

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 17

AN ACT

To repeal sections 168.021, 169.070, 169.270, 169.291, 169.301, 169.324, 169.350, 169.670, and 178.550, RSMo, and to enact in lieu thereof twelve new sections relating to education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Sections 168.021, 169.070, 169.270, 169.291,
2 169.301, 169.324, 169.350, 169.670, and 178.550, RSMo, are
3 repealed and twelve new sections enacted in lieu thereof, to be
4 known as sections 135.1220, 161.249, 168.021, 169.070, 169.270,
5 169.291, 169.301, 169.324, 169.350, 169.670, 170.340, and
6 178.550, to read as follows:

7 135.1220. 1. This section shall be known and may be cited
8 as "Bryce's Law".

9 2. As used in this section, the following terms mean:

10 (1) "Autism spectrum disorder", pervasive developmental
11 disorder; Asperger syndrome; childhood disintegrative disorder;
12 Rett syndrome; and autism;

13 (2) "Contribution", a donation of cash, stock, bonds, or

1 other marketable securities, or real property;

2 (3) "Department", the department of elementary and
3 secondary education;

4 (4) "Director", the commissioner of education;

5 (5) "Educational scholarships", grants to students to cover
6 all or part of the tuition and fees at a qualified nonpublic
7 school, a qualified public school, or a qualified service
8 provider, including transportation;

9 (6) "Eligible child", any child from birth to age five
10 living in Missouri who has an individualized family services
11 program under the First Steps program, sections 160.900 to
12 160.933, and whose parent or guardian has completed the complaint
13 procedure under the Individuals with Disabilities Education Act,
14 Part C, and has received an unsatisfactory response; or any child
15 from birth to age five who has been evaluated for special needs
16 as defined in this section by a person qualified to perform
17 evaluations under the First Steps program and has been determined
18 to have special needs but who falls below the threshold for
19 eligibility by no less than twenty-five percent;

20 (7) "Eligible student", any elementary or secondary student
21 who attended public school in Missouri the preceding semester, or
22 who will be attending school in Missouri for the first time, who
23 has an individualized education program based on a special needs
24 condition or who has a medical diagnosis by a qualified health
25 professional of a special needs condition;

26 (8) "Parent", includes a guardian, custodian, or other
27 person with authority to act on behalf of the child;

28 (9) "Program", the program established in this section;

1 (10) "Qualified health professional", a person licensed
2 under chapter 334 or 337 who possesses credentials as described
3 in rules promulgated jointly by the department of elementary and
4 secondary education and the department of mental health to make a
5 diagnosis of a student's special needs for this program;

6 (11) "Qualified school", either an accredited public
7 elementary or secondary school in a district that is accredited
8 without provision outside of the district in which a student
9 resides or an accredited nonpublic elementary or secondary school
10 in Missouri that complies with all of the requirements of the
11 program and complies with all state laws that apply to nonpublic
12 schools regarding criminal background checks for employees and
13 excludes from employment any person not permitted by state law to
14 work in a nonpublic school;

15 (12) "Qualified service provider", a person or agency
16 authorized by the department to provide services under the First
17 Steps program, sections 160.900 to 160.933;

18 (13) "Scholarship granting organization", a charitable
19 organization that:

20 (a) Is exempt from federal income tax;

21 (b) Complies with the requirements of this program;

22 (c) Provides education scholarships to students attending
23 qualified schools of their parents' choice or to children
24 receiving services from qualified service providers; and

25 (d) Does not accept contributions on behalf of any eligible
26 student or eligible child from any donor with any obligation to
27 provide any support for the eligible student or eligible child;

28 (14) "Special needs", an autism spectrum disorder, Down

1 syndrome, Angelman syndrome, or cerebral palsy.

2 3. The department of elementary and secondary education
3 shall develop a master list of resources available to the parents
4 of children with an autism spectrum disorder and shall maintain a
5 web page for the information. The department shall also actively
6 seek financial resources in the form of grants and donations that
7 may be devoted to scholarship funds or to clinical trials for
8 behavioral interventions that may be undertaken by qualified
9 service providers. The department may contract out or delegate
10 these duties to a nonprofit organization. Priority in referral
11 for funding shall be given to children who have not yet entered
12 elementary school.

