

SECOND REGULAR SESSION

# HOUSE BILL NO. 1793

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SHIELDS.

Read 1<sup>st</sup> time February 5, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4182L.011

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### AN ACT

To repeal section 163.172, RSMo, and to enact in lieu thereof one new section relating to school funds.

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

Section A. Section 163.172, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 163.172, to read as follows:

163.172. 1. In school year 1994-95 and thereafter, the minimum teacher's salary shall be eighteen thousand dollars. Beginning in the school year 1996-97, for any full-time teacher with a master's degree and at least ten years teaching experience in a public school or combination of public schools, the minimum salary shall be twenty-four thousand dollars.

2. Beginning with the budget requests for fiscal year 1991, the commissioner of education shall present to the appropriate committees of the general assembly information on the average Missouri teacher's salary, regional average salary data, [and] national average salary data **and a history of the cost to the state for the minimum salary for teachers program.**

3. **As used in this section, the following terms mean:**

(1) **"Full-time", a teacher working under school district contract for all school days and hours eligible for attendance of students;**

(2) **"Master's degree or its equivalent", at a minimum, a bachelor's degree plus at least thirty-two additional hours of course work which results in at least one additional certification;**

(3) **"Regular school term", a minimum of one hundred seventy-four days and one thousand forty-four hours of pupil attendance possible for students;**

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

17           **(4) "Salary", the salary and minimum salary supplement amounts which appear**  
18 **on the teacher's contract for the regular school term. Such term does not include**  
19 **supplements for extra duties, summer school, career ladder, or extensions of the contract**  
20 **year;**

21           **(5) "Teacher", all certificated school district personnel paid pursuant to the school**  
22 **district teacher salary schedule.**

23           **4. All school district employee salary and personnel policy information shall be public**  
24 **information.**

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

28           5. The minimum salary for any fully certificated teacher employed on a less than  
29 full-time basis by a school district, state school for the severely handicapped, the Missouri  
30 School for the Deaf, or the Missouri School for the Blind shall be prorated to reflect the amounts  
31 provided in subsections 1 and [2] **11** of this section.

32           [6. Beginning with the 1996-97 school year, the general assembly shall make an annual  
33 appropriation to the excellence in education fund established in section 160.268, RSMo, for the  
34 purpose of fulfilling the minimum salary requirements for public school teachers in those  
35 districts meeting the qualifications established in subsection 7 of this section. The appropriation  
36 shall be sufficient to ensure that all qualifying districts are able to comply with the minimum  
37 salary requirements of this section. The department of elementary and secondary education shall  
38 determine, prior to each school year, those districts which shall be eligible to receive funds in  
39 this subsection during the school year. A qualifying district shall be eligible to receive funds  
40 appropriated in this subsection only during the first three years following the district's qualifying  
41 for such funds.

42           7. To qualify to begin receiving funds in subsection 6 of this section, a school district  
43 shall meet all of the following criteria:

44           (1) A portion of the real property of the district shall have been removed from the tax  
45 rolls due to the impact of state or federal government action;

46           (2) The district shall have received no more state aid on a per pupil basis for each of the  
47 last three school years, exclusive of categorical funding, than the district received for the 1992-93  
48 school year;

49           (3) The salaries paid to all teachers in the district for the school year prior to qualification  
50 shall be totally compacted at the eighteen thousand dollar per year minimum established in this  
51 section;

52           (4) The district shall have in its employ for the school year prior to qualification one or

53 more teachers with a master's degree and at least ten years' teaching experience in a public school  
54 or a combination of public schools;

55 (5) The district shall be financially distressed or have a history of deficit spending which,  
56 if continued, will cause the district to become financially distressed within three years;

57 (6) The district had an enrollment of no greater than four hundred pupils for the  
58 preceding school year; and

59 (7) The district shall have levied an operating levy for school purposes of not less than  
60 two dollars seventy-five cents per one hundred dollars of assessed valuation for the previous year  
61 and shall continue to levy at no less than that rate.

62 8. For any school year in which a school district receives funds pursuant to subsections  
63 6 and 7 of this section, such school district shall continue to expend on teacher salaries no less  
64 than the amount it expended on teacher salaries in the school year immediately prior to the  
65 school year in which it first receives such funds.

66 9. No school district receiving funds pursuant to subsections 6 and 7 of this section shall  
67 receive additional funds pursuant to subsection 6 of this section by virtue of the annexation of  
68 another school district to such school district during or after the school year immediately prior  
69 to the school year in which the annexing district first receives such funds; nor shall any school  
70 district annexed to a school district receiving funds pursuant to subsections 6 and 7 of this  
71 section also receive funds pursuant to subsection 6 of this section by virtue of such annexation  
72 if such annexation occurred during or after the school year immediately prior to the school year  
73 in which the annexing school district first receives such funds.]

