 **educating teachers regarding the indicators of dyslexia, the science surrounding teaching**
22 **a student who is dyslexic, and classroom accommodations necessary for a student with**
23 **dyslexia.**

167.225. 1. As used in this section, the following terms mean:

- 2 (1) ["Blind persons", individuals who:
3 (a) Have a visual acuity of 20/200 or less in the better eye with conventional correction,
4 or have a limited field of vision such that the widest diameter of the visual field subtends an
5 angular distance not greater than twenty degrees; or
6 (b) Have a reasonable expectation of visual deterioration; or
7 (c) Cannot read printed material at a competitive rate of speed and with facility due to
8 lack of visual acuity] **"Assessment", the National Reading Media Assessment or another**
9 **research-based assessment or series of research-based assessments authorized under the**
10 **Individuals with Disabilities Education Act that determines a student's reading and writing**
11 **skills, needs, and appropriate reading and writing media and addresses the student's**
12 **academic and functional strengths, deficits, as well as the student's current and future**
13 **educational needs;**
14 (2) "Braille", the system of reading and writing through touch [commonly known as
15 standard English Braille];
16 (3) "Student", any student who [is blind or any student eligible for special education
17 services for visually impaired as defined in P.L. 94-142] **is eligible for special education**
18 **services under the Individuals with Disabilities Education Act and who:**
19 (a) **Has an impairment in vision that, even with correction, adversely affects a**
20 **child's educational performance;**
21 (b) **Has a reasonable expectation of visual deterioration; or**
22 (c) **Cannot read printed material at a competitive rate of speed and with facility due**
23 **to lack of visual acuity or field.**

24 2. All students [may] **shall** receive instruction in Braille reading and writing as part of
25 their individualized education plan **unless, as a result of an assessment, instruction in Braille**
26 **or the use of Braille is determined not appropriate for the student.** No student shall be
27 denied the opportunity of instruction in Braille reading and writing solely because the student
28 has some remaining vision.

29 3. Instruction in Braille reading and writing shall be sufficient to enable each student to
30 communicate effectively and efficiently at a level commensurate with his sighted peers of
31 comparable grade level and intellectual functioning. The student's individualized education plan
32 shall specify:

33 (1) How Braille will be implemented as the primary mode for learning through
34 integration with normal classroom activities. If Braille will not be provided to a child who is
35 blind, the reason for not incorporating it in the individualized education plan shall be
36 documented therein;

37 (2) The date on which Braille instruction will commence;

38 (3) The level of competency in Braille reading and writing to be achieved by the end of
39 the period covered by the individualized education plan; and

40 (4) The duration of each session.

41 4. As part of the certification process, teachers certified in the education of blind and
42 visually impaired children shall be required to demonstrate competence in reading and writing
43 Braille. The department of elementary and secondary education shall adopt assessment
44 procedures to assess such competencies which are consistent with standards adopted by the
45 National Library Service for the Blind and Physically Handicapped, Library of Congress,
46 Washington, D. C.

47 **5. Under the Individuals with Disabilities Education Act or sections 162.959 to**
48 **162.963, parents of students as defined under subdivision (3) of subsection 1 of section**
49 **167.255 shall have the right to:**

50 **(1) An independent evaluation at public expense for any agency evaluation,**
51 **including the assessment established under subdivision (1) of subsection 1 of section**
52 **167.225;**

53 **(2) Mediation to allow parents and schools to resolve disagreements involving the**
54 **IEP teams determination of the need for Braille instruction;**

55 **(3) File a due process complaint with the department of elementary and secondary**
56 **education concerning the proposed action of the agency regarding provision of Braille**
57 **instruction or any other matter related to the provision of a free appropriate public**
58 **education to the student which will be forwarded to the administrative hearing commission**
59 **for an impartial hearing; and**

60 **(4) A resolution meeting convened by the school with the parent and the relevant**
61 **members of the IEP team who have specific knowledge of the facts identified in the due**
62 **process complaint to discuss the due process complaint and the facts that form the basis**
63 **of the complaint so that the school and parent have the opportunity to resolve the dispute.**