13 4. The director shall determine, at least annually, which
14 organizations in this state may be classified as scholarship
15 granting organizations. The director may require of an
16 organization seeking to be classified as a scholarship granting
17 organization whatever information which is reasonably necessary
18 to make such a determination. The director shall classify an
19 organization as a scholarship granting organization if such
20 organization meets the definition set forth in this section.

21 5. The director shall establish a procedure by which a
22 donor can determine if an organization has been classified as a
23 scholarship granting organization. Scholarship granting
24 organizations shall be permitted to decline a contribution from a
25 donor.

26 6. Each scholarship granting organization shall provide
27 information to the director concerning the identity of each donor
28 making a contribution to the scholarship granting organization.

1 7. (1) The director shall annually make a determination on
2 the number of students in Missouri with an individualized
3 education program based upon special needs as defined in this
4 section. The director shall use ten percent of this number to
5 determine the maximum number of students to receive scholarships
6 from a scholarship granting organization in that year for
7 students with special needs who have at the time of application
8 an individualized education program, plus a number calculated by
9 the director by applying the state's latest available autism,
10 cerebral palsy, Down syndrome, and Angelman syndrome incidence
11 rates to the state's population of children from age five to
12 nineteen who are not enrolled in public schools and taking ten
13 percent of that number. The total of these two calculations
14 shall constitute the maximum number of scholarships available to
15 students.

16 (2) The director shall also annually make a determination
17 on the number of children in Missouri whose parent or guardian
18 has enrolled the child in First Steps, received an individualized
19 family services program based on special needs, and filed a
20 complaint through the Individuals with Disabilities Education
21 Act, Part C, and received a negative response. In addition to
22 this number, the director shall apply the latest available
23 autism, cerebral palsy, Down syndrome, and Angelman syndrome
24 incidence rates to the latest available census information for
25 children from birth to age five and determine ten percent of that
26 number for the maximum number of scholarships for children.

27 (3) The director shall publicly announce the number of each
28 category of scholarship opportunities available each year. Once

1 a scholarship granting organization has decided to provide a
2 student or child with a scholarship, it shall promptly notify the
3 director. The director shall keep a running tally of the number
4 of scholarships granted in the order in which they were reported.
5 Once the tally reaches the annual limit of scholarships for
6 eligible students or children, the director shall notify all of
7 the participating scholarship granting organizations that they
8 shall not issue any more scholarships and any more receipts for
9 contributions. If the scholarship granting organizations have
10 not expended all of their available scholarship funds in that
11 year at the time when the limit is reached, the available
12 scholarship funds may be carried over into the next year. These
13 unexpended funds shall not be counted as part of the requirement
14 in subdivision (3) of subsection 10 of this section for that
15 year. Any receipt for a scholarship contribution issued by a
16 scholarship granting organization before the director has
17 publicly announced the student or child limit has been reached
18 shall be valid.

19 8. Each scholarship granting organization participating in
20 the program shall:

21 (1) Notify the department of its intent to provide
22 educational scholarships to students attending qualified schools
23 or children receiving services from qualified service providers;

24 (2) Provide a department-approved receipt to donors for
25 contributions made to the organization;

26 (3) Ensure that at least ninety percent of its revenue from
27 donations is spent on educational scholarships, and that all
28 revenue from interest or investments is spent on educational

1 scholarships;

2 (4) Ensure that the scholarships provided do not exceed an
3 average of twenty thousand dollars per eligible child or fifty
4 thousand dollars per eligible student;

5 (5) Inform the parent or guardian of the student or child
6 applying for a scholarship that accepting the scholarship is
7 tantamount to a "parentally placed private school student"
8 pursuant to 34 CFR 300.130 and, thus, neither the department nor
9 any Missouri public school is responsible to provide the student
10 with a free appropriate public education pursuant to the
11 Individuals with Disabilities Education Act or Section 504 of the
12 Rehabilitation Act of 1973;

