

SECOND REGULAR SESSION

# HOUSE BILL NO. 1670

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SWAN.

5277H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 163.172, 167.265, 168.110, 168.232, 168.500, 169.010, and 169.560, RSMo, and to enact in lieu thereof seven new sections relating to teacher compensation.

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

Section A. Sections 163.172, 167.265, 168.110, 168.232, 168.500, 169.010, and  
2 169.560, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as  
3 sections 163.172, 167.265, 168.110, 168.232, 168.500, 169.010, and 169.560, to read as follows:  
163.172. 1. In school year 1994-95 and thereafter until school year 2006-07, the  
2 minimum teacher's salary shall be eighteen thousand dollars. Beginning in school year 2006-07,  
3 the minimum teacher's salary shall be twenty-two thousand dollars; in school year 2007-08, the  
4 minimum teacher's salary shall be twenty-three thousand dollars; in school year 2008-09, the  
5 minimum teacher's salary shall be twenty-four thousand dollars; in school year 2009-10 and  
6 thereafter, the minimum teacher's salary shall be twenty-five thousand dollars. Beginning in the  
7 school year 1996-97 until school year 2006-07, for any full-time teacher with a master's degree  
8 and at least ten years' teaching experience in a public school or combination of public schools,  
9 the minimum salary shall be twenty-four thousand dollars. Beginning in the school year  
10 2006-07, for any full-time teacher with a master's degree in an academic teaching field and at  
11 least ten years' teaching experience in a public school or combination of public schools, the  
12 minimum salary shall be thirty thousand dollars; in the 2007-08 school year such minimum  
13 salary shall be thirty-one thousand dollars; in the 2008-09 school year such minimum salary shall  
14 be thirty-two thousand dollars; and in the 2009-10 school year such minimum salary shall be  
15 thirty-three thousand dollars.

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.

16           2. Beginning with the budget requests for fiscal year 1991, the commissioner of  
17 education shall present to the appropriate committees of the general assembly information on the  
18 average Missouri teacher's salary, regional average salary data, and national average salary data.

19           3. All school salary information shall be public information.

20           4. As used in this section, the term "salary" shall be defined as the salary figure which  
21 appears on the teacher's contract and ~~[as determined by the local school district's basic salary~~  
22 ~~schedule and]~~ does not include supplements for extra duties.

23           5. The minimum salary for any fully certificated teacher employed on a less than  
24 full-time basis by a school district, state school for the severely handicapped, the Missouri  
25 School for the Deaf, or the Missouri School for the Blind shall be prorated to reflect the amounts  
26 provided in subsection 1 of this section.

          167.265. 1. A program to provide school counselors in grades kindergarten through nine  
2 is established. Any public elementary school, middle school, junior high school, or combination  
3 of such schools, containing such grades which meet the criteria pursuant to this section shall be  
4 eligible for a state financial supplement to employ a school counselor. Eligibility criteria are:  
5 the school shall have a minimum enrollment of one hundred twenty-five pupils per school site,  
6 shall have a breakfast program, and shall serve at least forty percent of its lunches to pupils who  
7 are eligible for free or reduced price meals according to federal guidelines.

8           2. A school district which contains such eligible schools may apply to the department  
9 of elementary and secondary education for a state financial supplement to employ a school  
10 counselor in those schools named in the application and in no other schools of the district. The  
11 state financial supplement shall not exceed ten thousand dollars per school counselor. No more  
12 than one school counselor per school shall be supplemented by the state pursuant to this section,  
13 except that a district may apply for an additional school counselor if the enrollment at the school  
14 equals four hundred or more pupils. School counselors thus employed pursuant to this section  
15 shall at a minimum engage in direct counseling activities with the pupils of the school during a  
16 portion of the school day which represents that portion of the school counselor's salary which is  
17 supplemented by the state pursuant to this section.

18           3. The state board of education shall promulgate rules and regulations for the  
19 implementation of this section. Such rules shall include identifying any qualifications for school  
20 counselors which may be in addition to those promulgated pursuant to section 168.021,  
21 establishing application procedures for school districts, determining a method of awarding state  
22 financial supplements in the event that the number of applications exceeds the amounts  
23 appropriated therefor, and establishing an amount of state financial supplement per school  
24 counselor based upon the ~~[salary schedule]~~ **compensation plan** of the district.

