

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 172
98TH GENERAL ASSEMBLY

0590L.04C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 160.514, 161.855, 169.070, 169.141, 169.324, 169.560, 169.715, 173.750, and 178.550, RSMo, and to enact in lieu thereof thirteen new sections relating to elementary and secondary education, with an emergency clause for a certain section.

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

Section A. Sections 160.514, 161.855, 169.070, 169.141, 169.324, 169.560, 169.715, 2 173.750, and 178.550, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to 3 be known as sections 160.514, 161.089, 161.855, 167.903, 167.905, 169.070, 169.141, 169.324, 4 169.560, 169.715, 170.029, 173.750, and 178.550, to read as follows:

160.514. 1. By rule and regulation, and consistent with the provisions contained in 2 section 160.526, the state board of education shall adopt no more than seventy-five academic 3 performance standards which establish the knowledge, skills and competencies necessary for 4 students to successfully advance through the public elementary and secondary education system 5 of this state; lead to or qualify a student for high school graduation; prepare students for 6 postsecondary education or the workplace or both; and are necessary in this era to preserve the 7 rights and liberties of the people.

8 2. Whenever the state board of education develops, [evaluates,] modifies, or revises 9 academic performance standards or learning standards, it shall convene work groups composed 10 of education professionals to develop and recommend such academic performance standards or 11 learning standards. Separate work groups composed of education professionals shall be 12 convened for the following subject areas: English language arts; mathematics; science; and 13 history and governments. The subject area of history and governments shall incorporate 14 geography and the history and governments of the United States and the world. For each subject

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 area in which the state board of education develops, [evaluates,] modifies, or revises academic
16 performance standards or learning standards, the state board shall convene two separate work
17 groups, one work group for standards for grades kindergarten through five consisting of sixteen
18 members and a second work group for standards for grades six through twelve consisting of
19 seventeen members. A person may be selected to serve on more than one work group if he or
20 she is qualified. No work group member shall be required to be a member of a professional
21 teacher association. An education professional serving on a work group shall be a Missouri
22 resident for at least three years and have taught in the work group's subject area for at least ten
23 years or have ten years of experience in that subject area, except for the parents appointed by the
24 president pro tempore of the senate and the speaker of the house of representatives. Work group
25 members shall be chosen in such a manner as to represent the geographic diversity of the state.

26 3. Work group members shall be selected in the following manner:

27 (1) Two parents of children currently enrolled in grades kindergarten through twelve
28 shall be selected by the president pro tempore of the senate;

29 (2) Two parents of children currently enrolled in grades kindergarten through twelve
30 shall be selected by the speaker of the house of representatives;

31 (3) One education professional selected by the state board of education from names
32 submitted to it by the professional teachers' organizations of the state;

33 (4) One education professional selected by a statewide association of Missouri school
34 boards;

35 (5) One education professional selected by the state board of education from names
36 submitted to it by a statewide coalition of school administrators;

37 (6) Two education professionals selected by the president pro tempore of the senate in
38 addition to the members selected under subdivision (1) of this subsection;

39 (7) Two education professionals selected by the speaker of the house of representatives
40 in addition to the members selected under subdivision (2) of this subsection;

41 (8) One education professional selected by the governor;

42 (9) One education professional selected by the lieutenant governor;

43 (10) One education professional selected by the commissioner of higher education;

44 (11) One education professional selected by the state board of education from names
45 submitted to it by nationally recognized career and technical education student organizations
46 operating in Missouri; and

47 (12) One education professional selected by the state board of education from names
48 submitted to it by the heads of state-approved baccalaureate-level teacher preparation programs
49 located in Missouri.

50

51 The state board of education shall also appoint to each work group for grades six through twelve
52 from names submitted to it by a statewide organization for career and technical education one
53 current or retired career and technical education professional who also serves or served as an
54 advisor to any of the nationally recognized career and technical education student organizations
55 identified in subdivision (4) of subsection 2 of section 178.550. **Each work group shall elect**
56 **a chairperson and a secretary. The secretary shall record minutes including the names of**
57 **those attending, motions made, and votes taken. The secretary shall provide the recorded**
58 **minutes to work group members before any subsequent meeting, at which time a vote shall**
59 **be taken to approve the minutes. Once persons are elected to these positions, they shall**
60 **submit their names, telephone numbers, email addresses, and mailing addresses to the**
61 **governor, lieutenant governor, president pro tempore of the senate, and the speaker of the**
62 **house of representatives. The chairperson and secretary shall respond to any inquiry from**
63 **the governor, lieutenant governor, office of the president pro tempore, and the speaker**
64 **within five business days of any inquiry.**

65 4. Any person selected under subdivision (1), (2), (6), (7), (8), or (9) of subsection
66 3 of this section shall serve on the work group at the pleasure of the appointing authority
67 who has selected him or her. He or she may be removed at any time and for any reason as
68 the appointing authority who selected him or her deems necessary.

69 5. If a member of the work group or an appointing agency challenges a work group
70 member's qualifications, a panel consisting of the chairpersons of the other seven work
71 groups shall review the member's qualifications. The member shall provide proof to the
72 panel within thirty days that the member is qualified to serve under the provisions of this
73 section. In the event the panel determines that a member does not meet the qualifications
74 of this section, the member shall be considered removed from the work group and the
75 original appointing entity shall appoint a qualified person to fill the position within thirty
76 days of the disqualified member's dismissal.

77 6. The state board of education shall hold at least three public hearings whenever it
78 develops, [evaluates,] modifies, or revises academic performance standards or [learning
79 standards] **grade-level expectations**. The hearings shall provide an opportunity to receive public
80 testimony, including but not limited to testimony from educators at all levels in the state, local
81 school boards, parents, representatives from business and industry, labor and community leaders,
82 members of the general assembly, and the general public. The state board of education shall hold
83 the first hearing within thirty days of the work groups being convened. The state board of
84 education shall hold the second hearing approximately six months after it holds the first hearing.
85 The state board of education shall hold the third hearing when the work groups submit the
86 academic performance standards they have developed to the state board. The state board of

87 education shall also solicit comments and feedback on the academic performance standards or
88 learning standards from the joint committee on education and from academic researchers. All
89 comments shall be made publicly available. **The state board of education shall send copies**
90 **of all comments to the chairpersons of all work groups established under subsection 2 of**
91 **this section.**

92 [5.] 7. The state board of education shall develop written curriculum frameworks that
93 may be used by school districts. Such curriculum frameworks shall incorporate the academic
94 performance standards adopted by the state board of education pursuant to subsection 1 of this
95 section. The curriculum frameworks shall provide guidance to school districts but shall not be
96 mandates for local school boards in the adoption or development of written curricula as required
97 by subsection [6] 8 of this section.

98 [6.] 8. Not later than one year after the development of written curriculum frameworks
99 pursuant to subsection [5] 7 of this section, the board of education of each school district in the
100 state shall adopt or develop a written curriculum designed to ensure that students attain the
101 knowledge, skills and competencies established pursuant to subsection 1 of this section. Local
102 school boards are encouraged to adopt or develop curricula that are rigorous and ambitious and
103 may, but are not required to, use the curriculum frameworks developed pursuant to subsection
104 [5] 7 of this section. Nothing in this section or this act shall prohibit school districts, as
105 determined by local boards of education, to develop or adopt curricula that provide for academic
106 standards in addition to those identified by the state board of education pursuant to subsection
107 1 of this section.

108 [7.] 9. Local school districts and charter schools may adopt their own education
109 standards, in addition to those already adopted by the state, provided the additional standards are
110 in the public domain and do not conflict with the standards adopted by the state board of
111 education.

161.089. 1. After December 31, 2018, when the state board of education assigns
2 **classification designations to school districts under its authority to classify the public**
3 **schools of the state in section 161.092, it may base its determination on the implementation**
4 **of the school district's plan, pursuant to this section, to address multiple school quality**
5 **indicators including, but not limited to, the following:**

- 6 (1) **Programs and services that help student learning;**
- 7 (2) **High expectations and standards;**
- 8 (3) **Comprehensive curricula for all students;**
- 9 (4) **School conditions that support teaching and learning;**
- 10 (5) **Qualified staff;**
- 11 (6) **Shared responsibility for school oversight at all levels;**

12 (7) Parental and community involvement; and

13 (8) Fair and efficient use of resources.

