

SECOND REGULAR SESSION

HOUSE BILL NO. 2396

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BROMLEY.

5949H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 169.596, RSMo, and to enact in lieu thereof one new section relating to retirement benefits for certain teacher retirement systems.

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

Section A. Section 169.596, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 169.596, to read as follows:

169.596. 1. **Except as provided under subsection 5 of this section and** 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 full time for up to 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 greater of one percent of the total certificated teachers and noncertificated staff for that school district, or five certificated teachers.

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 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

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 one time, the lesser of ten percent of the total noncertificated staff for that school district, or
18 five employees.

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

20 4. In order to hire teachers and noncertificated employees pursuant to the provisions
21 of **subsections 2 and 3 of** this section, the school district shall:

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

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

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

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

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

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

32 5. **(1) For all school years beginning on or after the July first immediately**
33 **following compliance with the provisions of section 105.684, but no earlier than July 1,**
34 **2027, a retired certificated teacher receiving a retirement benefit from the retirement**
35 **system established under sections 169.010 to 169.141 may, without losing his or her**
36 **retirement benefit, teach full time for a school district in a position covered by such**
37 **retirement system, provided that no such retired certificated teacher shall be employed**
38 **in administration.**

39 **(2) Such person shall not contribute to the retirement system because of earnings**
40 **during such period of employment, and such person shall not earn membership service**
41 **for such employment. The employer's contribution rate for such person shall be paid by**
42 **the hiring school district into the retirement system established by sections 169.010 to**
43 **169.141.**

44 **(3) The employer shall compensate a person hired under the provisions of this**
45 **section at the salary commensurate with the salary of an individual with similar years of**
46 **experience and level of education on such district's salary schedule for such position**
47 **filled by the retiree, or comparable position if the position did not exist, without a**
48 **discontinuance of the person's retirement allowance, provided that such salary may be**
49 **reduced by an amount equal to the percentage of the employee retirement contribution**
50 **rate for such individual.**

51 **(4) If the employer does not utilize a salary schedule or if the position in question**
52 **is not subject to the employer's salary schedule, the employer shall set the compensation**
53 **for such retiree at the tier of the salary limit that the school board of the employer set**

54 **for the position that has been submitted and approved by the board of trustees of the**
55 **retirement system and is commensurate with the salary of an individual with similar**
56 **years of experience and level of education, provided that such salary may be reduced by**
57 **an amount equal to the percentage of the employee retirement contribution rate for such**
58 **individual.**

59 **6.** Any person hired pursuant to this section shall be included in the State Directory of
60 New Hires for purposes of income and eligibility verification pursuant to 42 U.S.C. Section
61 1320b-7.

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