

FIRST REGULAR SESSION

HOUSE BILL NO. 867

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GRAGG.

1795H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 168.036 and 169.560, RSMo, and to enact in lieu thereof two new sections relating to public school retirement systems.

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

Section A. Sections 168.036 and 169.560, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 168.036 and 169.560, to read as follows:

2 168.036. 1. In addition to granting certificates of license to teach in public schools of
2 the state under section 168.021, the state board of education shall grant substitute teacher
3 certificates as provided in this section to any individual seeking to substitute teach in any
4 public school in this state.

5 2. (1) The state board shall not grant a certificate of license to teach under this section
6 to any individual who has not completed a background check as required under section
7 168.021.

8 (2) The state board may refuse to issue or renew, suspend, or revoke any certificate
9 sought or issued under this section in the same manner and for the same reasons as under
10 section 168.071.

11 3. The state board may grant a certificate under this section to any individual who has
12 completed:

13 (1) At least thirty-six semester hours at an accredited institution of higher education;
14 or

15 (2) The twenty-hour online training program required in this section and who
16 possesses a high school diploma or the equivalent thereof.

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.

17 4. The department of elementary and secondary education shall develop and maintain
18 an online training program for individuals, which shall consist of twenty hours of training
19 related to subjects appropriate for substitute teachers as determined by the department.

20 5. The state board may grant a certificate under this section to any highly qualified
21 individual with expertise in a technical or business field or with experience in the Armed
22 Forces of the United States who has completed the background check required in this section
23 but does not meet any of the qualifications under subdivision (1) or (2) of subsection 3 of this
24 section if the superintendent of the school district in which the individual seeks to substitute
25 teach sponsors such individual and the school board of the school district in which the
26 individual seeks to substitute teach votes to approve such individual to substitute teach.

27 6. (1) Notwithstanding any other provisions to contrary, beginning on June 30, 2022,
28 and ending on June 30, ~~2025~~ **2027**, any person who is retired and currently receiving a
29 retirement allowance under sections 169.010 to 169.141 or sections 169.600 to 169.715, other
30 than for disability, may be employed to substitute teach on a part-time or temporary substitute
31 basis by an employer included in the retirement system without a discontinuance of the
32 person's retirement allowance. Such a person shall not contribute to the retirement system, or
33 to the public school retirement system established by sections 169.010 to 169.141 or to the
34 public education employee retirement system established by sections 169.600 to 169.715,
35 because of earnings during such period of employment.

36 (2) In addition to the conditions set forth in subdivision 1 of this subsection, any
37 person retired and currently receiving a retirement allowance under sections 169.010 to
38 169.141, other than for disability, who is employed by a third party or is performing work as
39 an independent contractor may be employed to substitute teach on a part-time or temporary
40 substitute basis, if such person is performing work for an employer included in the retirement
41 system without a discontinuance of the person's retirement allowance.

42 (3) If a person is employed pursuant to this subsection on a regular, full-time basis the
43 person shall not be entitled to receive the person's retirement allowance for any month during
44 which the person is so employed. The retirement system may require the employer, the third-
45 party employer, the independent contractor, and the retiree subject to this subsection to
46 provide documentation showing compliance with this subsection. If such documentation is
47 not provided, the retirement system may deem the retiree to have exceeded the limitations
48 provided in this subsection.

49 7. A certificate granted under this section shall be valid for four years. A certificate
50 granted under this section shall expire at the end of any calendar year in which the individual
51 fails to substitute teach for at least five days or forty hours of in-seat instruction.

52 8. (1) An individual to whom the state board grants a certificate under this section
53 may be a substitute teacher in a public school in the state if the school district agrees to

54 employ the individual as a substitute teacher and such individual has completed a background
55 check as required in subsection 10 of this section.

56 (2) No individual to whom the state board grants a certificate under this section and
57 who is under twenty years of age shall be a substitute teacher in grades nine to twelve.

58 9. Each school district may develop an orientation for individuals to whom the state
59 board grants a certificate under this section for such individuals employed by the school
60 district and may require such individuals to complete such orientation. Such orientation shall
61 contain at least two hours of subjects appropriate for substitute teachers and shall contain
62 instruction on the school district's best practices for classroom management.

63 10. Beginning January 1, 2023, any substitute teacher may, at the time such substitute
64 teacher submits the fingerprints and information required for the background check required
65 under section 168.021, designate up to five school districts to which such substitute teacher
66 has submitted an application for substitute teaching to receive the results of the substitute
67 teacher's criminal history background check and fingerprint collection. The total amount of
68 any fees for disseminating such results to up to five school districts under this subsection shall
69 not exceed fifty dollars.

70 11. The state board may exercise the board's authority under chapter 161 to
71 promulgate all necessary rules and regulations necessary for the administration of this section.