14 2. Before July 1, 2018, each school district shall establish its own operation and
15 assessment plan to address the school quality indicators described in subsection 1 of this
16 section for each school and for the district. Teachers, administrators, business leaders,
17 parents, and community stakeholders shall develop the plan. The school board shall
18 approve the plan. The plan shall describe how the school district and each school will
19 strive to acquire all school quality indicators. The plan shall describe the curriculum,
20 instructional approaches, assessments, and improvement measures for the school district
21 and each school. Plans may include authentic assessments, including portfolio exhibitions,
22 performance tasks, student products, and external reviews.

23 3. Each school district shall prepare annual reports that contain the plan
24 established under subsection 2 of this section for the most recent school year. Each school
25 district shall determine the format of these annual reports for itself. The state board of
26 education may review the annual reports and provide feedback to the districts with the
27 goal of making the reports more useful. Immediately after preparing the annual reports,
28 all school districts shall disseminate the annual reports to the department of elementary
29 and secondary education, the parents of the students that they serve, and the communities
30 in which they are located.

31 4. The department of elementary and secondary education shall use the data
32 submitted in the reports described under subsection 3 of this section to prepare annual
33 reports on the state of public education in Missouri. After November 30, 2018, the
34 department of elementary and secondary education shall send such annual reports on the
35 state of public education in Missouri to the joint committee on education.

36 5. The department of elementary and secondary education shall establish a "School
37 Quality Task Force". Task force members shall be chosen to represent the geographic
38 diversity of the state. The commissioner of education, the commissioner of higher
39 education, and the director of the department of economic development shall serve as ex
40 officio members of the task force. All task force members shall be appointed on or before
41 January 1, 2016. The task force members shall be appointed as follows:

42 (1) Two school superintendents appointed by a statewide coalition of school
43 administrators;

44 (2) An elementary school principal appointed by a statewide association of
45 elementary school principals;

46 (3) A secondary school principal appointed by a statewide association of secondary
47 school principals;

48 (4) Two public school board members appointed by a statewide association of
49 school boards;

50 (5) Two elementary education professionals appointed by the state board of
51 education from names submitted by statewide professional teachers' organizations;

52 (6) One secondary education professional appointed by the state board of education
53 from names submitted by statewide professional teachers' organizations;

54 (7) One secondary education professional appointed by the state board of education
55 from names submitted by the statewide career and technology educators' association;

56 (8) One school guidance counselor appointed by the state board of education from
57 names submitted by a statewide professional organization of guidance counselors;

58 (9) One representative appointed by a statewide association of public two-year
59 colleges;

60 (10) One representative appointed by a statewide association of public four-year
61 colleges;

62 (11) One representative of a proprietary school appointed by the commissioner of
63 higher education;

64 (12) One representative from the State Technical College of Missouri appointed by
65 the president of the college;

66 (13) Four representatives from an innovation campus, as defined in section
67 178.1100, appointed by the commissioner of higher education: a representative from the
68 school district, a representative from a two-year college, a representative from a four-year
69 college, and a representative from the business community; and

70 (14) Three representatives from the business community appointed by the director
71 of the department of economic development.

72 6. The members of the school quality task force established under subsection 5 of
73 this section shall elect two co-chairs. One co-chair shall be from the business community
74 and one co-chair shall be from the education community. The task force shall meet at least
75 four times each year and may hold additional meetings by telephone or video conference.
76 Members of the task force shall serve without compensation. The department of
77 elementary and secondary education shall reimburse members for actual and necessary
78 expenses incurred in the performance of their official duties. The department of
79 elementary and secondary education shall reimburse school districts for the cost of the
80 substitute teacher if a task force member is required to miss a school day to attend a task
81 force meeting. No district policy or administrative action shall require any teacher
82 member to use personal leave or incur a reduction in pay for participating on the task
83 force.

84 **7. The school quality task force established under subsection 5 of this section is**
85 **hereby created to study and provide recommendations on the following:**

86 **(1) Options for comprehensive school quality indicators leading to student success**
87 **that may differ from those established under subsection 1 of this section;**

88 **(2) Options for school quality review models based on successful review models**
89 **currently in use;**

90 **(3) Options for locally created assessment and accountability systems; and**

91 **(4) Best practices in parent and community engagement.**

92 **8. Before December 31, 2016, the school quality task force established under**
93 **subsection 5 of this section shall present its findings and recommendations to the joint**
94 **committee on education and the state board of education. The task force may recommend**
95 **changes, deletions, or additions to the school quality indicators established under**
96 **subsection 1 of this section. The task force may also recommend specific methods of**
97 **measuring the school quality indicators. Upon presenting the findings and**
98 **recommendations to the joint committee on education and the state board of education, the**
99 **school quality task force shall dissolve.**

 161.855. 1. By October 1, 2014, the state board of education shall convene work groups
2 composed of education professionals to develop and recommend academic performance
3 standards. The work groups shall be composed of individuals as provided in section 160.514.
4 The state board of education and the work groups shall follow the procedures and conduct the
5 public hearings required by section 160.514. The state board of education shall convene separate
6 work groups for the following subject areas: English language arts; mathematics; science; and
7 history and governments. For each of these four subject areas, the state board of education shall
8 convene two separate work groups, one work group for grades kindergarten through five and
9 another work group for grades six through twelve.

10 **2. The chairperson of each work group shall submit a monthly progress report to**
11 **the governor, lieutenant governor, president pro tempore of the senate, and the speaker**
12 **of the house of representatives by the fifth day of each month. The chairperson of each**
13 **work group shall update the offices of the governor, lieutenant governor, president pro**
14 **tempore, and speaker as to any changes in member contact information. If a quorum is**
15 **not reached for a meeting, members may work as a subcommittee but shall not vote. A**
16 **quorum shall be present for any vote to occur. If a specific member misses more than four**
17 **meetings within a six-month period, the work group may, by a majority vote, recommend**
18 **to the panel under subsection 5 of section 160.514 to have the member removed from the**
19 **work group. If a member is so dismissed by a majority vote of the panel, he or she shall**
20 **be replaced within thirty days of dismissal with a new member appointed by the original**

21 **appointing entity. The department of elementary and secondary education shall reimburse**
22 **work group members for travel expenses, including overnight accommodations, meals, and**
23 **mileage using the state per-diem formula as appropriated. The department of elementary**
24 **and secondary education shall reimburse school districts for the cost of a substitute teacher**
25 **if a work group member is required to miss a school day to attend a work group meeting.**
26 **No district policy or administrative action shall prohibit a teacher member from**
27 **participating in a work group meeting nor shall any teacher member be required to use**
28 **personal leave or incur a reduction in pay for participating in a work group meeting.**

29 **3. Work groups may establish as many grade-level expectations as believed**
30 **necessary for each grade level. Each work group shall meet with and collaborate with the**
31 **other work group of the same subject area in order to ensure alignment of grade-level**
32 **expectations.**

33 **4. The work groups shall develop and recommend academic performance standards to**
34 **the state board of education by October 1, 2015. The work groups shall report on their progress**
35 **in developing the academic performance standards to the president pro tempore of the senate and**
36 **the speaker of the house of representatives on a monthly basis.**

37 **5. Before making any recommendations as to grade-level expectations or academic**
38 **performance standards, the work groups shall ensure that any standards developed or**
39 **recommendations made are:**

40 **(1) In compliance with the show-me standards approved by the state board of**
41 **education;**

42 **(2) Age appropriate and developmentally appropriate; and**

43 **(3) Understandable to teachers in that subject area.**

44 **[3.] 6. The state board of education [shall] may adopt and the department of**
45 **elementary and secondary education may implement, as written, the academic performance**
46 **standards developed and recommended by the work groups under subsection 4 of this**
47 **section beginning in the 2016-17 school year. If the state board of education declines to**
48 **adopt such standards, the board shall provide suggestions for improvement to the work**
49 **groups. The state board of education shall align the statewide assessment system to the**
50 **academic performance standards as needed.**

51 **[4.] 7. The department of elementary and secondary education shall pilot assessments**
52 **from the Smarter Balanced Assessment Consortium during the 2014-15 school year.**
53 **Notwithstanding any rules adopted by the state board of education or the department of**
54 **elementary and secondary education in place on August 28, 2014, for the 2014-15 school year,**
55 **and at any time the state board of education or the department of elementary and secondary**
56 **education implements a new statewide assessment system, develops new academic performance**

57 standards, or makes changes to the Missouri school improvement program, the first [year] **two**
58 **years** of such statewide assessment system and performance indicators shall be utilized as [a]
59 pilot [year] **years** for the purposes of calculating a district's annual performance report under the
60 Missouri school improvement program. The results of a statewide pilot shall not be used to
61 lower a public school district's accreditation or for a teacher's evaluation.