167.265. 1. A program to provide [guidance] school counselors in grades kindergarten
2 through nine is established. Any public elementary school, middle school, junior high school,
3 or combination of such schools, containing such grades which meet the criteria pursuant to this
4 section shall be eligible for a state financial supplement to employ a [guidance] school counselor.
5 Eligibility criteria are: the school shall have a minimum enrollment of one hundred twenty-five

6 pupils per school site, shall have a breakfast program, and shall serve at least forty percent of its
7 lunches to pupils who are eligible for free or reduced price meals according to federal guidelines.

8 2. A school district which contains such eligible schools may apply to the department
9 of elementary and secondary education for a state financial supplement to employ a [guidance]
10 **school** counselor in those schools named in the application and in no other schools of the district.
11 The state financial supplement shall not exceed ten thousand dollars per [guidance] **school**
12 counselor. No more than one [guidance] **school** counselor per school shall be supplemented by
13 the state pursuant to this section, except that a district may apply for an additional [guidance]
14 **school** counselor if the enrollment at the school equals four hundred or more pupils. [Guidance]
15 **School** counselors thus employed pursuant to this section shall at a minimum engage in direct
16 counseling activities with the pupils of the school during a portion of the school day which
17 represents that portion of the [guidance] **school** counselor's salary which is supplemented by the
18 state pursuant to this section.

19 3. The state board of education shall promulgate rules and regulations for the
20 implementation of this section. Such rules shall include identifying any qualifications for
21 [guidance] **school** counselors which may be in addition to those promulgated pursuant to section
22 168.021, establishing application procedures for school districts, determining a method of
23 awarding state financial supplements in the event that the number of applications exceeds the
24 amounts appropriated therefor, and establishing an amount of state financial supplement per
25 [guidance] **school** counselor based upon the salary schedule of the district.

**167.266. 1. Beginning with the 2016-17 school year, the board of education of a
2 school district or a charter school that is a local educational agency may establish an
3 academic and career counseling program in cooperation with parents and the local
4 community that is in the best interest of and meets the needs of students in the community.
5 School districts and local educational agencies may use the Missouri comprehensive
6 guidance and counseling program as a resource for the development of a district's or local
7 educational agency's program. The department of elementary and secondary education
8 shall develop a process for recognition of a school district's academic and career counseling
9 program established in cooperation with parents and the local community no later than
10 January 1, 2017.**

11 **2. The state board of education shall promulgate rules and regulations for the
12 implementation of this section. Any rule or portion of a rule, as that term is defined in
13 section 536.010, that is created under the authority delegated in this section shall become
14 effective only if it complies with and is subject to all of the provisions of chapter 536 and,
15 if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any
16 of the powers vested with the general assembly pursuant to chapter 536 to review, to delay**

17 the effective date, or to disapprove and annul a rule are subsequently held
18 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
19 after August 28, 2016, shall be invalid and void.

2 **167.267. Certified music therapists who have completed the education and clinical**
3 **training requirements established by the American Music Therapy Association and passed**
4 **the Certification Board for Music Therapists certification examination shall be deemed as**
5 **certified by the department of elementary and secondary education for the purposes of**
6 **providing services identified in an individualized family service plan in the first steps**
7 **program under sections 160.900 to 160.925.**

2 168.303. The state board of education shall adopt rules to facilitate job-sharing positions
3 for classroom teachers, as the term "job-sharing" is defined in this section. These rules shall
4 provide that a classroom teacher in a job-sharing position shall receive paid legal holidays,
5 annual vacation leave, sick leave, and personal leave on a pro rata basis. "Job-sharing position"
6 shall mean any position:

7 (1) Shared with one other employee;

8 (2) Requiring employment of at least seventeen hours per week but not more than twenty
9 hours per week on a regular basis; and

10 (3) Requiring at least seventy percent of all time spent in classroom instruction as
11 determined by the employer;

12 provided that, job-sharing position shall not include instructional support or school services
13 positions including, but not limited to, [guidance] **school** counselor, media coordinator,
14 psychologist, social worker, audiologist, speech and language pathologist, and nursing positions.

