

FIRST REGULAR SESSION

HOUSE BILL NO. 1039

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BOYKIN.

2390H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 168.036, RSMo, and to enact in lieu thereof one new section relating to retired substitute teachers, with an emergency clause.

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

Section A. Section 168.036, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 168.036, to read as follows:

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

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

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

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

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

(2) The twenty-hour online training program required in this section and who 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~~] **2030**, 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.

Section B. Because immediate action is necessary to provide for the safety and
2 education of school children, section A of this act is deemed necessary for the immediate
3 preservation of the public health, welfare, peace, and safety, and is hereby declared to be an
4 emergency act within the meaning of the constitution, and section A of this act shall be in full
5 force and effect upon its passage and approval.

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