62 [5.] **8.** Any person performing work for a school district or charter school for which
63 teacher certification or administrator certification is regularly required under the laws relating
64 to the certification of teachers or administrators shall be an employee of the school district or
65 charter school. All evaluations of any such person shall be maintained in the teacher's or
66 administrator's personnel file and shall not be shared with any state or federal agency.

167.903. 1. Each student during his or her seventh grade year at a public school,
2 **including a charter school, may develop with help from the school's guidance counselors**
3 **a personal plan of study, which shall be reviewed at least annually by school personnel and**
4 **the student's parent or guardian and updated based upon the needs of the student. Each**
5 **plan shall present a sequence of courses and experiences that conclude with the student**
6 **reaching his or her postsecondary goals, with implementation of the plan of study**
7 **transferring to the program of postsecondary education or training upon the student's high**
8 **school graduation without need for remediation at the postsecondary level. The plan shall**
9 **include, but not be limited to:**

10 (1) **Requirements for graduation from the school district or charter school;**

11 (2) **Career or postsecondary goals;**

12 (3) **Coursework or program of study related to career and postsecondary goals,**
13 **which shall include, where relevant, opportunities that the district or school may not**
14 **directly offer;**

15 (4) **Grade-appropriate and career-related experiences, as outlined in the grade-level**
16 **expectations of the Missouri comprehensive guidance program; and**

17 (5) **Student assessments, interest inventories, or academic results needed to develop,**
18 **review, and revise the personal plan of study, which shall include, where relevant,**
19 **assessments, inventories, or academic results that the school district or charter school may**
20 **not offer.**

21 **2. No later than January 1, 2016, the department of elementary and secondary**
22 **education shall develop a process for recognition of a school district's program for**
23 **developing personalized plans of study for all students entering seventh grade.**

167.905. 1. By July 1, 2017, each school district shall develop a policy and
2 **implement a measurable system for identifying students in their ninth grade year, or**
3 **students who transfer into the school subsequent to their ninth grade year, who are at risk**

4 of not being ready for college-level work or for entry-level career positions. Each school
 5 district's system is subject to approval by the department of elementary and secondary
 6 education. Districts shall include, but are not limited to, the following sources of
 7 information:

8 (1) A student's performance on the Missouri assessment program test in eighth
 9 grade in English language arts and mathematics;

10 (2) A student's comparable statewide assessment performance if such student
 11 transferred from another state; and

12 (3) A student's attendance rate.

13 2. The district policy shall require academic and career counseling to take place
 14 sufficiently prior to graduation for any student found to be at risk to ensure the ability of
 15 the school to provide sufficient opportunities to the student to graduate college-ready or
 16 career-ready and on time.

17 3. No later than January 1, 2016, the department of elementary and secondary
 18 education shall develop a process for recognition of a school district's program of academic
 19 and career counseling for students who have been identified as being at risk of dropping
 20 out or at risk of not being ready for college-level coursework or for an entry-level career
 21 position.

169.070. 1. The retirement allowance of a member whose age at retirement is sixty years
 2 or more and whose creditable service is five years or more, or whose sum of age and creditable
 3 service equals eighty years or more, or who has attained age fifty-five and whose creditable
 4 service is twenty-five years or more or whose creditable service is thirty years or more regardless
 5 of age, may be the sum of the following items, not to exceed one hundred percent of the
 6 member's final average salary:

7 (1) Two and five-tenths percent of the member's final average salary for each year of
 8 membership service;

9 (2) Six-tenths of the amount payable for a year of membership service for each year of
 10 prior service not exceeding thirty years. In lieu of the retirement allowance otherwise provided
 11 in subdivisions (1) and (2) of this subsection, a member may elect to receive a retirement
 12 allowance of:

13 (3) Two and four-tenths percent of the member's final average salary for each year of
 14 membership service, if the member's creditable service is twenty-nine years or more but less than
 15 thirty years, and the member has not attained age fifty-five;

16 (4) Two and thirty-five-hundredths percent of the member's final average salary for each
 17 year of membership service, if the member's creditable service is twenty-eight years or more but
 18 less than twenty-nine years, and the member has not attained age fifty-five;

19 (5) Two and three-tenths percent of the member's final average salary for each year of
20 membership service, if the member's creditable service is twenty-seven years or more but less
21 than twenty-eight years, and the member has not attained age fifty-five;

22 (6) Two and twenty-five-hundredths percent of the member's final average salary for
23 each year of membership service, if the member's creditable service is twenty-six years or more
24 but less than twenty-seven years, and the member has not attained age fifty-five;

25 (7) Two and two-tenths percent of the member's final average salary for each year of
26 membership service, if the member's creditable service is twenty-five years or more but less than
27 twenty-six years, and the member has not attained age fifty-five;

28 (8) [Between July 1, 2001, and July 1, 2014,] Two and fifty-five hundredths percent of
29 the member's final average salary for each year of membership service, if the member's creditable
30 service is thirty-one years or more regardless of age.

31 2. In lieu of the retirement allowance provided in subsection 1 of this section, a member
32 whose age is sixty years or more on September 28, 1975, may elect to have the member's
33 retirement allowance calculated as a sum of the following items:

34 (1) Sixty cents plus one and five-tenths percent of the member's final average salary for
35 each year of membership service;

36 (2) Six-tenths of the amount payable for a year of membership service for each year of
37 prior service not exceeding thirty years;

38 (3) Three-fourths of one percent of the sum of subdivisions (1) and (2) of this subsection
39 for each month of attained age in excess of sixty years but not in excess of age sixty-five.

40 3. (1) In lieu of the retirement allowance provided either in subsection 1 or 2 of this
41 section, collectively called "option 1", a member whose creditable service is twenty-five years
42 or more or who has attained the age of fifty-five with five or more years of creditable service may
43 elect in the member's application for retirement to receive the actuarial equivalent of the
44 member's retirement allowance in reduced monthly payments for life during retirement with the
45 provision that:

46 Option 2. Upon the member's death the reduced retirement allowance shall be continued
47 throughout the life of and paid to such person as has an insurable interest in the life of the
48 member as the member shall have nominated in the member's election of the option, and
49 provided further that if the person so nominated dies before the retired member, the retirement
50 allowance will be increased to the amount the retired member would be receiving had the retired
51 member elected option 1;

52 OR

53 Option 3. Upon the death of the member three-fourths of the reduced retirement
54 allowance shall be continued throughout the life of and paid to such person as has an insurable

55 interest in the life of the member and as the member shall have nominated in an election of the
56 option, and provided further that if the person so nominated dies before the retired member, the
57 retirement allowance will be increased to the amount the retired member would be receiving had
58 the member elected option 1;

59 OR

60 Option 4. Upon the death of the member one-half of the reduced retirement allowance
61 shall be continued throughout the life of, and paid to, such person as has an insurable interest in
62 the life of the member and as the member shall have nominated in an election of the option, and
63 provided further that if the person so nominated dies before the retired member, the retirement
64 allowance shall be increased to the amount the retired member would be receiving had the
65 member elected option 1;

66 OR

67 Option 5. Upon the death of the member prior to the member having received one
68 hundred twenty monthly payments of the member's reduced allowance, the remainder of the one
69 hundred twenty monthly payments of the reduced allowance shall be paid to such beneficiary as
70 the member shall have nominated in the member's election of the option or in a subsequent
71 nomination. If there is no beneficiary so nominated who survives the member for the remainder
72 of the one hundred twenty monthly payments, the total of the remainder of such one hundred
73 twenty monthly payments shall be paid to the surviving spouse, surviving children in equal
74 shares, surviving parents in equal shares, or estate of the last person, in that order of precedence,
75 to receive a monthly allowance in a lump sum payment. If the total of the one hundred twenty
76 payments paid to the retired individual and the beneficiary of the retired individual is less than
77 the total of the member's accumulated contributions, the difference shall be paid to the
78 beneficiary in a lump sum;

79 OR

80 Option 6. Upon the death of the member prior to the member having received sixty
81 monthly payments of the member's reduced allowance, the remainder of the sixty monthly
82 payments of the reduced allowance shall be paid to such beneficiary as the member shall have
83 nominated in the member's election of the option or in a subsequent nomination. If there is no
84 beneficiary so nominated who survives the member for the remainder of the sixty monthly
85 payments, the total of the remainder of such sixty monthly payments shall be paid to the
86 surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate
87 of the last person, in that order of precedence, to receive a monthly allowance in a lump sum
88 payment. If the total of the sixty payments paid to the retired individual and the beneficiary of
89 the retired individual is less than the total of the member's accumulated contributions, the
90 difference shall be paid to the beneficiary in a lump sum.

