

SECOND REGULAR SESSION

HOUSE BILL NO. 2189

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CURTIS.

5828H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 160.540, RSMo, and to enact in lieu thereof three new sections relating to elementary and secondary education, with a penalty provision.

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

Section A. Section 160.540, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 21.488, 160.540, and 160.543, to read as follows:

21.488. The joint committee on education shall:

(1) Review the rules of the department of elementary and secondary education relating to the accreditation process and determine whether school districts are able to comply with the rules and therefore achieve a certain accreditation status without implementing the rules in the manner that the department of elementary and secondary education intended;

(2) Develop a method of determining whether a school district has failed to implement the rules in the manner that the department of elementary and secondary education intended; and

(3) Evaluate each school district under the method developed under subdivision (2) of this section before the department of elementary and secondary education begins any review of the district's accreditation status.

160.540. 1. In any school district whose graduation rate, as defined in section 160.011, is below sixty-five percent, the district school board shall determine which schools in the district meet the criteria set forth pursuant to section 160.538 as being academically deficient, based on the results of the assessment system developed pursuant to section 160.518, whether or not the state board of education has made a finding that the schools are academically deficient. With

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.

6 respect to any such school, notwithstanding any provision of state law or regulation, district rule
7 or regulation, or contract, the school district board shall have the authority to suspend or
8 terminate contracts of certificated staff, the principal and any administrators having responsibility
9 for the school and to reconstitute the school with new teachers and administrative staff. The
10 authority granted herein shall not preclude the district board from offering contracts to individual
11 teachers or administrators as the board may deem appropriate. Any termination of a contract of
12 an individual permanent teacher pursuant to this section shall be subject to the procedures of
13 sections 168.114 to 168.120 or section 168.221, whichever is applicable to such contract.

14 2. In any school district subject to the provisions of subsection 1 of this section, the
15 district shall develop a program of incentives and rewards for teachers who contribute to a
16 successful effort to prevent schools from becoming academically deficient as defined in this
17 section or to remove schools that have been so identified from that category. The district's plan
18 shall be subject to approval by the commissioner of education and may include, but shall not be
19 limited to, [bonuses,] opportunities for staff development and the granting of status as master
20 teachers. **The district's plan shall not include bonuses.**

**160.543. 1. (1) No school district shall offer any financial incentive to a school or
2 teacher for students' achievement of certain scores on any test including, but not limited
3 to, any statewide summative test.**

4 **(2) The department of elementary and secondary education shall not offer any
5 school district, school, or teacher any financial incentive as described under subdivision
6 (1) of this subsection.**

7 **(3) No public school shall offer any teacher any financial incentive as described
8 under subdivision (1) of this subsection.**

9 2. (1) **Any employee of a school district who has reasonable cause to suspect that
10 the school district, the school, or any employee of the school district is violating subsection
11 1 of this section or is engaging in any practice that subverts the intent of the rules of the
12 department of elementary and secondary education shall report such information to the
13 department of elementary and secondary education. Upon receipt of any such report, the
14 department of elementary and secondary education shall conduct an investigation.**

15 **(2) A school district shall not discharge, retaliate, threaten to retaliate, or take any
16 adverse action against an employee because he or she made a report or attempted to make
17 a report as described under subdivision (1) of this subsection.**

18 **(3) A school shall not discharge, retaliate, threaten to retaliate, or take any adverse
19 action against an employee because he or she made a report or attempted to make a report
20 as described under subdivision (1) of this subsection.**

21 **3. Any public school teacher or employee of a school district or public school who**
22 **intentionally falsifies any information relating to the reporting of test results on a statewide**
23 **summative test shall be assessed a fine of one hundred thousand dollars and shall be guilty**
24 **of a class A misdemeanor.**

25 **4. For purposes of this section, "statewide summative test" means any assessment**
26 **test developed under section 160.518 or this chapter that is designed to evaluate students'**
27 **academic performance, that is administered to students in more than one district, and the**
28 **results of which are automatically collected by the department of elementary and**
29 **secondary education or the state board of education.**

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