2 168.500. 1. For the purpose of providing career pay, which shall be a salary supplement,
3 for public school teachers, which for the purpose of sections 168.500 to 168.515 shall include
4 classroom teachers, librarians, [guidance] **school** counselors and certificated teachers who hold
5 positions as school psychological examiners, parents as teachers educators, school psychologists,
6 special education diagnosticians and speech pathologists, and are on the district salary schedule,
7 there is hereby created and established a career advancement program which shall be known as
8 the "Missouri Career Development and Teacher Excellence Plan", hereinafter known as the
9 "career plan or program". Participation by local school districts in the career advancement
10 program established under this section shall be voluntary. The career advancement program is
11 a matching fund program. The general assembly may make an annual appropriation to the
12 excellence in education fund established under section 160.268 for the purpose of providing the
13 state's portion for the career advancement program. The "Career Ladder Forward Funding Fund"
is hereby established in the state treasury. Beginning with fiscal year 1998 and until the career

14 ladder forward funding fund is terminated pursuant to this subsection, the general assembly may
15 appropriate funds to the career ladder forward funding fund. Notwithstanding the provisions of
16 section 33.080 to the contrary, moneys in the fund shall not be transferred to the credit of the
17 general revenue fund at the end of the biennium. All interest or other gain received from
18 investment of moneys in the fund shall be credited to the fund. All funds deposited in the fund
19 shall be maintained in the fund until such time as the balance in the fund at the end of the fiscal
20 year is equal to or greater than the appropriation for the career ladder program for the following
21 year, at which time all such revenues shall be used to fund, in advance, the career ladder program
22 for such following year and the career ladder [forwarding] **forward** funding fund shall thereafter
23 be terminated.

24 2. The department of elementary and secondary education, at the direction of the
25 commissioner of education, shall study and develop model career plans which shall be made
26 available to the local school districts. These state model career plans shall:

27 (1) Contain three steps or stages of career advancement;

28 (2) Contain a detailed procedure for the admission of teachers to the career program;

29 (3) Contain specific criteria for career step qualifications and attainment. These criteria
30 shall clearly describe the minimum number of professional responsibilities required of the
31 teacher at each stage of the plan and shall include reference to classroom performance
32 evaluations performed pursuant to section 168.128;

33 (4) Be consistent with the teacher certification process recommended by the Missouri
34 advisory council of certification for educators and adopted by the department of elementary and
35 secondary education;

36 (5) Provide that public school teachers in Missouri shall become eligible to apply for
37 admission to the career plans adopted under sections 168.500 to 168.515 after five years of
38 public school teaching in Missouri. All teachers seeking admission to any career plan shall, as
39 a minimum, meet the requirements necessary to obtain the first renewable professional certificate
40 as provided in section 168.021;

41 (6) Provide procedures for appealing decisions made under career plans established
42 under sections 168.500 to 168.515.

43 3. The commissioner of education shall cause the department of elementary and
44 secondary education to establish guidelines for all career plans established under this section, and
45 criteria that must be met by any school district which seeks funding for its career plan.

46 4. A participating local school district may have the option of implementing a career plan
47 developed by the department of elementary and secondary education or a local plan which has
48 been developed with advice from teachers employed by the district and which has met with the
49 approval of the department of elementary and secondary education. In approving local career

50 plans, the department of elementary and secondary education may consider provisions in the plan
51 of the local district for recognition of teacher mobility from one district to another within this
52 state.

53 5. The career plans of local school districts shall not discriminate on the basis of race,
54 sex, religion, national origin, color, creed, or age. Participation in the career plan of a local
55 school district is optional, and any teacher who declines to participate shall not be penalized in
56 any way.

57 6. In order to receive funds under this section, a school district which is not subject to
58 section 162.920 must have a total levy for operating purposes which is in excess of the amount
59 allowed in Section 11(b) of Article X of the Missouri Constitution; and a school district which
60 is subject to section 162.920 must have a total levy for operating purposes which is equal to or
61 in excess of twenty-five cents on each hundred dollars of assessed valuation.