13 (6) Distribute periodic scholarship payments as checks made
14 out to a student's or child's parent and mailed to the qualified
15 school where the student is enrolled or qualified service
16 provider used by the child. The parent or guardian shall endorse
17 the check before it can be deposited;

18 (7) Cooperate with the department to conduct criminal
19 background checks on all of its employees and board members and
20 exclude from employment or governance any individual who might
21 reasonably pose a risk to the appropriate use of contributed
22 funds;

23 (8) Ensure that scholarships are portable during the school
24 year and can be used at any qualified school that accepts the
25 eligible student or at a different qualified service provider for
26 an eligible child according to a parent's wishes. If a student
27 moves to a new qualified school during a school year or to a
28 different qualified service provider for an eligible child, the

1 scholarship amount may be prorated;

2 (9) Demonstrate its financial accountability by:

3 (a) Submitting a financial information report for the
4 organization that complies with uniform financial accounting
5 standards established by the department and conducted by a
6 certified public accountant; and

7 (b) Having the auditor certify that the report is free of
8 material misstatements;

9 (10) Demonstrate its financial viability, if the
10 organization is to receive donations of fifty thousand dollars or
11 more during the school year, by filing with the department before
12 the start of the school year:

13 (a) A surety bond payable to the state in an amount equal
14 to the aggregate amount of contributions expected to be received
15 during the school year; or

16 (b) Financial information that demonstrates the financial
17 viability of the scholarship granting organization.

18 9. Each scholarship granting organization shall ensure that
19 each participating school or service provider that accepts its
20 scholarship students or children shall:

21 (1) Comply with all health and safety laws or codes that
22 apply to nonpublic schools or service providers;

23 (2) Hold a valid occupancy permit if required by its
24 municipality;

25 (3) Certify that it will comply with 42 U.S.C. Section
26 1981, as amended;

27 (4) Provide academic accountability to parents of the
28 students or children in the program by regularly reporting to the

1 parent on the student's or child's progress;

2 (5) Certify that in providing any educational services or
3 behavior strategies to a scholarship recipient with a diagnosis
4 of or an individualized education program based upon autism
5 spectrum disorder it will:

6 (a) Adhere to the best practices recommendations of the
7 Missouri Autism Guidelines Initiative or document why it is
8 varying from the guidelines;

9 (b) Not use any evidence-based interventions that have been
10 found ineffective by the commission on Medicare as described in
11 the Missouri Autism Guidelines Initiative Guide to Evidence-based
12 Interventions; and

13 (c) Provide documentation in the student's or child's
14 record of the rationale for the use of any intervention that is
15 categorized as unestablished, insufficient evidence, or level 3
16 by the Missouri Autism Guidelines Initiative Guide to Evidence-
17 based Interventions; and

18 (6) Certify that in providing any educational services or
19 behavior strategies to a scholarship recipient with a diagnosis
20 of, or an individualized family services program based upon Down
21 syndrome, Angelman syndrome, or cerebral palsy, it will use
22 student, teacher, teaching, and school influences that rank in
23 the zone of desired effects in the meta-analysis of John Hattie,
24 or equivalent analyses as determined by the department, or
25 document why it is using a method that has not been determined by
26 analysis to rank in the zone of desired effects.

27 10. Scholarship granting organizations shall not provide
28 educational scholarships for students to attend any school or

1 children to receive services from any qualified service provider
2 with paid staff or board members who are relatives within the
3 first degree of consanguinity or affinity.

4 11. A scholarship granting organization shall publicly
5 report to the department, by June first of each year, the
6 following information prepared by a certified public accountant
7 regarding its grants in the previous calendar year:

8 (1) The name and address of the scholarship granting
9 organization;

10 (2) The total number and total dollar amount of
11 contributions received during the previous calendar year; and

12 (3) The total number and total dollar amount of educational
13 scholarships awarded during the previous calendar year, including
14 the category of each scholarship, and the total number and total
15 dollar amount of educational scholarships awarded during the
16 previous year to students eligible for free and reduced lunch.

17 12. The department shall adopt rules and regulations
18 consistent with this section as necessary to implement the
19 program.