168.110. The board of education of a school district may modify an indefinite contract  
2 annually on or before the fifteenth day of May in the following particulars:

3 (1) Determination of the date of beginning and length of the next school year;

4 (2) Fixing the amount of annual compensation for the following school year as provided  
5 by the ~~[salary schedule]~~ **compensation plan** adopted by the board of education ~~[applicable to~~  
6 ~~all teachers]~~. The modifications shall be effective at the beginning of the next school year. All  
7 teachers affected by the modification shall be furnished written copies of the modifications  
8 within thirty days after their adoption by the board of education.

168.232. 1. If the responsibility for teaching all or any group of students in a special  
2 school district located in a county of the first classification with a charter form of government  
3 and population of at least nine hundred thousand inhabitants is transferred or removed to one or  
4 more separate school districts by vote of the citizens, dissolution, annexation, court action, or any  
5 other authority under Missouri or federal laws, the latter school district or districts shall become  
6 the receiving or successor school district or districts.

7 2. The successor school district or districts shall honor the provisions of all teachers'  
8 contracts of teachers of the sending or prior school district who are employed by the successor  
9 school district pertaining to the tenure status or years of credit toward tenure or both of said  
10 teachers and their salary position on the ~~[salary schedule]~~ **compensation plan** and fringe  
11 benefits.

12 3. This section shall only apply to the transfer of an academic, special education,  
13 vocational education or technical education program or athletic program from one school district  
14 identified in subsection 1 of this section to one or more separate school districts.

15 4. Nothing in this section shall be construed to require a successor district to employ any  
16 person.

168.500. 1. For the purpose of providing career pay, which shall be a salary supplement,  
2 for public school teachers, which for the purpose of sections 168.500 to 168.515 shall include  
3 classroom teachers, librarians, school counselors and certificated teachers who hold positions  
4 as school psychological examiners, parents as teachers educators, school psychologists, special  
5 education diagnosticians and speech pathologists, and are on the ~~[district salary schedule]~~  
6 **district's compensation plan**, there is hereby created and established a career advancement  
7 program which shall be known as the "Missouri Career Development and Teacher Excellence  
8 Plan", hereinafter known as the "career plan or program". Participation by local school districts  
9 in the career advancement program established under this section shall be voluntary. The career  
10 advancement program is a matching fund program. The general assembly may make an annual  
11 appropriation to the excellence in education fund established under section 160.268 for the  
12 purpose of providing the state's portion for the career advancement program. The "Career Ladder

13 Forward Funding Fund" is hereby established in the state treasury. Beginning with fiscal year  
14 1998 and until the career ladder forward funding fund is terminated pursuant to this subsection,  
15 the general assembly may appropriate funds to the career ladder forward funding fund.  
16 Notwithstanding the provisions of section 33.080 to the contrary, moneys in the fund shall not  
17 be transferred to the credit of the general revenue fund at the end of the biennium. All interest  
18 or other gain received from investment of moneys in the fund shall be credited to the fund. All  
19 funds deposited in the fund shall be maintained in the fund until such time as the balance in the  
20 fund at the end of the fiscal year is equal to or greater than the appropriation for the career ladder  
21 program for the following year, at which time all such revenues shall be used to fund, in advance,  
22 the career ladder program for such following year and the career ladder forward funding fund  
23 shall thereafter be terminated.