62 7. The commissioner of education shall cause the department of elementary and
63 secondary education to regard a speech pathologist who holds both a valid certificate of license
64 to teach and a certificate of clinical competence to have fulfilled the standards required to be
65 placed on stage III of the career program, provided that such speech pathologist has been
66 employed by a public school in Missouri for at least five years and is approved for placement at
67 such stage III by the local school district.

68 8. Beginning in fiscal year 2012, the state portion of career ladder payments shall only
69 be made available to local school districts if the general assembly makes an appropriation for
70 such program. Payments authorized under sections 168.500 to 168.515 shall only be made
71 available in a year for which a state appropriation is made. Any state appropriation shall be
72 made prospectively in relation to the year in which work under the program is performed.

73 9. Nothing in this section shall be construed to prohibit a local school district from
74 funding the program for its teachers for work performed in years for which no state appropriation
75 is made available.

168.520. 1. For the purpose of providing career pay, which shall be a salary supplement
2 for teachers, librarians, [guidance] **school** counselors and certificated teachers who hold positions
3 as school psychological examiners, parents-as-teachers educators, school psychologists, special
4 education diagnosticians or speech pathologists in Missouri schools for the severely disabled,
5 the Missouri School for the Blind and the Missouri School for the Deaf, there is hereby
6 established a career advancement program which shall become effective no later than September
7 1, 1986. Participation in the career advancement program by teachers shall be voluntary.

8 2. The department of elementary and secondary education with the recommendation of
9 teachers from the state schools, shall develop a career plan. This state career plan shall include,

10 but need not be limited to, the provisions of state model career plans as contained in subsection
11 2 of section 168.500.

12 3. After a teacher who is duly employed by a state school qualifies and is selected for
13 participation in the state career plan established under this section, such a teacher shall not be
14 denied the career pay authorized by such plan except as provided in subdivisions (1), (2), and (3)
15 of section 168.510.

16 4. Each teacher selected to participate in the career plan established under this section
17 who meets the requirements of such plan shall receive a salary supplement as provided in
18 subdivisions (1), (2), and (3) of subsection 1 of section 168.515.

19 5. The department of elementary and secondary education shall annually include within
20 its budget request to the general assembly sufficient funds for the purpose of providing career
21 pay as established under this section to those eligible teachers employed in Missouri schools for
22 the severely disabled, the Missouri School for the Deaf, and the Missouri School for the Blind.

**170.047. 1. Beginning in the 2017-18 school year and subsequent years, any
2 licensed educator may annually complete up to two hours of training or professional
3 development in youth suicide awareness and prevention as part of the professional
4 development hours required for state board of education certification.**

**5 2. The department of elementary and secondary education shall develop guidelines
6 suitable for training or professional development in youth suicide awareness and
7 prevention. The department shall develop materials that may be used for such training or
8 professional development.**

**9 3. For purposes of this section, the term "licensed educator" means any teacher
10 with a certificate of license to teach issued by the state board of education or any other
11 educator or administrator required to maintain a professional license issued by the state
12 board of education.**

**13 4. The department of elementary and secondary education may promulgate rules
14 and regulations to implement this section.**

**15 5. Any rule or portion of a rule, as that term is defined in section 536.010, that is
16 created under the authority delegated in this section shall become effective only if it
17 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
18 section 536.028. This section and chapter 536 are nonseverable, and if any of the powers
19 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
20 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
21 grant of rulemaking authority and any rule proposed or adopted after August 28, 2016,
22 shall be invalid and void.**

170.048. 1. By July 1, 2018, each district shall adopt a policy for youth suicide awareness and prevention, including the training and education of district employees.

2. Each district's policy shall address, but need not be limited to, the following:

(1) Strategies that can help identify students who are at possible risk of suicide;

(2) Strategies and protocols for helping students at possible risk of suicide; and

(3) Protocols for responding to a suicide death.

