

SENATE BILL NO. 708

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BLACK.

2885S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 168.036, RSMo, and to enact in lieu thereof one new section relating to retired substitute teachers, with an emergency clause.

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

Section A. Section 168.036, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 168.036,
3 to read as follows:

168.036. 1. In addition to granting certificates of
2 license to teach in public schools of the state under
3 section 168.021, the state board of education shall grant
4 substitute teacher certificates as provided in this section
5 to any individual seeking to substitute teach in any public
6 school in this state.

7 2. (1) The state board shall not grant a certificate
8 of license to teach under this section to any individual who
9 has not completed a background check as required under
10 section 168.021.

11 (2) The state board may refuse to issue or renew,
12 suspend, or revoke any certificate sought or issued under
13 this section in the same manner and for the same reasons as
14 under section 168.071.

15 3. The state board may grant a certificate under this
16 section to any individual who has completed:

17 (1) At least thirty-six semester hours at an
18 accredited institution of higher education; or

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

19 (2) The twenty-hour online training program required
20 in this section and who possesses a high school diploma or
21 the equivalent thereof.

22 4. The department of elementary and secondary
23 education shall develop and maintain an online training
24 program for individuals, which shall consist of twenty hours
25 of training related to subjects appropriate for substitute
26 teachers as determined by the department.

27 5. The state board may grant a certificate under this
28 section to any highly qualified individual with expertise in
29 a technical or business field or with experience in the
30 Armed Forces of the United States who has completed the
31 background check required in this section but does not meet
32 any of the qualifications under subdivision (1) or (2) of
33 subsection 3 of this section if the superintendent of the
34 school district in which the individual seeks to substitute
35 teach sponsors such individual and the school board of the
36 school district in which the individual seeks to substitute
37 teach votes to approve such individual to substitute teach.

38 6. (1) Notwithstanding any other provisions to
39 contrary, beginning on June 30, 2022, and ending on June 30,
40 **[2025] 2030**, any person who is retired and currently
41 receiving a retirement allowance under sections 169.010 to
42 169.141 or sections 169.600 to 169.715, other than for
43 disability, may be employed to substitute teach on a part-
44 time or temporary substitute basis by an employer included
45 in the retirement system without a discontinuance of the
46 person's retirement allowance. Such a person shall not
47 contribute to the retirement system, or to the public school
48 retirement system established by sections 169.010 to 169.141
49 or to the public education employee retirement system

50 established by sections 169.600 to 169.715, because of
51 earnings during such period of employment.

52 (2) In addition to the conditions set forth in
53 subdivision 1 of this subsection, any person retired and
54 currently receiving a retirement allowance under sections
55 169.010 to 169.141, other than for disability, who is
56 employed by a third party or is performing work as an
57 independent contractor may be employed to substitute teach
58 on a part-time or temporary substitute basis, if such person
59 is performing work for an employer included in the
60 retirement system without a discontinuance of the person's
61 retirement allowance.

62 (3) If a person is employed pursuant to this
63 subsection on a regular, full-time basis the person shall
64 not be entitled to receive the person's retirement allowance
65 for any month during which the person is so employed. The
66 retirement system may require the employer, the third-party
67 employer, the independent contractor, and the retiree
68 subject to this subsection to provide documentation showing
69 compliance with this subsection. If such documentation is
70 not provided, the retirement system may deem the retiree to
71 have exceeded the limitations provided in this subsection.

72 7. A certificate granted under this section shall be
73 valid for four years. A certificate granted under this
74 section shall expire at the end of any calendar year in
75 which the individual fails to substitute teach for at least
76 five days or forty hours of in-seat instruction.

77 8. (1) An individual to whom the state board grants a
78 certificate under this section may be a substitute teacher
79 in a public school in the state if the school district
80 agrees to employ the individual as a substitute teacher and

81 such individual has completed a background check as required
82 in subsection 10 of this section.

83 (2) No individual to whom the state board grants a
84 certificate under this section and who is under twenty years
85 of age shall be a substitute teacher in grades nine to
86 twelve.

87 9. Each school district may develop an orientation for
88 individuals to whom the state board grants a certificate
89 under this section for such individuals employed by the
90 school district and may require such individuals to complete
91 such orientation. Such orientation shall contain at least
92 two hours of subjects appropriate for substitute teachers
93 and shall contain instruction on the school district's best
94 practices for classroom management.

95 10. Beginning January 1, 2023, any substitute teacher
96 may, at the time such substitute teacher submits the
97 fingerprints and information required for the background
98 check required under section 168.021, designate up to five
99 school districts to which such substitute teacher has
100 submitted an application for substitute teaching to receive
101 the results of the substitute teacher's criminal history
102 background check and fingerprint collection. The total
103 amount of any fees for disseminating such results to up to
104 five school districts under this subsection shall not exceed
105 fifty dollars.

106 11. The state board may exercise the board's authority
107 under chapter 161 to promulgate all necessary rules and
108 regulations necessary for the administration of this section.

Section B. Because immediate action is necessary to
2 ensure the education of children in this state by continuing
3 the employment of retired substitute teachers, section A of
4 this act is deemed necessary for the immediate preservation

5 of the public health, welfare, peace, and safety, and is
6 hereby declared to be an emergency act within the meaning of
7 the constitution, and section A of this act shall be in full
8 force and effect upon its passage and approval.

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