91 (2) The election of an option may be made only in the application for retirement and such
92 application must be filed prior to the date on which the retirement of the member is to be
93 effective. If either the member or the person nominated to receive the survivorship payments
94 dies before the effective date of retirement, the option shall not be effective, provided that:

95 (a) If the member or a person retired on disability retirement dies after acquiring twenty-
96 five or more years of creditable service or after attaining the age of fifty-five years and acquiring
97 five or more years of creditable service and before retirement, except retirement with disability
98 benefits, and the person named by the member as the member's beneficiary has an insurable
99 interest in the life of the deceased member, the designated beneficiary may elect to receive either
100 survivorship benefits under option 2 or a payment of the accumulated contributions of the
101 member. If survivorship benefits under option 2 are elected and the member at the time of death
102 would have been eligible to receive an actuarial equivalent of the member's retirement allowance,
103 the designated beneficiary may further elect to defer the option 2 payments until the date the
104 member would have been eligible to receive the retirement allowance provided in subsection 1
105 or 2 of this section;

106 (b) If the member or a person retired on disability retirement dies before attaining age
107 fifty-five but after acquiring five but fewer than twenty-five years of creditable service, and the
108 person named as the member's beneficiary has an insurable interest in the life of the deceased
109 member, the designated beneficiary may elect to receive either a payment of the member's
110 accumulated contributions, or survivorship benefits under option 2 to begin on the date the
111 member would first have been eligible to receive an actuarial equivalent of the member's
112 retirement allowance, or to begin on the date the member would first have been eligible to
113 receive the retirement allowance provided in subsection 1 or 2 of this section.

114 4. If the total of the retirement or disability allowance paid to an individual before the
115 death of the individual is less than the accumulated contributions at the time of retirement, the
116 difference shall be paid to the beneficiary of the individual, or to the surviving spouse, surviving
117 children in equal shares, surviving parents in equal shares, or estate of the individual in that order
118 of precedence. If an optional benefit as provided in option 2, 3 or 4 in subsection 3 of this
119 section had been elected, and the beneficiary dies after receiving the optional benefit, and if the
120 total retirement allowance paid to the retired individual and the beneficiary of the retired
121 individual is less than the total of the contributions, the difference shall be paid to the surviving
122 spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the
123 beneficiary, in that order of precedence, unless the retired individual designates a different
124 recipient with the board at or after retirement.

125 5. If a member dies and his or her financial institution is unable to accept the final
126 payment or payments due to the member, the final payment or payments shall be paid to the

127 beneficiary of the member or, if there is no beneficiary, to the surviving spouse, surviving
128 children in equal shares, surviving parents in equal shares, or estate of the member, in that order
129 of precedence, unless otherwise stated. If the beneficiary of a deceased member dies and his or
130 her financial institution is unable to accept the final payment or payments, the final payment or
131 payments shall be paid to the surviving spouse, surviving children in equal shares, surviving
132 parents in equal shares, or estate of the member, in that order of precedence, unless otherwise
133 stated.

134 6. If a member dies before receiving a retirement allowance, the member's accumulated
135 contributions at the time of the death of the member shall be paid to the beneficiary of the
136 member or, if there is no beneficiary, to the surviving spouse, surviving children in equal shares,
137 surviving parents in equal shares, or to the estate of the member, in that order of precedence;
138 except that, no such payment shall be made if the beneficiary elects option 2 in subsection 3 of
139 this section, unless the beneficiary dies before having received benefits pursuant to that
140 subsection equal to the accumulated contributions of the member, in which case the amount of
141 accumulated contributions in excess of the total benefits paid pursuant to that subsection shall
142 be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal
143 shares, or estate of the beneficiary, in that order of precedence.

144 7. If a member ceases to be a public school employee as herein defined and certifies to
145 the board of trustees that such cessation is permanent, or if the membership of the person is
146 otherwise terminated, the member shall be paid the member's accumulated contributions with
147 interest.

148 8. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, if a
149 member ceases to be a public school employee after acquiring five or more years of membership
150 service in Missouri, the member may at the option of the member leave the member's
151 contributions with the retirement system and claim a retirement allowance any time after
152 reaching the minimum age for voluntary retirement. When the member's claim is presented to
153 the board, the member shall be granted an allowance as provided in sections 169.010 to 169.141
154 on the basis of the member's age, years of service, and the provisions of the law in effect at the
155 time the member requests the member's retirement to become effective.

156 9. The retirement allowance of a member retired because of disability shall be nine-
157 tenths of the allowance to which the member's creditable service would entitle the member if the
158 member's age were sixty, or fifty percent of one-twelfth of the annual salary rate used in
159 determining the member's contributions during the last school year for which the member
160 received a year of creditable service immediately prior to the member's disability, whichever is
161 greater, except that no such allowance shall exceed the retirement allowance to which the

162 member would have been entitled upon retirement at age sixty if the member had continued to
163 teach from the date of disability until age sixty at the same salary rate.

164 10. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, from
165 October 13, 1961, the contribution rate pursuant to sections 169.010 to 169.141 shall be
166 multiplied by the factor of two-thirds for any member of the system for whom federal Old Age
167 and Survivors Insurance tax is paid from state or local tax funds on account of the member's
168 employment entitling the person to membership in the system. The monetary benefits for a
169 member who elected not to exercise an option to pay into the system a retroactive contribution
170 of four percent on that part of the member's annual salary rate which was in excess of four
171 thousand eight hundred dollars but not in excess of eight thousand four hundred dollars for each
172 year of employment in a position covered by this system between July 1, 1957, and July 1, 1961,
173 as provided in subsection 10 of this section as it appears in RSMo, 1969, shall be the sum of:

174 (1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for
175 years of membership service;

176 (2) For years of membership service after July 1, 1946, in which the full contribution rate
177 was paid, full benefits under the formula in effect at the time of the member's retirement;

178 (3) For years of membership service after July 1, 1957, and prior to July 1, 1961, the
179 benefits provided in this section as it appears in RSMo, 1959; except that if the member has at
180 least thirty years of creditable service at retirement the member shall receive the benefit payable
181 pursuant to that section as though the member's age were sixty-five at retirement;

182 (4) For years of membership service after July 1, 1961, in which the two-thirds
183 contribution rate was paid, two-thirds of the benefits under the formula in effect at the time of
184 the member's retirement.

185 11. The monetary benefits for each other member for whom federal Old Age and
186 Survivors Insurance tax is or was paid at any time from state or local funds on account of the
187 member's employment entitling the member to membership in the system shall be the sum of:

188 (1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for
189 years of membership service;

190 (2) For years of membership service after July 1, 1946, in which the full contribution rate
191 was paid, full benefits under the formula in effect at the time of the member's retirement;

192 (3) For years of membership service after July 1, 1957, in which the two-thirds
193 contribution rate was paid, two-thirds of the benefits under the formula in effect at the time of
194 the member's retirement.

195 12. Any retired member of the system who was retired prior to September 1, 1972, or
196 beneficiary receiving payments under option 1 or option 2 of subsection 3 of this section, as such
197 option existed prior to September 1, 1972, will be eligible to receive an increase in the retirement

198 allowance of the member of two percent for each year, or major fraction of more than one-half
199 of a year, which the retired member has been retired prior to July 1, 1975. This increased amount
200 shall be payable commencing with January, 1976, and shall thereafter be referred to as the
201 member's retirement allowance. The increase provided for in this subsection shall not affect the
202 retired member's eligibility for compensation provided for in section 169.580 or 169.585, nor
203 shall the amount being paid pursuant to these sections be reduced because of any increases
204 provided for in this section.