20 13. The department shall provide a standardized format for
21 a receipt to be issued by a scholarship granting organization to
22 a donor to indicate the value of a contribution received.

23 14. The department shall provide a standardized format for
24 scholarship granting organizations to report the information in
25 this section.

26 15. The department may conduct either a financial review or
27 audit of a scholarship granting organization.

28 16. If the department believes that a scholarship granting

1 organization has intentionally and substantially failed to comply
2 with the requirements of this section, the department may hold a
3 hearing before the director or the director's designee to bar a
4 scholarship granting organization from participating in the
5 program. The director or the director's designee shall issue a
6 decision within thirty days. A scholarship granting organization
7 may appeal the director's decision to the administrative hearing
8 commission for a hearing in accordance with the provisions of
9 chapter 621.

10 17. If the scholarship granting organization is barred from
11 participating in the program, the department shall notify
12 affected scholarship students or children and their parents of
13 this decision within fifteen days.

14 18. Any rule or portion of a rule, as that term is defined
15 in section 536.010, that is created under the authority delegated
16 in this section shall become effective only if it complies with
17 and is subject to all of the provisions of chapter 536 and, if
18 applicable, section 536.028. This section and chapter 536 are
19 nonseverable and if any of the powers vested with the general
20 assembly pursuant to chapter 536 to review, to delay the
21 effective date, or to disapprove and annul a rule are
22 subsequently held unconstitutional, then the grant of rulemaking
23 authority and any rule proposed or adopted after August 28, 2013,
24 shall be invalid and void.

25 19. The department shall conduct a study of the program
26 with funds other than state funds. The department may contract
27 with one or more qualified researchers who have previous
28 experience evaluating similar programs. The department may

1 accept grants to assist in funding this study.

2 21. The study shall assess:

3 (1) The level of participating students' and children's
4 satisfaction with the program in a manner suitable to the student
5 or child;

6 (2) The level of parental satisfaction with the program;

7 (3) The percentage of participating students who were
8 bullied or harassed because of their special needs status at
9 their resident school district compared to the percentage so
10 bullied or harassed at their qualified school;

11 (4) The percentage of participating students who exhibited
12 behavioral problems at their resident school district compared to
13 the percentage exhibiting behavioral problems at their qualified
14 school;

15 (5) The class size experienced by participating students at
16 their resident school district and at their qualified school; and

17 (6) The fiscal impact to the state and resident school
18 districts of the program.

19 20. The study shall be completed using appropriate
20 analytical and behavioral sciences methodologies to ensure public
21 confidence in the study.

22 21. The department shall provide the general assembly with
23 a final copy of the evaluation of the program by December 31,
24 2016.

25 22. The public and nonpublic participating schools and
26 service providers from which students transfer to participate in
27 the program shall cooperate with the research effort by providing
28 student or child assessment instrument scores and any other data

1 necessary to complete this study.

2 23. The general assembly may require periodic updates on
3 the status of the study from the department. The individuals
4 completing the study shall make their data and methodology
5 available for public review while complying with the requirements
6 of the Family Educational Rights and Privacy Act, as amended.

7 24. Under section 23.253 of the Missouri sunset act:

8 (1) The provisions of the new program authorized under this
9 section shall sunset automatically on December 31, 2019, unless
10 reauthorized by an act of the general assembly; and

11 (2) If such program is reauthorized, the program authorized
12 under this section shall sunset automatically on December 31,
13 2031; and

14 (3) This section shall terminate on December thirty-first
15 of the calendar year immediately following the calendar year in
16 which the program authorized under this section is sunset.

17 161.249. 1. There is hereby created the "Advisory Council
18 on the Education of Gifted and Talented Children" which shall
19 consist of seven members appointed by the commissioner of
20 education. Members shall serve a term of four years, except for
21 the initial appointments, which shall be for the following
22 lengths:

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

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

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

27 (4) Two members shall be appointed for a term of four
28 years.