74 **6. Beginning with the 2002-2003 school year, for districts choosing to participate**  
75 **in the program receiving funds pursuant to subsection 8 of this section, the minimum**  
76 **salary for a full-time teacher shall be at least twenty-six thousand five hundred dollars, the**  
77 **minimum salary for the full-time teacher with at least five years of previous experience**  
78 **shall be at least thirty-one thousand five hundred dollars, the minimum salary for a full-**  
79 **time teacher with at least nineteen years of previous experience or a full-time teacher with**  
80 **at least a master's degree or its equivalent and at least ten years previous experience shall**  
81 **be at least thirty-six thousand five hundred dollars, the minimum salary for a full-time**  
82 **teacher with at least a master's degree or its equivalent and at least nineteen years of**  
83 **previous experience shall be at least forty-one thousand five hundred dollars, and the**  
84 **minimum salary for a full-time teacher with at least a master's degree or its equivalent and**  
85 **at least twenty-four years of previous experience shall be at least forty-six thousand five**  
86 **hundred dollars.**

87 **7. The "Minimum Teacher's Salary Fund" is hereby created in the state treasury**  
88 **to fund the minimum teacher salaries provided for in this section and shall consist of**

89 moneys transferred pursuant to section 313.820, RSMo. The provisions of section 33.080,  
90 RSMo, to the contrary notwithstanding, moneys in the fund at the end of the biennium  
91 shall not lapse to general revenue.

92 **8. Beginning with the 2002-2003 school year, the general assembly shall make an**  
93 **annual appropriation to the minimum teacher's salary fund established in subsection 7 of**  
94 **this section for the purpose of paying public school teacher minimum salary supplements**  
95 **in those districts meeting the qualifications established in subsection 9 of this section and**  
96 **seeking to receive payments pursuant to this subsection. If the appropriation of the**  
97 **general assembly is insufficient to pay the total cost of all salary supplements, the minimum**  
98 **salary amounts of subsection 6 of this section shall be prorated until the amount**  
99 **appropriated is sufficient to make the payments to all participating school districts.**

100 **9. To make application and qualify to begin receiving funds pursuant to subsection**  
101 **8 of this section, a school district shall meet all of the following criteria:**

102 **(1) Levy a tax rate in the current year in incidental and teachers funds totaling no**  
103 **less than the operating levy for school purposes for the 2000-2001 school year after all**  
104 **reductions and rollbacks, excluding reductions to the district tax rate ceiling as required**  
105 **by article X, section 22 of the Missouri Constitution;**

106 **(2) Make no increase in any voluntary tax rate rollback for operations compared**  
107 **to the 2001 property tax year;**

108 **(3) Make no transfer of revenue or balance from either incidental or teachers funds**  
109 **to either debt service or capital projects funds in excess of statutory authority;**

110 **(4) Employ all teachers in accordance with district policy with at least one teacher**  
111 **paid according to the district's salary schedule at less than the minimum salary as specified**  
112 **in subsection 6 of this section;**

113 **(5) Make no reduction in any salary amount in the district's teacher salary schedule**  
114 **compared to the district's 2001-2002 teacher salary schedule unless the district is**  
115 **financially stressed as identified by the department of elementary and secondary**  
116 **education;**

117 **(6) Beginning with school year 2002-2003, determine the salary of any teacher who**  
118 **is a new employee to a school district by placement on the district's salary schedule using**  
119 **all of the teacher's previous years of public school teaching experience; and**

120 **(7) Beginning with school year 2002-2003, for any school district which is not**  
121 **financially stressed, pay each returning teacher a salary for the regular school term which**  
122 **is no less than the salary paid that teacher during the previous school term on a full-time**  
123 **employee equivalent basis.**

124 **10. Reductions or penalties to state aid payments to school districts pursuant to**

125 subsection 8 of this section paying minimum salary supplements to teachers shall occur  
126 under the following conditions:

127 (1) Annually the amount by which total supplemental assignment and extra duty  
128 salaries, not including career ladder supplements, paid teachers by a district exceed eight  
129 and one-half percent of total salaries for the regular school term plus minimum salary  
130 supplements shall be subtracted from state payments made the following year pursuant to  
131 subsection 8 of this section;

132 (2) The amount of end-of-year fund balance in incidental and teachers funds  
133 combined in excess of the greater of fifteen percent of expenditures in these funds or the  
134 2000-2001 end-of-year fund balance in these funds shall be subtracted the following year  
135 from state payments paid pursuant to subsection 8 of this section and if necessary from  
136 state aid paid pursuant to section 163.031.

137 11. Future increases in minimum salaries established pursuant to subsection 6 of  
138 this section for teachers shall be contingent upon decreases in total state payments to all  
139 districts made pursuant to subsection 8 of this section. The second fiscal year following a  
140 fiscal year in which state cost of funding the minimum salary program pursuant to  
141 subsection 8 of this section is eighty-five percent or less of the full funding cost for the first  
142 school year of the state funding of minimum salaries for teachers pursuant to subsection  
143 8 of this section, the value of each level of minimum salary provided in subsection 6 of this  
144 section shall be increased by one thousand dollars.

145 12. Expenditures related to state minimum salary revenue received by a district  
146 shall not be used to determine compliance with any other provisions of law including  
147 compliance with section 165.016, RSMo.

148 13. The state board of education shall issue rules and regulations as necessary for  
149 the efficient and effective implementation of this section. Any rule or portion of a rule, as  
150 that term is defined in section 536.010, RSMo, that is created under the authority delegated  
151 in this section shall become effective only if it complies with and is subject to all of the  
152 provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section  
153 and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general  
154 assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to  
155 disapprove and annul a rule are subsequently held unconstitutional, then the grant of  
156 rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be  
157 invalid and void.