205 13. If the board of trustees determines that the cost of living, as measured by generally
206 accepted standards, increases two percent or more in the preceding fiscal year, the board shall
207 increase the retirement allowances which the retired members or beneficiaries are receiving by
208 two percent of the amount being received by the retired member or the beneficiary at the time
209 the annual increase is granted by the board with the provision that the increases provided for in
210 this subsection shall not become effective until the fourth January first following the member's
211 retirement or January 1, 1977, whichever later occurs, or in the case of any member retiring on
212 or after July 1, 2000, the increase provided for in this subsection shall not become effective until
213 the third January first following the member's retirement, or in the case of any member retiring
214 on or after July 1, 2001, the increase provided for in this subsection shall not become effective
215 until the second January first following the member's retirement. Commencing with January 1,
216 1992, if the board of trustees determines that the cost of living has increased five percent or more
217 in the preceding fiscal year, the board shall increase the retirement allowances by five percent.
218 The total of the increases granted to a retired member or the beneficiary after December 31,
219 1976, may not exceed eighty percent of the retirement allowance established at retirement or as
220 previously adjusted by other subsections. If the cost of living increases less than five percent,
221 the board of trustees may determine the percentage of increase to be made in retirement
222 allowances, but at no time can the increase exceed five percent per year. If the cost of living
223 decreases in a fiscal year, there will be no increase in allowances for retired members on the
224 following January first.

225 14. The board of trustees may reduce the amounts which have been granted as increases
226 to a member pursuant to subsection 13 of this section if the cost of living, as determined by the
227 board and as measured by generally accepted standards, is less than the cost of living was at the
228 time of the first increase granted to the member; except that, the reductions shall not exceed the
229 amount of increases which have been made to the member's allowance after December 31, 1976.

230 15. Any application for retirement shall include a sworn statement by the member
231 certifying that the spouse of the member at the time the application was completed was aware
232 of the application and the plan of retirement elected in the application.

233 16. Notwithstanding any other provision of law, any person retired prior to September
234 28, 1983, who is receiving a reduced retirement allowance under option 1 or option 2 of
235 subsection 3 of this section, as such option existed prior to September 28, 1983, and whose
236 beneficiary nominated to receive continued retirement allowance payments under the elected
237 option dies or has died, shall upon application to the board of trustees have his or her retirement
238 allowance increased to the amount he or she would have been receiving had the option not been
239 elected, actuarially adjusted to recognize any excessive benefits which would have been paid to
240 him or her up to the time of application.

241 17. Benefits paid pursuant to the provisions of the public school retirement system of
242 Missouri shall not exceed the limitations of Section 415 of Title 26 of the United States Code
243 except as provided pursuant to this subsection. Notwithstanding any other law to the contrary,
244 the board of trustees may establish a benefit plan pursuant to Section 415(m) of Title 26 of the
245 United States Code. Such plan shall be created solely for the purpose described in Section
246 415(m)(3)(A) of Title 26 of the United States Code. The board of trustees may promulgate
247 regulations necessary to implement the provisions of this subsection and to create and administer
248 such benefit plan.

249 18. Notwithstanding any other provision of law to the contrary, any person retired before,
250 on, or after May 26, 1994, shall be made, constituted, appointed and employed by the board as
251 a special consultant on the matters of education, retirement and aging, and upon request shall
252 give written or oral opinions to the board in response to such requests. As compensation for such
253 duties the person shall receive an amount based on the person's years of service so that the total
254 amount received pursuant to sections 169.010 to 169.141 shall be at least the minimum amounts
255 specified in subdivisions (1) to (4) of this subsection. In determining the minimum amount to
256 be received, the amounts in subdivisions (3) and (4) of this subsection shall be adjusted in
257 accordance with the actuarial adjustment, if any, that was applied to the person's retirement
258 allowance. In determining the minimum amount to be received, beginning September 1, 1996,
259 the amounts in subdivisions (1) and (2) of this subsection shall be adjusted in accordance with
260 the actuarial adjustment, if any, that was applied to the person's retirement allowance due to
261 election of an optional form of retirement having a continued monthly payment after the person's
262 death. Notwithstanding any other provision of law to the contrary, no person retired before, on,
263 or after May 26, 1994, and no beneficiary of such a person, shall receive a retirement benefit
264 pursuant to sections 169.010 to 169.141 based on the person's years of service less than the
265 following amounts:

- 266 (1) Thirty or more years of service, one thousand two hundred dollars;
267 (2) At least twenty-five years but less than thirty years, one thousand dollars;
268 (3) At least twenty years but less than twenty-five years, eight hundred dollars;

269 (4) At least fifteen years but less than twenty years, six hundred dollars.

270 19. Notwithstanding any other provisions of law to the contrary, any person retired prior
271 to May 26, 1994, and any designated beneficiary of such a retired member who was deceased
272 prior to July 1, 1999, shall be made, constituted, appointed and employed by the board as a
273 special consultant on the matters of education, retirement or aging and upon request shall give
274 written or oral opinions to the board in response to such requests. Beginning September 1, 1996,
275 as compensation for such service, the member shall have added, pursuant to this subsection, to
276 the member's monthly annuity as provided by this section a dollar amount equal to the lesser of
277 sixty dollars or the product of two dollars multiplied by the member's number of years of
278 creditable service. Beginning September 1, 1999, the designated beneficiary of the deceased
279 member shall as compensation for such service have added, pursuant to this subsection, to the
280 monthly annuity as provided by this section a dollar amount equal to the lesser of sixty dollars
281 or the product of two dollars multiplied by the member's number of years of creditable service.
282 The total compensation provided by this section including the compensation provided by this
283 subsection shall be used in calculating any future cost-of-living adjustments provided by
284 subsection 13 of this section.

285 20. Any member who has retired prior to July 1, 1998, and the designated beneficiary
286 of a deceased retired member shall be made, constituted, appointed and employed by the board
287 as a special consultant on the matters of education, retirement and aging, and upon request shall
288 give written or oral opinions to the board in response to such requests. As compensation for such
289 duties the person shall receive a payment equivalent to eight and seven-tenths percent of the
290 previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity
291 and which shall not be subject to the provisions of subsections 13 and 14 of this section for the
292 purposes of the limit on the total amount of increases which may be received.

293 21. Any member who has retired shall be made, constituted, appointed and employed
294 by the board as a special consultant on the matters of education, retirement and aging, and upon
295 request shall give written or oral opinions to the board in response to such request. As
296 compensation for such duties, the beneficiary of the retired member, or, if there is no beneficiary,
297 the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or
298 estate of the retired member, in that order of precedence, shall receive as a part of compensation
299 for these duties a death benefit of five thousand dollars.

300 22. Any member who has retired prior to July 1, 1999, and the designated beneficiary
301 of a retired member who was deceased prior to July 1, 1999, shall be made, constituted,
302 appointed and employed by the board as a special consultant on the matters of education,
303 retirement and aging, and upon request shall give written or oral opinions to the board in
304 response to such requests. As compensation for such duties, the person shall have added,

305 pursuant to this subsection, to the monthly annuity as provided by this section a dollar amount
306 equal to five dollars times the member's number of years of creditable service.

307 23. Any member who has retired prior to July 1, 2000, and the designated beneficiary
308 of a deceased retired member shall be made, constituted, appointed and employed by the board
309 as a special consultant on the matters of education, retirement and aging, and upon request shall
310 give written or oral opinions to the board in response to such requests. As compensation for such
311 duties, the person shall receive a payment equivalent to three and five-tenths percent of the
312 previous month's benefit, which shall be added to the member or beneficiary's monthly annuity
313 and which shall not be subject to the provisions of subsections 13 and 14 of this section for the
314 purposes of the limit on the total amount of increases which may be received.

315 24. Any member who has retired prior to July 1, 2001, and the designated beneficiary
316 of a deceased retired member shall be made, constituted, appointed and employed by the board
317 as a special consultant on the matters of education, retirement and aging, and upon request shall
318 give written or oral opinions to the board in response to such requests. As compensation for such
319 duties, the person shall receive a dollar amount equal to three dollars times the member's number
320 of years of creditable service, which shall be added to the member's or beneficiary's monthly
321 annuity and which shall not be subject to the provisions of subsections 13 and 14 of this section
322 for the purposes of the limit on the total amount of increases which may be received.

