

FIRST REGULAR SESSION

HOUSE BILL NO. 1146

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SWAN.

1757H.021

D. ADAM CRUMBLISS, Chief Clerk

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.

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2 169.560, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as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 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 schedule,~~
9 ~~or if the position in question is not subject to the employing district's salary schedule, a retiree~~
10 ~~employed in accordance with the provisions of this section may earn up to fifty percent of the~~
11 ~~annual compensation]~~ paid to the person or persons who last held such position or positions,
12 **without a discontinuance of the person's retirement allowance.** If the position or positions
13 did not previously exist, the compensation limit shall be determined in accordance with rules
14 duly adopted by the board of trustees of the retirement system; provided that, it shall not exceed
15 fifty percent of the annual compensation payable for the position in the employing school district
16 that is most comparable to the position filled by the retiree. In any case where a retiree fills more
17 than one position during the school year, the fifty-percent limit on permitted earning shall be
18 based solely on the annual compensation of the highest paid position occupied by the retiree for

19 at least one-fifth of the total hours worked during the year. Such a person shall not contribute
20 to the retirement system or to the public education employee retirement system established by
21 sections 169.600 to 169.715 because of earnings during such period of employment. If such a
22 person is employed in any capacity by such a district on a regular, full-time basis, the person
23 shall not be eligible to receive the person's retirement allowance for any month during which the
24 person is so employed and shall contribute to the retirement system.

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