3. By July 1, 2017, the department of elementary and secondary education shall develop a model policy that districts may adopt. When developing the model policy, the department shall cooperate, consult with, and seek input from organizations that have expertise in youth suicide awareness and prevention. By July 1, 2021, and at least every three years thereafter, the department shall request information and seek feedback from districts on their experience with the policy for youth suicide awareness and prevention. The department shall review this information and may use it to adapt the department's model policy. The department shall post any information on its website that it has received from districts that it deems relevant. The department shall not post any confidential information or any information that personally identifies any student or school employee.

171.031. 1. Each school board shall prepare annually a calendar for the school term, specifying the opening date, **days of planned attendance**, and providing a minimum term of at least one hundred seventy-four days for schools with a five-day school week or one hundred forty-two days for schools with a four-day school week, and one thousand forty-four hours of actual pupil attendance. **In the school year 2017-18 and subsequent years, one thousand forty-four hours of actual pupil attendance shall be required for the school term with no minimum number of school days.** In addition, such calendar shall include six make-up days for possible loss of attendance due to inclement weather as defined in subsection 1 of section 171.033. **In the school year 2017-18 and subsequent years, such calendar shall include thirty-six make-up hours for possible loss of attendance due to inclement weather, as defined under subsection 1 of section 171.033, with no minimum number of make-up days.**

2. Each local school district may set its opening date each year, which date shall be no earlier than ten calendar days prior to the first Monday in September. No public school district shall select an earlier start date unless the district follows the procedure set forth in subsection 3 of this section.

3. A district may set an opening date that is more than ten calendar days prior to the first Monday in September only if the local school board first gives public notice of a public meeting to discuss the proposal of opening school on a date more than ten days prior to the first Monday in September, and the local school board holds said meeting and, at the same public meeting, a majority of the board votes to allow an earlier opening date. If all of the previous conditions are

21 met, the district may set its opening date more than ten calendar days prior to the first Monday
22 in September. The condition provided in this subsection must be satisfied by the local school
23 board each year that the board proposes an opening date more than ten days before the first
24 Monday in September.

25 4. If any local district violates the provisions of this section, the department of
26 elementary and secondary education shall withhold an amount equal to one quarter of the state
27 funding the district generated under section 163.031 for each date the district was in violation
28 of this section.

29 5. The provisions of subsections 2 to 4 of this section shall not apply to school districts
30 in which school is in session for twelve months of each calendar year.

31 6. The state board of education may grant an exemption from this section to a school
32 district that demonstrates highly unusual and extenuating circumstances justifying exemption
33 from the provisions of subsections 2 to 4 of this section. Any exemption granted by the state
34 board of education shall be valid for one academic year only.

35 7. [No school day for schools with a five-day school week shall be longer than seven
36 hours except for vocational schools which may adopt an eight-hour day in a metropolitan school
37 district and a school district in a first class county adjacent to a city not within a county, and any
38 school that adopts a four-day school week in accordance with section 171.029.] **No cap on the
39 number of hours in a school day shall be imposed on school districts.**

171.033. 1. "Inclement weather", for purposes of this section, shall be defined as ice,
2 snow, extreme cold, flooding, or a tornado, but such term shall not include excessive heat.

3 2. A district shall be required to make up the first six days of school lost or cancelled due
4 to inclement weather and half the number of days lost or cancelled in excess of six days if the
5 makeup of the days is necessary to ensure that the district's students will attend a minimum of
6 one hundred forty-two days and a minimum of one thousand forty-four hours for the school year
7 except as otherwise provided in this section. Schools with a four-day school week may schedule
8 such make-up days on Fridays. **Notwithstanding the above, in the school year 2017-18 and
9 subsequent years, a district shall be required to make up the first thirty-six hours of school
10 lost or cancelled due to inclement weather and half the number of hours lost or cancelled
11 in excess of thirty-six if the makeup of the hours is necessary to ensure that the district's
12 students attend a minimum of one thousand forty-four hours for the school year.**

13 3. In the 2009-10 school year and **all** subsequent years **through the 2016-17 school
14 year**, a school district may be exempt from the requirement to make up days of school lost or
15 cancelled due to inclement weather in the school district when the school district has made up
16 the six days required under subsection 2 of this section and half the number of additional lost or

17 cancelled days up to eight days, resulting in no more than ten total make-up days required by this
18 section.