169.141. 1. Any person receiving a retirement allowance under sections 169.010 to
2 169.140, and who elected a reduced retirement allowance under subsection 3 of section 169.070
3 with his spouse as the nominated beneficiary, may nominate a successor beneficiary under either
4 of the following circumstances:

5 (1) If the nominated beneficiary precedes the retired person in death, the retired person
6 may, upon remarriage, nominate the new spouse under the same option elected in the application
7 for retirement;

8 (2) If the marriage of the retired person and the nominated beneficiary is dissolved, and
9 if the dissolution decree provides for sole retention by the retired person of all rights in the
10 retirement allowance, the retired person may, upon remarriage, nominate the new spouse under
11 the same option elected in the application for retirement.

12 2. Any nomination of a successor beneficiary under subdivision (1) or (2) of subsection
13 1 of this section must be made in accordance with procedures established by the board of
14 trustees, and must be filed within ninety days of May 6, 1993, or within [ninety days] **one year**
15 of the remarriage, whichever later occurs. Upon receipt of a successor nomination filed in
16 accordance with those procedures, the board shall adjust the retirement allowance to reflect
17 actuarial considerations of that nomination as well as previous beneficiary and successor
18 beneficiary nominations.

19 **3. Any person receiving a retirement allowance under sections 169.010 to 169.140,**
20 **and who elected a reduced retirement allowance under subsection 3 of section 169.070 with**
21 **his or her spouse as the nominated beneficiary may have the retirement allowance**
22 **increased to the amount the retired member would be receiving had the retired member**
23 **elected option 1 under section 169.070 if:**

24 **(1) The marriage of the retired person and the nominated spouse is dissolved on or**
25 **after September 1, 2015;**

26 **(2) The dissolution decree provides for sole retention by the retired person of all**
27 **rights in the retirement allowance; and**

28 **(3) The person would have received a reduced retirement allowance under**
29 **subsection 3 of section 169.070.**

30

31 **Any such increase in the retirement allowance shall be effective upon the receipt of an**
32 **application for such increase and a certified copy of the decree of dissolution that meets the**
33 **requirements of this section.**

169.324. 1. The annual service retirement allowance payable pursuant to section
2 169.320 shall be the retirant's number of years of creditable service multiplied by a percentage
3 of the retirant's average final compensation, determined as follows:

4 (1) A retirant whose last employment as a regular employee ended prior to June 30,
5 1999, shall receive an annual service retirement allowance payable pursuant to section 169.320
6 in equal monthly installments for life equal to the retirant's number of years of creditable service
7 multiplied by one and three-fourths percent of the person's average final compensation, subject
8 to a maximum of sixty percent of the person's average final compensation;

9 (2) A retirant whose number of years of creditable service is greater than thirty-four and
10 one-quarter on August 28, 1993, shall receive an annual service retirement allowance payable
11 pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number
12 of years of creditable service as of August 28, 1993, multiplied by one and three-fourths percent
13 of the person's average final compensation but shall not receive a greater annual service
14 retirement allowance based on additional years of creditable service after August 28, 1993;

15 (3) A retirant who was an active member of the retirement system at any time on or after
16 June 30, 1999, and who either retires before January 1, 2014, or is a member of the retirement
17 system on December 31, 2013, and remains a member continuously to retirement shall receive
18 an annual service retirement allowance payable pursuant to section 169.320 in equal monthly
19 installments for life equal to the retirant's number of years of creditable service multiplied by two
20 percent of the person's average final compensation, subject to a maximum of sixty percent of the
21 person's final compensation;

22 (4) A retirant who becomes a member of the retirement system on or after January 1,
23 2014, including any retirant who was a member of the retirement system before January 1, 2014,
24 but ceased to be a member for any reason other than retirement, shall receive an annual service
25 retirement allowance payable pursuant to section 169.320 in equal monthly installments for life
26 equal to the retirant's number of years of creditable service multiplied by one and three-fourths
27 percent of the person's average final compensation, subject to a maximum of sixty percent of the
28 person's average final compensation;

29 (5) Notwithstanding the provisions of subdivisions (1) to (4) of this subsection, effective
30 January 1, 1996, any retirant who retired on, before or after January 1, 1996, with at least twenty
31 years of creditable service shall receive at least three hundred dollars each month as a retirement
32 allowance, or the actuarial equivalent thereof if the retirant elected any of the options available
33 under section 169.326. Any retirant who retired with at least ten years of creditable service shall
34 receive at least one hundred fifty dollars each month as a retirement allowance, plus fifteen
35 dollars for each additional full year of creditable service greater than ten years but less than
36 twenty years (or the actuarial equivalent thereof if the retirant elected any of the options available
37 under section 169.326). Any beneficiary of a deceased retirant who retired with at least ten years
38 of creditable service and elected one of the options available under section 169.326 shall also be
39 entitled to the actuarial equivalent of the minimum benefit provided by this subsection,
40 determined from the option chosen.

41 2. Except as otherwise provided in sections 169.331, 169.580 and 169.585, payment of
42 a retirant's retirement allowance will be suspended for any month for which such person receives
43 remuneration from the person's employer or from any other employer in the retirement system
44 established by section 169.280 for the performance of services except any such person other than
45 a person receiving a disability retirement allowance under section 169.322 may serve as a
46 nonregular substitute, part-time or temporary employee for not more than six hundred hours in
47 any school year without becoming a member and without having the person's retirement
48 allowance discontinued, provided that through such substitute, part-time, or temporary
49 employment, the person may earn no more than fifty percent of the annual salary or wages the
50 person was last paid by the employer before the person retired and commenced receiving a
51 retirement allowance, adjusted for inflation. If a person exceeds such hours limit or such
52 compensation limit, payment of the person's retirement allowance shall be suspended for the
53 month in which such limit was exceeded and each subsequent month in the school year for which
54 the person receives remuneration from any employer in the retirement system. **In addition to**
55 **the conditions set forth above, this subsection shall apply to any person retired and**
56 **currently receiving a retirement allowance under sections 169.270 to 169.400, other than**
57 **for disability, who is employed by a third party or is performing work as an independent**

58 **contractor if such person is performing work in a district included in the retirement system**
59 **as a temporary or long-term substitute teacher or in any other position that would**
60 **normally require that person to be duly certificated under the laws governing the**
61 **certification of teachers in Missouri if such person was employed by the district. The**
62 **retirement system may require the district, the third-party employer, the independent**
63 **contractor, and the retiree subject to this subsection to provide documentation showing**
64 **compliance with this subsection. If such documentation is not provided, the retirement**
65 **system may deem the retiree to have exceeded the limitations provided in this subsection.**

66 If a retirant is reemployed by any employer in any capacity, whether pursuant to this section, or
67 section 169.331, 169.580, or 169.585, or as a regular employee, the amount of such person's
68 retirement allowance attributable to service prior to the person's first retirement date shall not be
69 changed by the reemployment. If the person again becomes an active member and earns
70 additional creditable service, upon the person's second retirement the person's retirement
71 allowance shall be the sum of:

72 (1) The retirement allowance the person was receiving at the time the person's retirement
73 allowance was suspended, pursuant to the payment option elected as of the first retirement date,
74 plus the amount of any increase in such retirement allowance the person would have received
75 pursuant to subsection 3 of this section had payments not been suspended during the person's
76 reemployment; and

77 (2) An additional retirement allowance computed using the benefit formula in effect on
78 the person's second retirement date, the person's creditable service following reemployment, and
79 the person's average final annual compensation as of the second retirement date. The sum
80 calculated pursuant to this subsection shall not exceed the greater of sixty percent of the person's
81 average final compensation as of the second retirement date or the amount determined pursuant
82 to subdivision (1) of this subsection. Compensation earned prior to the person's first retirement
83 date shall be considered in determining the person's average final compensation as of the second
84 retirement date if such compensation would otherwise be included in determining the person's
85 average final compensation.