1 2. Upon the expiration of the term of a member, that member
2 shall continue to serve until a replacement is appointed. The
3 council shall organize with a chairperson selected by the
4 commissioner of education. Members of the council shall serve
5 without compensation and shall not be reimbursed for travel to
6 and from meetings.

7 3. The commissioner of education shall consider
8 recommendations for membership on the council from organizations
9 of educators and parents of gifted and talented children and
10 other groups with an interest in the education of gifted and
11 talented children. The members appointed shall be residents of
12 the state of Missouri and selected on the basis of their
13 knowledge of, or experience in, programs and problems of the
14 education of gifted and talented children.

15 4. The commissioner of education shall seek the advice of
16 the council regarding all rules and policies to be adopted by the
17 state board of education relating to the education of gifted and
18 talented children. A staff person appointed by the state board
19 of education shall serve as the state board's liaison to the
20 council. The state board of education shall provide necessary
21 clerical support and assistance in order to facilitate meetings
22 of the council.

23 168.021. 1. Certificates of license to teach in the public
24 schools of the state shall be granted as follows:

25 (1) By the state board, under rules and regulations
26 prescribed by it:

27 (a) Upon the basis of college credit;

28 (b) Upon the basis of examination;

1 (2) By the state board, under rules and regulations
2 prescribed by the state board with advice from the advisory
3 council established by section 168.015 to any individual who
4 presents to the state board a valid doctoral degree from an
5 accredited institution of higher education accredited by a
6 regional accrediting association such as North Central
7 Association. Such certificate shall be limited to the major area
8 of postgraduate study of the holder, shall be issued only after
9 successful completion of the examination required for graduation
10 pursuant to rules adopted by the state board of education, and
11 shall be restricted to those certificates established pursuant to
12 subdivision (1) of subsection 3 of this section;

13 (3) By the state board, which shall issue the professional
14 certificate classification in both the general and specialized
15 areas most closely aligned with the current areas of
16 certification approved by the state board, commensurate with the
17 years of teaching experience of the applicant, and based upon the
18 following criteria:

19 (a) Recommendation of a state-approved baccalaureate-level
20 teacher preparation program;

21 (b) Successful attainment of the Missouri qualifying score
22 on the exit assessment for teachers or administrators designated
23 by the state board of education. Applicants who have not
24 successfully achieved a qualifying score on the designated
25 examinations will be issued a two-year nonrenewable provisional
26 certificate; and

27 (c) Upon completion of a background check as prescribed in
28 section 168.133 and possession of a valid teaching certificate in

1 the state from which the applicant's teacher preparation program
2 was completed;

3 (4) By the state board, under rules prescribed by it, on
4 the basis of a relevant bachelor's degree, or higher degree, and
5 a passing score for the designated exit examination, for
6 individuals whose academic degree and professional experience are
7 suitable to provide a basis for instruction solely in the subject
8 matter of banking or financial responsibility, at the discretion
9 of the state board. Such certificate shall be limited to the
10 major area of study of the holder and shall be restricted to
11 those certificates established under subdivision (1) of
12 subsection 3 of this section. Holders of certificates granted
13 under this subdivision shall be exempt from the teacher tenure
14 act under sections 168.102 to 168.130 and each school district
15 shall have the decision-making authority on whether to hire the
16 holders of such certificates; or

17 (5) By the state board, under rules and regulations
18 prescribed by it, on the basis of certification by the American
19 Board for Certification of Teacher Excellence (ABCTE) and
20 verification of ability to work with children as demonstrated by
21 sixty contact hours in any one of the following areas as
22 validated by the school principal: sixty contact hours in the
23 classroom, of which at least forty-five must be teaching; sixty
24 contact hours as a substitute teacher, with at least thirty
25 consecutive hours in the same classroom; sixty contact hours of
26 teaching in a private school; or sixty contact hours of teaching
27 as a paraprofessional, for an initial four-year ABCTE certificate
28 of license to teach, except that such certificate shall not be

1 granted for the areas of early childhood education, elementary
2 education, or special education. Upon the completion of the
3 requirements listed in paragraphs (a), (b), (c), and (d) of this
4 subdivision, an applicant shall be eligible to apply for a career
5 continuous professional certificate under subdivision (2) of
6 subsection 3 of this section:

7 (a) Completion of thirty contact hours of professional
8 development within four years, which may include hours spent in
9 class in an appropriate college curriculum;

10 (b) Validated completion of two years of the mentoring
11 program of the American Board for Certification of Teacher
12 Excellence or a district mentoring program approved by the state
13 board of education;

14 (c) Attainment of a successful performance-based teacher
15 evaluation; and

16 (d) Participate in a beginning teacher assistance program.