24 2. The department of elementary and secondary education, at the direction of the  
25 commissioner of education, shall study and develop model career plans which shall be made  
26 available to the local school districts. These state model career plans shall:

27 (1) Contain three steps or stages of career advancement;

28 (2) Contain a detailed procedure for the admission of teachers to the career program;

29 (3) Contain specific criteria for career step qualifications and attainment. These criteria  
30 shall clearly describe the minimum number of professional responsibilities required of the  
31 teacher at each stage of the plan and shall include reference to classroom performance  
32 evaluations performed pursuant to section 168.128;

33 (4) Be consistent with the teacher certification process recommended by the Missouri  
34 advisory council of certification for educators and adopted by the department of elementary and  
35 secondary education;

36 (5) Provide that public school teachers in Missouri shall become eligible to apply for  
37 admission to the career plans adopted under sections 168.500 to 168.515 after five years of  
38 public school teaching in Missouri. All teachers seeking admission to any career plan shall, as  
39 a minimum, meet the requirements necessary to obtain the first renewable professional certificate  
40 as provided in section 168.021;

41 (6) Provide procedures for appealing decisions made under career plans established  
42 under sections 168.500 to 168.515.

43 3. The commissioner of education shall cause the department of elementary and  
44 secondary education to establish guidelines for all career plans established under this section, and  
45 criteria that must be met by any school district which seeks funding for its career plan.

46 4. A participating local school district may have the option of implementing a career plan  
47 developed by the department of elementary and secondary education or a local plan which has  
48 been developed with advice from teachers employed by the district and which has met with the

49 approval of the department of elementary and secondary education. In approving local career  
50 plans, the department of elementary and secondary education may consider provisions in the plan  
51 of the local district for recognition of teacher mobility from one district to another within this  
52 state.

53 5. The career plans of local school districts shall not discriminate on the basis of race,  
54 sex, religion, national origin, color, creed, or age. Participation in the career plan of a local  
55 school district is optional, and any teacher who declines to participate shall not be penalized in  
56 any way.

57 6. In order to receive funds under this section, a school district which is not subject to  
58 section 162.920 must have a total levy for operating purposes which is in excess of the amount  
59 allowed in Section 11(b) of Article X of the Missouri Constitution; and a school district which  
60 is subject to section 162.920 must have a total levy for operating purposes which is equal to or  
61 in excess of twenty-five cents on each hundred dollars of assessed valuation.

62 7. The commissioner of education shall cause the department of elementary and  
63 secondary education to regard a speech pathologist who holds both a valid certificate of license  
64 to teach and a certificate of clinical competence to have fulfilled the standards required to be  
65 placed on stage III of the career program, provided that such speech pathologist has been  
66 employed by a public school in Missouri for at least five years and is approved for placement at  
67 such stage III by the local school district.

68 8. Beginning in fiscal year 2012, the state portion of career ladder payments shall only  
69 be made available to local school districts if the general assembly makes an appropriation for  
70 such program. Payments authorized under sections 168.500 to 168.515 shall only be made  
71 available in a year for which a state appropriation is made. Any state appropriation shall be  
72 made prospectively in relation to the year in which work under the program is performed.

73 9. Nothing in this section shall be construed to prohibit a local school district from  
74 funding the program for its teachers for work performed in years for which no state appropriation  
75 is made available.

169.010. The following words and phrases, as used in sections 169.010 to 169.130,  
2 unless a different meaning is plainly required by the context, shall have the following meanings:

3 (1) "Accumulated contributions" shall mean the sum of the annual contributions a  
4 member has made to the retirement system through deductions from the member's salary, plus  
5 interest compounded annually on each year's contributions from the end of the school year during  
6 which such contributions were made;

7 (2) "Board" shall mean the board of trustees provided for in sections 169.010 to 169.130;

8 (3) "Creditable service" shall mean prior service or membership service, or the sum of  
9 the two, if the member has both to the member's credit;