86 3. The board of trustees shall determine annually whether the investment return on funds
87 of the system can provide for an increase in benefits for retirants eligible for such increase. A
88 retirant shall and will be eligible for an increase awarded pursuant to this section as of the second
89 January following the date the retirant commenced receiving retirement benefits. Any such
90 increase shall also apply to any monthly joint and survivor retirement allowance payable to such
91 retirant's beneficiaries, regardless of age. The board shall make such determination as follows:

92 (1) After determination by the actuary of the investment return for the preceding year as
93 of December thirty-first (the "valuation year"), the actuary shall recommend to the board of

94 trustees what portion of the investment return is available to provide such benefits increase, if
95 any, and shall recommend the amount of such benefits increase, if any, to be implemented as of
96 the first day of the thirteenth month following the end of the valuation year, and first payable on
97 or about the first day of the fourteenth month following the end of the valuation year. The
98 actuary shall make such recommendations so as not to affect the financial soundness of the
99 retirement system, recognizing the following safeguards:

100 (a) The retirement system's funded ratio as of January first of the year preceding the year
101 of a proposed increase shall be at least one hundred percent after adjusting for the effect of the
102 proposed increase. The funded ratio is the ratio of assets to the pension benefit obligation;

103 (b) The actuarially required contribution rate, after adjusting for the effect of the
104 proposed increase, may not exceed the then applicable employer and member contribution rate
105 as determined under subsection 4 of section 169.350;

106 (c) The actuary shall certify to the board of trustees that the proposed increase will not
107 impair the actuarial soundness of the retirement system;

108 (d) A benefit increase, under this section, once awarded, cannot be reduced in succeeding
109 years;

110 (2) The board of trustees shall review the actuary's recommendation and report and shall,
111 in their discretion, determine if any increase is prudent and, if so, shall determine the amount of
112 increase to be awarded.

113 4. This section does not guarantee an annual increase to any retiree.

114 5. If an inactive member becomes an active member after June 30, 2001, and after a
115 break in service, unless the person earns at least four additional years of creditable service
116 without another break in service, upon retirement the person's retirement allowance shall be
117 calculated separately for each separate period of service ending in a break in service. The
118 retirement allowance shall be the sum of the separate retirement allowances computed for each
119 such period of service using the benefit formula in effect, the person's average final
120 compensation as of the last day of such period of service and the creditable service the person
121 earned during such period of service; provided, however, if the person earns at least four
122 additional years of creditable service without another break in service, all of the person's
123 creditable service prior to and including such service shall be aggregated and, upon retirement,
124 the retirement allowance shall be computed using the benefit formula in effect and the person's
125 average final compensation as of the last day of such period of four or more years and all of the
126 creditable service the person earned prior to and during such period.

127 6. Notwithstanding anything contained in this section to the contrary, the amount of the
128 annual service retirement allowance payable to any retiree pursuant to the provisions of sections
129 169.270 to 169.400, including any adjustments made pursuant to subsection 3 of this section,

130 shall at all times comply with the provisions and limitations of Section 415 of the Internal
131 Revenue Code of 1986, as amended, and the regulations thereunder, the terms of which are
132 specifically incorporated herein by reference.

133 7. All retirement systems established by the laws of the state of Missouri shall develop
134 a procurement action plan for utilization of minority and women money managers, brokers and
135 investment counselors. Such retirement systems shall report their progress annually to the joint
136 committee on public employee retirement and the governor's minority advocacy commission.

169.560. Any person retired and currently receiving a retirement allowance pursuant to
2 sections 169.010 to 169.141, other than for disability, may be employed in any capacity in a
3 district included in the retirement system created by those sections on either a part-time or
4 temporary-substitute basis not to exceed a total of five hundred fifty hours in any one school
5 year, and through such employment may earn up to fifty percent of the annual compensation
6 payable under the [employing] district's salary schedule for the position or positions filled by the
7 retiree, given such person's level of experience and education, without a discontinuance of the
8 person's retirement allowance. If the [employing] school district does not utilize a salary
9 schedule, or if the position in question is not subject to the [employing] district's salary schedule,
10 a retiree employed in accordance with the provisions of this section may earn up to fifty percent
11 of the annual compensation paid to the person or persons who last held such position or
12 positions. If the position or positions did not previously exist, the compensation limit shall be
13 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 in the [employing] school district that is most comparable to the position filled by
16 the retiree. In any case where a retiree fills more than one position during the school year, the
17 fifty-percent limit on permitted earning shall be based solely on the annual compensation of the
18 highest paid position occupied by the retiree for at least one-fifth of the total hours worked
19 during the year. Such a person shall not contribute to the retirement system or to the public
20 education employee retirement system established by sections 169.600 to 169.715 because of
21 earnings during such period of employment. If such a person is employed in any capacity by such
22 a district [on a regular, full-time basis,] **in excess of the limitations set forth in this section**, the
23 person shall not be eligible to receive the person's retirement allowance for any month during
24 which the person is so employed. **In addition, such person [and] shall contribute to the**
25 **retirement system, if the person satisfies the retirement system's membership eligibility**
26 **requirements. In addition to the conditions set forth above, this section shall apply to any**
27 **person retired and currently receiving a retirement allowance under sections 169.010 to**
28 **169.141, other than for disability, who is employed by a third party or is performing work**
29 **as an independent contractor if such person is performing work in a district included in**

30 **the retirement system as a temporary or long-term substitute teacher or in any other**
31 **position that would normally require that person to be duly certificated under the laws**
32 **governing the certification of teachers in Missouri if such person was employed by the**
33 **district. The retirement system may require the district, the third-party employer, the**
34 **independent contractor, and the retiree subject to this section to provide documentation**
35 **showing compliance with this section. If such documentation is not provided, the**
36 **retirement system may deem the retiree to have exceeded the limitations provided in this**
37 **section.**

169.715. 1. Any person receiving a retirement allowance under sections 169.600 to
2 169.712, and who elected a reduced retirement allowance under subsection 4 of section 169.670
3 with his spouse as the nominated beneficiary, may nominate a successor beneficiary under either
4 of the following circumstances:

5 (1) If the nominated beneficiary precedes the retired person in death, the retired person
6 may, upon remarriage, nominate the new spouse under the same option elected in the application
7 for retirement;

8 (2) If the marriage of the retired person and the nominated beneficiary is dissolved, and
9 if the dissolution decree provides for sole retention by the retired person of all rights in the
10 retirement allowance, the retired person may, upon remarriage, nominate the new spouse under
11 the same option elected in the application for retirement.

12 2. Any nomination of a successor beneficiary under subdivision (1) or (2) of subsection
13 1 of this section must be made in accordance with procedures established by the board of
14 trustees, and must be filed within ninety days of May 6, 1993, or within [ninety days] **one year**
15 of the remarriage, whichever later occurs. Upon receipt of a successor nomination filed in
16 accordance with those procedures, the board shall adjust the retirement allowance to reflect
17 actuarial considerations of that nomination as well as previous beneficiary and successor
18 beneficiary nominations.

19 **3. Any person receiving a retirement allowance under sections 169.600 to 169.715,**
20 **and who elected a reduced retirement allowance under subsection 4 of section 169.670 with**
21 **his or her spouse as the nominated beneficiary may have the retirement allowance**
22 **increased to the amount the retired member would be receiving had the retired member**
23 **elected option 1 under section 169.670 if:**

24 (1) **The marriage of the retired person and the nominated spouse is dissolved on or**
25 **after September 1, 2015;**

26 (2) **The dissolution decree provides for sole retention by the retired person of all**
27 **rights in the retirement allowance; and**

28 (3) The person would have received a reduced retirement allowance under
29 subsection 4 of section 169.670.

30

31 Any such increase in the retirement allowance shall be effective upon the receipt of an
32 application for such increase and a certified copy of the decree of dissolution that meets the
33 requirements of this section.

 170.029. 1. The state board of education, in consultation with the career and
2 technical education advisory council as established in section 178.550, shall establish
3 minimum requirements for a career and technical education (CTE) certificate that a
4 student can earn in addition to his or her high school graduation diploma. Students
5 entering high school in school year 2016-17 and thereafter shall be eligible to earn a CTE
6 certificate.

7 2. The state board of education shall establish CTE requirements intended to
8 provide students with the necessary technical employability skills to be prepared for an
9 entry-level career in a technical field or additional training in a technical field. The
10 provisions of this section shall not be considered a means for tracking students in order to
11 impel students to particular vocational, career, or college paths. The state board of
12 education shall work with local school districts to ensure that tracking does not occur. For
13 purposes of this section, "tracking" means separating pupils by academic ability into
14 groups for all subjects or certain classes and curriculum.