19 4. The commissioner of education may provide, for any school district [in which schools
20 are in session for twelve months of each calendar year] that cannot meet the minimum school
21 calendar requirement of at least one hundred seventy-four days for schools with a five-day school
22 week or one hundred forty-two days for schools with a four-day school week and one thousand
23 forty-four hours of actual pupil attendance **or, in the school year 2017-18 and subsequent**
24 **years, one thousand forty-four hours of actual pupil attendance**, upon request, a waiver to
25 be excused from such requirement. This waiver shall be requested from the commissioner of
26 education and may be granted if the school was closed due to circumstances beyond school
27 district control, including inclement weather, flooding or fire.

192.915. 1. To increase awareness of the risks associated with use of over-the-counter
2 weight loss pills by persons under the age of eighteen, the department of health and senior
3 services shall implement an education and awareness program. Such program shall provide
4 accurate information regarding weight loss and the dangers of using over-the-counter weight loss
5 pills by the teenage population without the consultation of a licensed physician. Such program
6 shall focus on education and awareness programs for teenagers, parents, siblings and other family
7 members of teenagers, teachers, [guidance] **school** counselors, superintendents and principals.

8 2. The department of health and senior services may use the following strategies for
9 raising public awareness of the risks associated with use of over-the-counter weight loss pills by
10 persons under the age of eighteen:

11 (1) An outreach campaign utilizing print, radio, and television public service
12 announcements, advertisements, posters, and other materials;

13 (2) Community forums; and

14 (3) Health information and risk-factor assessment at public events.

15 3. The department of elementary and secondary education, in conjunction with the
16 department of health and senior services, shall distribute information pursuant to this program.

17 4. The department may promulgate rules and regulations to implement the provisions
18 of this section. No rule or portion of a rule promulgated pursuant to the authority of this section
19 shall become effective unless it has been promulgated pursuant to chapter 536.

633.420. 1. For the purposes of this section, the term "dyslexia" means a disorder
2 **that is neurological in origin, characterized by difficulties with accurate and fluent word**
3 **recognition, and poor spelling and decoding abilities that typically result from a deficit in**
4 **the phonological component of language, often unexpected in relation to other cognitive**
5 **abilities and the provision of effective classroom instruction, and of which secondary**
6 **consequences may include problems in reading comprehension and reduced reading**

7 experience that can impede growth of vocabulary and background knowledge. Nothing
8 in this section shall prohibit a district from assessing students for dyslexia and offering
9 students specialized reading instruction if a determination is made that a student suffers
10 from dyslexia. Unless required by federal law, nothing in this definition shall require a
11 student with dyslexia to be automatically determined eligible as a student with a disability.

12 2. There is hereby created the "Legislative Task Force on Dyslexia". The joint
13 committee on education shall provide technical and administrative support as required by
14 the task force to fulfill its duties, any such support involving monetary expenses shall first
15 be approved by the chairman of the joint committee on education. The task force shall
16 meet at least quarterly and may hold meetings by telephone or video conference. The task
17 force shall advise and make recommendations to the governor, joint committee on
18 education, and relevant state agencies regarding matters concerning individuals with
19 dyslexia, including education and other adult and adolescent services.

