



Tab 1

Workforce Development Legislation

Coordinating Board for Higher Education
January 21, 2020

BACKGROUND

This informational item provides an update on the FY 2021 legislative session, including the Governor's priorities.

CURRENT STATUS

On January 15, 2020, Governor Parson released his budget recommendations and policy priorities, including legislation related to education and workforce development.

NEXT STEPS

MDHEWD will seek input on the legislation with the goal of advocating for it as it makes its way through the legislative process.

RECOMMENDATION

This is an information item only.

ATTACHMENT

- Workforce development legislation (to be provided after initial board book distribution)

Proposal: Relating to workforce development, with a delayed effective date for a certain section.

Chapter 167 Pupils and Special Services

167.903. Personal plan of study for certain students, contents — waiver. — 1. Each student prior to his or her ninth grade year at a public school, including a charter school, [may] shall develop with help from the school's guidance counselors [a personal plan of study] an individual career and academic plan, which shall be reviewed [regularly, as needed] once per semester by school personnel and the student's parent or guardian and updated based upon the needs of the student. Each plan shall present a sequence of courses and experiences that conclude with the student reaching his or her postsecondary goals, with implementation of the plan [of study] transferring to the program of postsecondary education or training upon the student's high school graduation. The plan shall include, but not be limited to:

- (1) Requirements for graduation from the school district or charter school;
- (2) Career or postsecondary goals;
- (3) Coursework or program of study related to career and postsecondary goals, which shall include, if relevant, opportunities that the district or school may not directly offer;
- (4) Grade-appropriate and career-related experiences, as outlined in the grade-level expectations of the Missouri comprehensive guidance program; and
- (5) Student assessments, interest inventories, or academic results needed to develop, review, and revise the [personal] plan [of study], which shall include, if relevant, assessments, inventories, or academic results that the school district or charter school may not offer.

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

3. Each student prior to the completion of the second semester of his or her twelfth grade year shall include, as part of his or her individual career and academic plan, a declaration as to his or her post-secondary plans, including, but not limited to, the following:

- (1) Confirming employment upon graduation;
- (2) Acceptance to an institution of higher education, whether a two-year institution or a four-year institution;
- (3) Acceptance to participate in a vocational, technical, or other training program designed to prepare the student for employment; or
- (4) Commitment to enlist in the armed forces.

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

2. A student shall be exempt from the requirement to complete or submit the Free Application for Federal Student Aid under subsection 1 of this section if such student submits:

- (1) Written confirmation of a commitment to enlist in the armed forces to the student's school; or
- (2) A written document or form to the student's school, signed by the student's parent or guardian, attesting that they understand what the application is and have chosen not to file such application.

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

(1) For the 2020-2021 school year, the department shall ensure that fifty percent of all department of elementary and secondary education area career centers that deliver career and technical education programs have the means and capability for students at such schools to complete an application for aid through the United States Department of Labor, Employment and Training Administration pursuant to the federal Workforce Innovation and Opportunity Act.

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

(3) For the 2022-2023 school year, the department shall ensure that ninety percent of all department of elementary and secondary education area career centers that deliver career and technical education programs have the means and capability for students at such schools to complete an application for aid through the United States Department of Labor, Employment and Training Administration pursuant to the federal Workforce Innovation and Opportunity Act.

(4) For the 2023-2024 school year and every school year thereafter, the department shall ensure that one hundred percent of all department of elementary and secondary education area career centers that deliver career and technical education programs have the means and capability for students at such schools to complete an application for aid through the United States Department of Labor, Employment and Training Administration pursuant to the federal Workforce Innovation and Opportunity Act.

Chapter 161 Department of Elementary and Secondary Education

161.211. 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 educational focus, or that sequentially serve classes of students as they progress through elementary and secondary education;

(d) A single school district; or

(e) A group of two or more school districts 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;

(4) “School innovation waiver”, a waiver granted by the board to a single school, group of schools, single school district, or group of school districts pursuant to this section, in which the school, group of schools, school district, or group of school districts is exempt from a specific requirement imposed by chapter 160, chapter 161, chapter 162, chapter 167, chapter 170, or chapter 171, or any regulations promulgated thereunder by the board or the department. Any school innovation waiver granted to a school district or group of school districts shall be applicable to every elementary and secondary school within the school district or group of school districts unless the plan specifically provides otherwise.

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

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

(2) Increasing the compensation of teachers; or

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

3. Any plan for a school innovation waiver shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7. The board may promulgate rules implementing the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2020, shall be invalid and void.

Chapter 162 School Districts

162.1250. State funding for resident students enrolled in virtual program — calculation of funding — standards for virtual courses. — 1. School districts shall receive state school funding under sections 163.031, 163.043, and 163.087 for resident students who are enrolled in the school district and who are taking a virtual course or full-time virtual program offered by the school district. The school district may offer instruction in a virtual setting using technology, intranet, and internet methods of communications that could take place outside of the regular school district facility. The school district may develop a virtual program for any grade level, kindergarten through twelfth grade, with the courses available in accordance with district policy to any resident student of the district who is enrolled in the school district. Nothing in this section shall preclude a private, parochial, or home school student residing within a school district offering virtual courses or virtual programs from enrolling in the school district in accordance with the combined enrollment provisions of section 167.031 for the purposes of participating in the virtual courses or virtual programs.