15 3. Each local school district shall determine the curriculum, programs of study, and
16 course offerings based on the needs and interests of the students in the district. As
17 required by Missouri's state plan for career education and the Missouri school
18 improvement program, the state board of education shall work in cooperation with
19 individual school districts to stipulate the minimum number of CTE offerings. Each local
20 school district shall strive to offer programs of study that are economically feasible for
21 students in the district. In establishing CTE offerings, the district may rely on standards
22 for industry-recognized certificates or credentials.

23 4. No later than January 1, 2016, the department of elementary and secondary
24 education shall develop a process for recognition of a school district's career and technical
25 education program that offers a career and technical education certificate.

26 5. The department of elementary and secondary education shall promulgate all
27 necessary rules and regulations for the administration of this section. Any rule or portion
28 of a rule, as that term is defined in section 536.010, that is created under the authority
29 delegated in this section shall become effective only if it complies with and is subject to all
30 of the provisions of chapter 536 and, if applicable, section 536.028. This section and

31 **chapter 536 are nonseverable, and if any of the powers vested with the general assembly**
32 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**
33 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority and**
34 **any rule proposed or adopted after August 28, 2015, shall be invalid and void.**

173.750. 1. By July 1, 1995, the coordinating board for higher education, within existing
2 resources provided to the department of higher education and by rule and regulation, shall have
3 established and implemented a procedure for annually reporting the performance of graduates
4 of public high schools in the state during the student's initial year in the public colleges and
5 universities of the state. The purpose of such reports shall be to assist in determining how high
6 schools are preparing students for successful college and university performance. The report
7 produced pursuant to this subsection shall annually be furnished to the state board of education
8 for reporting pursuant to subsection 4 of section 161.610 [and shall not be used for any other
9 purpose].

10 2. The procedures shall be designed so that the reporting is made by the name of each
11 high school in the state, with individual student data to be grouped according to the high school
12 from which the students graduated. The data in the reports shall be disaggregated by race and
13 sex. The procedures shall not be designed so that the reporting contains the name of any student.
14 No grade point average shall be disclosed under subsection 3 of this section in any case where
15 three or fewer students from a particular high school attend a particular college or university.

16 3. The data reported shall include grade point averages after the initial college year,
17 calculated on, or adjusted to, a four point grade scale; the percentage of students returning to
18 college after the first and second half of the initial college year, or after each trimester of the
19 initial college year; the percentage of students taking noncollege level classes in basic academic
20 courses during the first college year, or remedial courses in basic academic subjects of English,
21 mathematics, or reading; and other such data as determined by rule and regulation of the
22 coordinating board for higher education.

23 4. **The department of elementary and secondary education shall conduct a review**
24 **of its policies and procedures relating to remedial education in light of the best practices**
25 **in remediation identified as required by subdivision (6) of subsection 2 of section 173.005**
26 **to ensure that school districts are informed about and held accountable for implementing**
27 **best practices to reduce the need for remediation. The department shall present its results**
28 **to the joint committee on education by October 31, 2016.**

29 5. **By July 1, 2018, the department of higher education in consultation with the**
30 **department of elementary and secondary education shall develop a report that analyzes**
31 **the results of the report required under subsection 1 of this section relative to student**

32 **performance on the Missouri assessment program test in eighth grade in English language**
33 **arts and mathematics.**

178.550. 1. This section shall be known and may be cited as the "Career and Technical
2 Education Student Protection Act". There is hereby established the "Career and Technical
3 Education Advisory Council" within the department of elementary and secondary education.

4 2. The advisory council shall be composed of [eleven] **fifteen** members who shall be
5 Missouri residents[, appointed by the governor with the advice and consent of the senate] . **The**
6 **commissioner of education shall appoint the following members:**

7 (1) A director or administrator of a career and technical education center;

8 (2) An individual from the business community with a background in commerce;

9 (3) A representative from State Technical College of Missouri;

10 (4) Three current or retired career and technical education teachers who also serve or
11 served as an advisor to any of the nationally recognized career and technical education student
12 organizations of:

13 (a) DECA;

14 (b) Future Business Leaders of America (FBLA);

15 (c) FFA;

16 (d) Family, Career and Community Leaders of America (FCCLA);

17 (e) Health Occupations Students of America (HOSA);

18 (f) SkillsUSA; or

19 (g) Technology Student Association (TSA);

20 (5) A representative from a business organization, association of businesses, or a
21 business coalition;

22 (6) A representative from a Missouri community college;

23 (7) A representative from Southeast Missouri State University or the University of
24 Central Missouri;

25 (8) An individual participating in an apprenticeship recognized by the department of
26 labor and industrial relations or approved by the United States Department of Labor's Office of
27 Apprenticeship;

28 (9) A school administrator or school superintendent of a school that offers career and
29 technical education.

30 3. Members shall serve a term of five years except for the initial appointments, which
31 shall be for the following lengths:

32 (1) One member shall be appointed for a term of one year;

33 (2) Two members shall be appointed for a term of two years;

34 (3) Two members shall be appointed for a term of three years;

35 (4) Three members shall be appointed for a term of four years;

36 (5) Three members shall be appointed for a term of five years.

37 **4. Four members shall be from the general assembly. The president pro tempore**
38 **of the senate shall appoint two members of the senate. The speaker of the house of**
39 **representatives shall appoint two members of the house of representatives. The legislative**
40 **members shall serve on the advisory council until such time as they resign, are no longer**
41 **members of the general assembly, or are replaced by new appointments.**

42 **5.** The advisory council shall have three nonvoting ex officio members:

43 (1) A director of guidance and counseling services at the department of elementary and
44 secondary education, or a similar position if such position ceases to exist;

45 (2) The director of the division of workforce development; and

46 (3) A member of the coordinating board for higher education, as selected by the
47 coordinating board.

48 [5.] **6.** The assistant commissioner for the office of college and career readiness of the
49 department of elementary and secondary education shall provide staff assistance to the advisory
50 council.

51 [6.] **7.** The advisory council shall meet at least four times annually. The advisory council
52 may make all rules it deems necessary to enable it to conduct its meetings, elect its officers, and
53 set the terms and duties of its officers. The advisory council shall elect from among its members
54 a chairperson, vice chairperson, a secretary-reporter, and such other officers as it deems
55 necessary. Members of the advisory council shall serve without compensation but may be
56 reimbursed for actual expenses necessary to the performance of their official duties for the
57 advisory council.

58 [7.] **8.** Any business to come before the advisory council shall be available on the
59 advisory council's internet website at least seven business days prior to the start of each meeting.
60 All records of any decisions, votes, exhibits, or outcomes shall be available on the advisory
61 council's internet website within forty-eight hours following the conclusion of every meeting.
62 Any materials prepared for the members shall be delivered to the members at least five days
63 before the meeting, and to the extent such materials are public records as defined in section
64 610.010 and are not permitted to be closed under section 610.021, shall be made available on the
65 advisory council's internet website at least five business days in advance of the meeting.

66 [8.] **9.** The advisory council shall make an annual written report to the state board of
67 education and the commissioner of education regarding the development, implementation, and
68 administration of the state budget for career and technical education.

69 [9.] **10.** The advisory council shall annually submit written recommendations to the state
70 board of education and the commissioner of education regarding the oversight and procedures
71 for the handling of funds for student career and technical education organizations.

72 [10.] **11.** The advisory council shall:

73 (1) Develop a comprehensive statewide short- and long-range strategic plan for career
74 and technical education;

75 (2) Identify service gaps and provide advice on methods to close such gaps as they relate
76 to youth and adult employees, workforce development, and employers on training needs;

77 (3) Confer with public and private entities for the purpose of promoting and improving
78 career and technical education;

79 (4) Identify legislative recommendations to improve career and technical education;

80 (5) Promote coordination of existing career and technical education programs;

81 (6) Adopt, alter, or repeal by its own bylaws, rules and regulations governing the manner
82 in which its business may be transacted.

83 [11.] **12.** For purposes of this section, the department of elementary and secondary
84 education shall provide such documentation and information as to allow the advisory council to
85 be effective.

86 [12.] **13.** For purposes of this section, "advisory council" shall mean the career and
87 technical education advisory council.

Section B. Because of the importance of providing an additional retirement allowance
2 option to Missouri teachers, section 169.070 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 169.070 of this act shall be
5 in full force and effect upon its passage and approval.

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