17 2. All valid teaching certificates issued pursuant to law
18 or state board policies and regulations prior to September 1,
19 1988, shall be exempt from the professional development
20 requirements of this section and shall continue in effect until
21 they expire, are revoked or suspended, as provided by law. When
22 such certificates are required to be renewed, the state board or
23 its designee shall grant to each holder of such a certificate the
24 certificate most nearly equivalent to the one so held. Anyone
25 who holds, as of August 28, 2003, a valid PC-I, PC-II, or
26 continuous professional certificate shall, upon expiration of his
27 or her current certificate, be issued the appropriate level of
28 certificate based upon the classification system established

1 pursuant to subsection 3 of this section.

2 3. Certificates of license to teach in the public schools
3 of the state shall be based upon minimum requirements prescribed
4 by the state board of education which shall include completion of
5 a background check as prescribed in section 168.133. The state
6 board shall provide for the following levels of professional
7 certification: an initial professional certificate and a career
8 continuous professional certificate.

9 (1) The initial professional certificate shall be issued
10 upon completion of requirements established by the state board of
11 education and shall be valid based upon verification of actual
12 teaching within a specified time period established by the state
13 board of education. The state board shall require holders of the
14 four-year initial professional certificate to:

15 (a) Participate in a mentoring program approved and
16 provided by the district for a minimum of two years;

17 (b) Complete thirty contact hours of professional
18 development, which may include hours spent in class in an
19 appropriate college curriculum, or for holders of a certificate
20 under subdivision (4) of subsection 1 of this section, an amount
21 of professional development in proportion to the certificate
22 holder's hours in the classroom, if the certificate holder is
23 employed less than full time; and

24 (c) Participate in a beginning teacher assistance program;

25 (2) (a) The career continuous professional certificate
26 shall be issued upon verification of completion of four years of
27 teaching under the initial professional certificate and upon
28 verification of the completion of the requirements articulated in

1 paragraphs (a), (b), and (c) of subdivision (1) of this
2 subsection or paragraphs (a), (b), (c), and (d) of subdivision
3 (5) of subsection 1 of this section.

4 (b) The career continuous professional certificate shall be
5 continuous based upon verification of actual employment in an
6 educational position as provided for in state board guidelines
7 and completion of fifteen contact hours of professional
8 development per year which may include hours spent in class in an
9 appropriate college curriculum. Should the possessor of a valid
10 career continuous professional certificate fail, in any given
11 year, to meet the fifteen-hour professional development
12 requirement, the possessor may, within two years, make up the
13 missing hours. In order to make up for missing hours, the
14 possessor shall first complete the fifteen-hour requirement for
15 the current year and then may count hours in excess of the
16 current year requirement as make-up hours. Should the possessor
17 fail to make up the missing hours within two years, the
18 certificate shall become inactive. In order to reactivate the
19 certificate, the possessor shall complete twenty-four contact
20 hours of professional development which may include hours spent
21 in the classroom in an appropriate college curriculum within the
22 six months prior to or after reactivating his or her certificate.
23 The requirements of this paragraph shall be monitored and
24 verified by the local school district which employs the holder of
25 the career continuous professional certificate.

26 (c) A holder of a career continuous professional
27 certificate shall be exempt from the professional development
28 contact hour requirements of paragraph (b) of this subdivision if

1 such teacher has a local professional development plan in place
2 within such teacher's school district and meets two of the three
3 following criteria:

4 a. Has ten years of teaching experience as defined by the
5 state board of education;

6 b. Possesses a master's degree; or

7 c. Obtains a rigorous national certification as approved by
8 the state board of education.

