

FIRST EXTRAORDINARY SESSION OF THE
SECOND REGULAR SESSION

HOUSE BILL NO. 59

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROWLAND.

5883H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapters 168, 287, and 290, RSMo, by adding thereto three new sections relating to elementary and secondary school operations during a pandemic, with an emergency clause.

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

Section A. Chapters 168, 287, and 290, RSMo, are amended by adding thereto three new sections, to be known as sections 168.900, 287.064, and 290.160, to read as follows:

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

(1) "COVID-19", the severe acute respiratory syndrome coronavirus 2;

(2) "School employee", any person regularly employed by any elementary or secondary school;

(3) "Teacher", any person employed by any elementary or secondary school on a full-time basis who is duly certificated under the law governing the certification of teachers.

2. Notwithstanding any provision of this chapter to the contrary, the department of elementary and secondary education shall provide funds to each school district from funds appropriated to the state from the federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Pub. L. 116-136, or any subsequent federal funds received to combat the spread of COVID-19, that may be used by each school district to provide a bonus in compensation to teachers and school employees who are employed by a school district that provides in-person instruction during the 2020-21 school year. The bonus

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.

15 shall be paid on a monthly basis for each month of the school year when in-person
16 instruction is provided by the school district employing such teachers or school employees.

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

2 (1) "COVID-19", the severe acute respiratory syndrome coronavirus 2;

3 (2) "School employee", any person regularly employed by any elementary or
4 secondary school;

5 (3) "Teacher", any person employed by any elementary or secondary school on a
6 full-time basis who is duly certificated under the law governing the certification of
7 teachers.

8 2. Any teacher or school employee who has contracted or is quarantined for
9 COVID-19 is presumed to have an occupational disease arising out of and in the course of
10 their employment. Such presumption shall include, but not be limited to, situations when
11 the teacher or school employee is quarantined at the direction of the employer due to
12 suspected COVID-19 exposure, the display of any COVID-19 symptoms, the receipt of a
13 presumptive positive COVID-19 test, the receipt of a COVID-19 diagnosis from a
14 physician, or the receipt of a laboratory-confirmed COVID-19 diagnosis.

15 3. The presumption set forth in subsection 2 of this section shall retroactively apply
16 to all teachers and school employees who otherwise meet the requirements set forth in this
17 section.

18 4. A teacher or school employee is not entitled to the presumption in subsection 2
19 of this section if a subsequent medical determination establishes by clear and convincing
20 evidence that the teacher or school employee did not actually have COVID-19 or that the
21 teacher or school employee contracted or was quarantined for COVID-19 as a result of
22 exposure that was not related to the teacher or school employee's employment.

23 5. The department of labor and industrial relations is authorized to use funds
24 appropriated to the state from the federal Coronavirus Aid, Relief, and Economic Security
25 Act (CARES Act), Pub. L. 116-136, or any subsequent federal funds received to combat the
26 spread of COVID-19, to pay any claim arising under this section.

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

2 (1) "COVID-19", the severe acute respiratory syndrome coronavirus 2;

3 (2) "Employer", an entity that employs a teacher or school employee in their
4 capacity as a teacher or school employee;

5 (3) "School employee", any person regularly employed by any elementary or
6 secondary school;

7 **(4) "Teacher", any person employed by any elementary or secondary school on a**
8 **full-time basis who is duly certificated under the law governing the certification of**
9 **teachers.**

10 **2. An employer shall not reduce the wages of any teacher or school employee who**
11 **has taken leave because such teacher or school employee has contracted or is quarantined**
12 **for COVID-19.**

13 **3. An employer shall not require a teacher or school employee who has taken leave**
14 **because such teacher or school employee has contracted or is quarantined for COVID-19**
15 **to use sick leave, vacation leave, personal days, or other similarly termed paid time off.**

 Section B. Because of the need to address the impact on school safety during the
2 COVID-19 pandemic in school districts throughout the state, section A of this act is deemed
3 necessary for the immediate preservation of the public health, welfare, peace, and safety, and is
4 hereby declared to be an emergency act within the meaning of the constitution, and section A of
5 this act shall be in full force and effect upon its passage and approval.

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