20 3. The task force shall be comprised of twenty members consisting of the following:

21 (1) Two members of the senate appointed by the president pro tempore of the
22 senate, with one member appointed from the minority party and one member appointed
23 from the majority party;

24 (2) Two members of the house of representatives appointed by the speaker of the
25 house of representatives, with one member appointed from the minority party and one
26 member appointed from the majority party;

27 (3) The commissioner of education, or his or her designee;

28 (4) One representative from an institution of higher education located in this state
29 with specialized expertise in dyslexia and reading instruction;

30 (5) A representative from a state teachers association or the Missouri National
31 Education Association;

32 (6) A representative from the International Dyslexia Association of Missouri;

33 (7) A representative from Decoding Dyslexia of Missouri;

34 (8) A representative from the Missouri Association of Elementary School
35 Principals;

36 (9) A representative from the Missouri Council of Administrators of Special
37 Education;

38 (10) A professional licensed in the state of Missouri with experience diagnosing
39 dyslexia including, but not limited to, a licensed psychologist, school psychologist, or
40 neuropsychologist;

41 (11) A speech-language pathologist with training and experience in early literacy
42 development and effective research-based intervention techniques for dyslexia, including

43 an Orton-Gillingham remediation program recommended by the Missouri Speech-
44 Language Hearing Association;

45 (12) A certified academic language therapist recommended by the Academic
46 Language Therapists Association who is a resident of this state;

47 (13) A representative from an independent private provider or nonprofit
48 organization serving individuals with dyslexia;

49 (14) An assistive technology specialist with expertise in accessible print materials
50 and assistive technology used by individuals with dyslexia recommended by the Missouri
51 assistive technology council;

52 (15) One private citizen who has a child who has been diagnosed with dyslexia;

53 (16) One private citizen who has been diagnosed with dyslexia;

54 (17) A representative of the Missouri State Council of the International Reading
55 Association; and

56 (18) A pediatrician with knowledge of dyslexia.

57 4. The members of the task force, other than the members from the general
58 assembly and ex officio members, shall be appointed by the president pro tempore of the
59 senate or the speaker of the house of representatives by September 1, 2016, by alternating
60 appointments beginning with the president pro tempore of the senate. A chairperson shall
61 be selected by the members of the task force. Any vacancy on the task force shall be filled
62 in the same manner as the original appointment. Members shall serve on the task force
63 without compensation.

64 5. The task force shall make recommendations for a statewide system for
65 identification, intervention, and delivery of supports for students with dyslexia, including
66 the development of resource materials and professional development activities. These
67 recommendations shall be included in a report to the governor and joint committee on
68 education and shall include findings and proposed legislation and shall be made available
69 no longer than twelve months from the task force's first meeting.

70 6. The recommendations and resource materials developed by the task force shall:

71 (1) Identify valid and reliable screening and evaluation assessments and protocols
72 that can be used and the appropriate personnel to administer such assessments in order
73 to identify children with dyslexia or the characteristics of dyslexia as part of an ongoing
74 reading progress monitoring system, multi-tiered system of supports, and special education
75 eligibility determinations in schools;

76 (2) Recommend an evidence-based reading instruction, with consideration of the
77 National Reading Panel Report and Orton-Gillingham methodology principles for use in
78 all Missouri schools, and intervention system, including a list of effective dyslexia

79 **intervention programs, to address dyslexia or characteristics of dyslexia for use by schools**
80 **in multi-tiered systems of support and for services as appropriate for special education**
81 **eligible students;**

82 **(3) Develop and implement preservice and inservice professional development**
83 **activities to address dyslexia identification and intervention, including utilization of**
84 **accessible print materials and assistive technology, within degree programs such as**
85 **education, reading, special education, speech-language pathology, and psychology;**

86 **(4) Review teacher certification and professional development requirements as they**
87 **relate to the needs of students with dyslexia;**

88 **(5) Examine the barriers to accurate information on the prevalence of students with**
89 **dyslexia across the state and recommend a process for accurate reporting of demographic**
90 **data; and**

91 **(6) Study and evaluate current practices for diagnosing, treating, and educating**
92 **children in this state and examine how current laws and regulations affect students with**
93 **dyslexia in order to present recommendations to the governor and joint committee on**
94 **education.**

95 **7. The task force shall hire or contract for hire specialist services to support the**
96 **work of the task force as necessary with appropriations made by the general assembly for**
97 **that purpose or from other available funding.**

98 **8. The task force authorized under this section shall automatically sunset on August**
99 **31, 2018, unless reauthorized by an act of the general assembly.**

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