9 4. Policies and procedures shall be established by which a
10 teacher who was not retained due to a reduction in force may
11 retain the current level of certification. There shall also be
12 established policies and procedures allowing a teacher who has
13 not been employed in an educational position for three years or
14 more to reactivate his or her last level of certification by
15 completing twenty-four contact hours of professional development
16 which may include hours spent in the classroom in an appropriate
17 college curriculum within the six months prior to or after
18 reactivating his or her certificate.

19 5. The state board shall, upon completion of a background
20 check as prescribed in section 168.133, issue a professional
21 certificate classification in the areas most closely aligned with
22 an applicant's current areas of certification, commensurate with
23 the years of teaching experience of the applicant, to any person
24 who is hired to teach in a public school in this state and who
25 possesses a valid teaching certificate from another state or
26 certification under subdivision (4) of subsection 1 of this
27 section, provided that the certificate holder shall annually
28 complete the state board's requirements for such level of

1 certification, and shall establish policies by which residents of
2 states other than the state of Missouri may be assessed a fee for
3 a certificate license to teach in the public schools of Missouri.
4 Such fee shall be in an amount sufficient to recover any or all
5 costs associated with the issuing of a certificate of license to
6 teach. The board shall promulgate rules to authorize the
7 issuance of a provisional certificate of license, which shall
8 allow the holder to assume classroom duties pending the
9 completion of a criminal background check under section 168.133,
10 for any applicant who:

11 (1) Is the spouse of a member of the Armed Forces stationed
12 in Missouri;

13 (2) Relocated from another state within one year of the
14 date of application;

15 (3) Underwent a criminal background check in order to be
16 issued a teaching certificate of license from another state; and

17 (4) Otherwise qualifies under this section.

18 6. The state board may assess to holders of an initial
19 professional certificate a fee, to be deposited into the
20 excellence in education revolving fund established pursuant to
21 section 160.268, for the issuance of the career continuous
22 professional certificate. However, such fee shall not exceed the
23 combined costs of issuance and any criminal background check
24 required as a condition of issuance. Applicants for the initial
25 ABCTE certificate shall be responsible for any fees associated
26 with the program leading to the issuance of the certificate, but
27 nothing in this section shall prohibit a district from developing
28 a policy that permits fee reimbursement.

1 7. Any member of the public school retirement system of
2 Missouri who entered covered employment with ten or more years of
3 educational experience in another state or states and held a
4 certificate issued by another state and subsequently worked in a
5 school district covered by the public school retirement system of
6 Missouri for ten or more years who later became certificated in
7 Missouri shall have that certificate dated back to his or her
8 original date of employment in a Missouri public school.

9 [8. The provisions of subdivision (5) of subsection 1 of
10 this section, as well as any other provision of this section
11 relating to the American Board for Certification of Teacher
12 Excellence, shall terminate on August 28, 2014.]

13 169.070. 1. The retirement allowance of a member whose age
14 at retirement is sixty years or more and whose creditable service
15 is five years or more, or whose sum of age and creditable service
16 equals eighty years or more, or who has attained age fifty-five
17 and whose creditable service is twenty-five years or more or
18 whose creditable service is thirty years or more regardless of
19 age, may be the sum of the following items, not to exceed one
20 hundred percent of the member's final average salary:

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

23 (2) Six-tenths of the amount payable for a year of
24 membership service for each year of prior service not exceeding
25 thirty years.

26
27 In lieu of the retirement allowance otherwise provided in
28 subdivisions (1) and (2) of this subsection, a member may elect

1 to receive a retirement allowance of:

2 (3) [Between July 1, 1998, and July 1, 2013,] Two and four-
3 tenths percent of the member's final average salary for each year
4 of membership service, if the member's creditable service is
5 twenty-nine years or more but less than thirty years, and the
6 member has not attained age fifty-five;

7 (4) [Between July 1, 1998, and July 1, 2013,] Two and
8 thirty-five-hundredths percent of the member's final average
9 salary for each year of membership service, if the member's
10 creditable service is twenty-eight years or more but less than
11 twenty-nine years, and the member has not attained age fifty-
12 five;