2. Charter schools shall receive state school funding under section 160.415 for students enrolled in the charter school who are completing a virtual course or full-time virtual program offered by the charter school. Charter schools may offer instruction in a virtual setting using technology, intranet, and internet methods of communications. The charter school may develop a virtual program for any grade level, kindergarten through twelfth grade, with the courses available in accordance with school policy and the charter school's charter to any student enrolled in the charter school.

3. For purposes of calculation and distribution of state school funding, attendance of a student enrolled in a district or charter school virtual class shall equal, upon course completion, [~~ninety-four~~] ninety-five percent of the hours of attendance possible for such class delivered in the nonvirtual program in the student's resident district or charter school. Course completion shall be calculated in two increments, fifty percent completion and one hundred percent completion, based on the student's completion of defined assignments and assessments, with distribution of state funding to a school district or charter school at each increment equal to forty-seven percent of hours of attendance possible for such course delivered in the nonvirtual program in a student's school district of residence or charter school.

Chapter 163 State Aid

163.018. Early childhood education programs, pupils included in average daily attendance calculation, when — standards for early education program, department considerations. — 1. (1) Notwithstanding the definition of average daily attendance in subdivision (2) of section 163.011 to the contrary, pupils between the ages of three and five who are eligible for free and reduced price lunch and attend an early childhood education program:

(a) That is operated by and in a district or by a charter school that has declared itself as a local educational agency providing full-day kindergarten and that meets standards established by the state board of education; or

(b) That is under contract with a district or charter school that has declared itself as a local educational agency and that meets standards established by the state board of education;

shall be included in the district's or charter school's calculation of average daily attendance. The total number of such pupils included in the district's or charter school's calculation of average daily attendance shall not exceed four percent of the total number of pupils who are eligible for free and reduced price lunch between the ages of five and eighteen who are included in the district's or charter school's calculation of average daily attendance.

(2) If a pupil described under subdivision (1) of this subsection leaves an early childhood education program during the school year, a district or charter school shall be allowed to fill the vacant enrollment spot with another pupil between the ages of three and five who is eligible for free and reduced price lunch without affecting the district's or charter school's calculation of average daily attendance.

(3) Notwithstanding the definition of average daily attendance in subdivision (2) of section 163.011 to the contrary, beginning with the 2020-21 school year, the attendance included in the average daily attendance of a district or charter school shall include the attendance hours of pupils that attend a half-day early childhood education program of the district or charter school in the current year. This subdivision shall only apply to a district or charter school that did not offer an early childhood education program during the 2019-20 school year.

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Chapter 168 Personnel — Teachers and Others

168.021. Issuance of teachers' licenses and scholars certificates, requirements, procedure — fees — effect of certification in another state and subsequent employment in this state. — 1.

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

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

- (a) Upon the basis of college credit;
- (b) Upon the basis of examination;

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

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

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

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

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

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

(5) By the state board, under rules and regulations prescribed by it, on the basis of certification by the American Board for Certification of Teacher Excellence (ABCTE) and verification of ability to work with children as demonstrated by sixty contact hours in any one of the following areas as validated by the school principal: sixty contact hours in the classroom, of which at least forty-five must be teaching; sixty

contact hours as a substitute teacher, with at least thirty consecutive hours in the same classroom; sixty contact hours of teaching in a private school; or sixty contact hours of teaching as a paraprofessional, for an initial four-year ABCTE certificate of license to teach, except that such certificate shall not be granted for the areas of early childhood education, or special education. For certification in the area of elementary education, ninety contact hours in the classroom shall be required, of which at least thirty shall be in an elementary classroom. Upon the completion of the requirements listed in paragraphs (a), (b), (c), and (d) of this subdivision, an applicant shall be eligible to apply for a career continuous professional certificate under subdivision (3) of subsection 3 of this section:

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

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

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

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

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

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

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

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

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

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

169.596. Retired teacher may teach full time without loss of retirement benefits, when--school district requirements

1. Notwithstanding any other provision of this chapter to the contrary, a retired certificated teacher receiving a retirement benefit from the retirement system established pursuant to sections 169.010 to 169.141 may, without losing his or her retirement benefit, [teach] be employed full time for up to [two] four years for a school district covered by such retirement system; provided that the school district has a shortage of certified teachers, as determined by the school district[, and provided that no such retired certificated teacher shall be employed as a superintendent. The total number of such retired certificated teachers shall not exceed, at any one time, the lesser of ten percent of the total teacher staff for that school district, or five certificated teachers]. A retired certificated teacher receiving a retirement benefit from the retirement system established pursuant to sections 169.010 to 169.141 may only be employed as a superintendent under this subsection if he or she has been retired for at least twelve months prior to such employment., unless such employment is immediately necessary due to death, disability, or termination for cause of the superintendent who held the position being filled.

2. Notwithstanding any other provision of this chapter to the contrary, a person receiving a retirement benefit from the retirement system established pursuant to sections 169.600 to 169.715 may, without losing his or her retirement benefit, be employed full time for up to [two] four years for a school district covered by such retirement system; provided that the school district has a shortage of noncertificated employees, as determined by the school district. [The total number of such retired

noncertificated employees shall not exceed, at any one time, the lesser of ten percent of the total noncertificated staff for that school district, or five employees.]

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

[3.] 4. The employer's contribution rate shall be paid by the hiring school district.

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

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

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

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

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

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

and

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

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

Section B. Delayed effective date of January 1, 2021 for section 169.596.