169.560. 1. Any person retired and currently receiving a retirement allowance
2 pursuant to sections 169.010 to 169.141, other than for disability, may be employed in any
3 capacity for an employer included in the retirement system created by those sections on either
4 a part-time or temporary-substitute basis not to exceed a total of five hundred fifty hours in
5 any one school year, and through such employment may earn up to fifty percent of the annual
6 compensation payable under the employer's salary schedule for the position or positions filled
7 by the retiree, given such person's level of experience and education, without a
8 discontinuance of the person's retirement allowance. If the employer does not utilize a
9 salary schedule, or if the position in question is not subject to the employer's salary schedule,
10 a retiree employed in accordance with the provisions of this subsection may earn up to fifty
11 percent of the annual compensation paid to the person or persons who last held such position
12 or positions. If the position or positions did not previously exist, the compensation limit shall
13 be determined in accordance with rules duly adopted by the board of trustees of the retirement
14 system; provided that, it shall not exceed fifty percent of the annual compensation payable for
15 the position by the employer that is most comparable to the position filled by the retiree. In
16 any case where a retiree fills more than one position during the school year, the fifty-percent
17 limit on permitted earning shall be based solely on the annual compensation of the highest
18 paid position occupied by the retiree for at least one-fifth of the total hours worked during the
19 year. Such a person shall not contribute to the retirement system or to the public education

20 employee retirement system established by sections 169.600 to 169.715 because of earnings
21 during such period of employment. If such a person is employed in any capacity by such an
22 employer in excess of the limitations set forth in this subsection, the person shall not be
23 eligible to receive the person's retirement allowance for any month during which the person is
24 so employed. In addition, such person shall contribute to the retirement system if the person
25 satisfies the retirement system's membership eligibility requirements. In addition to the
26 conditions set forth above, this subsection shall apply to any person retired and currently
27 receiving a retirement allowance under sections 169.010 to 169.141, other than for disability,
28 who is employed by a third party or is performing work as an independent contractor, if such
29 person is performing work for an employer included in the retirement system as a temporary
30 or long-term substitute teacher or in any other position that would normally require that
31 person to be duly certificated under the laws governing the certification of teachers in
32 Missouri if such person was employed by the district. The retirement system may require the
33 employer, the third-party employer, the independent contractor, and the retiree subject to this
34 subsection to provide documentation showing compliance with this subsection. If such
35 documentation is not provided, the retirement system may deem the retiree to have exceeded
36 the limitations provided in this subsection.

37 2. Notwithstanding any other provision of this section, any person retired and
38 currently receiving a retirement allowance in accordance with sections 169.010 to 169.141,
39 other than for disability, may be employed by an employer included in the retirement system
40 created by those sections in a position that does not normally require a person employed in
41 that position to be duly certificated under the laws governing the certification of teachers in
42 Missouri, and through such employment may earn up to sixty percent of the minimum
43 teacher's salary as set forth in section 163.172, without a discontinuance of the person's
44 retirement allowance. Such person shall not contribute to the retirement system or to the
45 public education employee retirement system established by sections 169.600 to 169.715
46 because of earnings during such period of employment, and such person shall not earn
47 membership service for such employment. The employer's contribution rate shall be paid by
48 the hiring employer into the public education employee retirement system established by
49 sections 169.600 to 169.715. If such a person is employed in any capacity by an employer in
50 excess of the limitations set forth in this subsection, the person shall not be eligible to receive
51 the person's retirement allowance for any month during which the person is so employed. In
52 addition, such person shall become a member of and contribute to any retirement system
53 described in this subsection if the person satisfies the retirement system's membership
54 eligibility requirements. The provisions of this subsection shall not apply to any person
55 retired and currently receiving a retirement allowance in accordance with sections 169.010 to
56 169.141 employed by a public community college.

57 **3. (1) Notwithstanding any other provisions of law, beginning in the 2023-24**
58 **school year, and ending on June 30, 2027, any person, regardless of whether such person**
59 **has a certificate of license issued under section 168.021, who is retired and currently**
60 **receiving a retirement allowance under this chapter, other than for disability, may be**
61 **employed in any capacity by an employer included in any retirement system under this**
62 **chapter, in a position that does not normally require a person employed in that position**
63 **to be duly certificated under the laws governing the certification of teachers in Missouri,**
64 **without a discontinuance of the person's retirement allowance.**

65 **(2) In addition to the conditions set forth in subdivision 1 of this subsection, any**
66 **person, regardless of whether such person has a certificate of license issued under**
67 **section 168.021, who is retired and currently receiving a retirement allowance under this**
68 **chapter, other than for disability, and who is employed by a third party or is performing**
69 **work as an independent contractor, may work in any capacity by an employer included**
70 **in any retirement system under this chapter, that does not normally require a person**
71 **employed in that position to be duly certificated under the laws governing the**
72 **certification of teachers in Missouri, without a discontinuance of the person's retirement**
73 **allowance.**

74 **(3) For any person employed during the time period and provisions established**
75 **under this subsection, such a person shall not contribute to any retirement system under**
76 **this chapter because of earnings during such period of employment.**

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