- 10 (4) "District" shall mean public school, as herein defined;
- 11 (5) "Employ" shall have a meaning agreeable with that herein given to employer and  
12 employee;
- 13 (6) "Employee" shall be synonymous with the term "teacher" as the same is herein  
14 defined;
- 15 (7) "Employer" shall mean the district that makes payment directly to the teacher or  
16 employee for such person's services;
- 17 (8) "Final average salary" shall mean the total compensation payable to a member for  
18 any three consecutive years of creditable service, as elected by the member, divided by thirty-six;  
19 with the proviso that any annual compensation entering into the total compensation shall not  
20 exceed twelve thousand six hundred dollars for any year prior to July 1, 1967; and with the  
21 proviso that the board may set a maximum percentage of increase in annual compensation from  
22 one year to the next in the final average salary period. In no instance shall the maximum  
23 percentage of increase in annual compensation from one year to the next in the final average  
24 salary period exceed ten percent. This limit will not apply to increases due to bonafide changes  
25 in position or employer increases required by state statute, or districtwide ~~[salary schedule]~~  
26 **compensation plan** adjustments for previously unrecognized education-related services;
- 27 (9) "Member" shall mean a person who holds membership in the retirement system;
- 28 (10) "Membership service" shall mean service rendered by a member of the retirement  
29 system after the system becomes operative, and may include a period of service in the Armed  
30 Forces of the United States as provided for in section 169.055;
- 31 (11) "Prior service" shall mean service rendered by a member of the retirement system  
32 before the system becomes operative, and may include service rendered by a member of the  
33 Armed Forces if the member was a teacher at the time the member was inducted, for which credit  
34 has been approved by the board of trustees;
- 35 (12) "Public school" shall mean any school conducted within the state under the  
36 authority and supervision of a duly elected district or city or town board of directors or board of  
37 education and the board of regents of the several state teachers' colleges, or state colleges, board  
38 of trustees of the public school retirement system of Missouri, and also the state of Missouri and  
39 each county thereof, to the extent that the state and the several counties are employers of teachers  
40 as herein designated;
- 41 (13) "Retirement allowance" shall mean a monthly payment for life during retirement;
- 42 (14) "Retirement system" or "system" shall mean the public school retirement system  
43 of Missouri created by sections 169.010 to 169.130;
- 44 (15) "Salary", "salary rate" or "compensation" shall mean the regular remuneration,  
45 including any payments made pursuant to sections 168.500 to 168.515, which is earned by a

46 member as an employee of a district, but not including employer-paid fringe benefits except the  
47 value of employer-paid medical benefits (including dental and vision) for members, and not  
48 including employer-paid medical benefits (including dental and vision) for anyone other than the  
49 member, employer contributions to any deferred compensation plan, consideration for agreeing  
50 to terminate employment or other nonrecurring or unusual payments that are not a part of regular  
51 remuneration. The board by its rules may further define salary, salary rate and compensation in  
52 a manner consistent with this definition and with sections 169.010 to 169.141;

53 (16) "School year" shall mean the year from July first of one year to June thirtieth of next  
54 year, inclusive, which shall also be the fiscal year of the system;

55 (17) "Teacher" shall mean any person who shall be employed by any public school on  
56 a full-time basis and who shall be duly certificated under the law governing the certification of  
57 teachers; any person employed in the state department of elementary and secondary education  
58 or by the state board of education on a full-time basis who shall be duly certificated under the  
59 law governing the certification of teachers and who did not become a member of the Missouri  
60 state employees' retirement system pursuant to section 104.342; and persons employed by the  
61 board of trustees of the public school retirement system of Missouri on a full-time basis who  
62 shall be duly certified under the law governing the certification of teachers. The term "teacher"  
63 shall be synonymous with the term "employee" as defined in this section.

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 district's salary schedule for the position or positions filled by the retiree,~~  
7 ~~given such person's level of experience and education, without a discontinuance of the person's~~  
8 ~~retirement allowance. If the school district does not utilize a salary schedule, or if the position~~  
9 ~~in question is not subject to the district's salary schedule, a retiree employed in accordance with~~  
10 ~~the provisions of this section may earn up to fifty percent of the annual compensation]~~ paid to  
11 the person or persons who last held such position or positions, **without a discontinuance of the**  
12 **person's retirement allowance.** If the position or positions did not previously exist, the  
13 compensation limit shall be determined in accordance with rules duly adopted by the board of  
14 trustees of the retirement system; provided that, it shall not exceed fifty percent of the annual  
15 compensation payable for the position in the school district that is most comparable to the  
16 position filled by the retiree. In any case where a retiree fills more than one position during the  
17 school year, the fifty-percent limit on permitted earning shall be based solely on the annual  
18 compensation of the highest paid position occupied by the retiree for at least one-fifth of the total

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

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