13 (5) [Between July 1, 1998, and July 1, 2013,] Two and
14 three-tenths percent of the member's final average salary for
15 each year of membership service, if the member's creditable
16 service is twenty-seven years or more but less than twenty-eight
17 years, and the member has not attained age fifty-five;

18 (6) [Between July 1, 1998, and July 1, 2013,] Two and
19 twenty-five-hundredths percent of the member's final average
20 salary for each year of membership service, if the member's
21 creditable service is twenty-six years or more but less than
22 twenty-seven years, and the member has not attained age fifty-
23 five;

24 (7) [Between July 1, 1998, and July 1, 2013,] Two and two-
25 tenths percent of the member's final average salary for each year
26 of membership service, if the member's creditable service is
27 twenty-five years or more but less than twenty-six years, and the
28 member has not attained age fifty-five;

1 (8) Between July 1, 2001, and July 1, [2013] 2014, Two and
2 fifty-five hundredths percent of the member's final average
3 salary for each year of membership service, if the member's
4 creditable service is thirty-one years or more regardless of age.
5

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

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

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

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

19 3. (1) In lieu of the retirement allowance provided either
20 in subsection 1 or 2 of this section, collectively called "option
21 1", a member whose creditable service is twenty-five years or
22 more or who has attained the age of fifty-five with five or more
23 years of creditable service may elect in the member's application
24 for retirement to receive the actuarial equivalent of the
25 member's retirement allowance in reduced monthly payments for
26 life during retirement with the provision that:

27 Option 2. Upon the member's death the reduced retirement
28 allowance shall be continued throughout the life of and paid to

1 such person as has an insurable interest in the life of the
2 member as the member shall have nominated in the member's
3 election of the option, and provided further that if the person
4 so nominated dies before the retired member, the retirement
5 allowance will be increased to the amount the retired member
6 would be receiving had the retired member elected option 1; OR

7 Option 3. Upon the death of the member three-fourths of
8 the reduced retirement allowance shall be continued throughout
9 the life of and paid to such person as has an insurable interest
10 in the life of the member and as the member shall have nominated
11 in an election of the option, and provided further that if the
12 person so nominated dies before the retired member, the
13 retirement allowance will be increased to the amount the retired
14 member would be receiving had the member elected option 1; OR

15 Option 4. Upon the death of the member one-half of the
16 reduced retirement allowance shall be continued throughout the
17 life of, and paid to, such person as has an insurable interest in
18 the life of the member and as the member shall have nominated in
19 an election of the option, and provided further that if the
20 person so nominated dies before the retired member, the
21 retirement allowance shall be increased to the amount the retired
22 member would be receiving had the member elected option 1; OR

23 Option 5. Upon the death of the member prior to the member
24 having received one hundred twenty monthly payments of the
25 member's reduced allowance, the remainder of the one hundred
26 twenty monthly payments of the reduced allowance shall be paid to
27 such beneficiary as the member shall have nominated in the
28 member's election of the option or in a subsequent nomination.

1 If there is no beneficiary so nominated who survives the member
2 for the remainder of the one hundred twenty monthly payments, the
3 total of the remainder of such one hundred twenty monthly
4 payments shall be paid to the surviving spouse, surviving
5 children in equal shares, surviving parents in equal shares, or
6 estate of the last person, in that order of precedence, to
7 receive a monthly allowance in a lump sum payment. If the total
8 of the one hundred twenty payments paid to the retired individual
9 and the beneficiary of the retired individual is less than the
10 total of the member's accumulated contributions, the difference
11 shall be paid to the beneficiary in a lump sum; OR

12 Option 6. Upon the death of the member prior to the member
13 having received sixty monthly payments of the member's reduced
14 allowance, the remainder of the sixty monthly payments of the
15 reduced allowance shall be paid to such beneficiary as the member
16 shall have nominated in the member's election of the option or in
17 a subsequent nomination. If there is no beneficiary so nominated
18 who survives the member for the remainder of the sixty monthly
19 payments, the total of the remainder of such sixty monthly
20 payments shall be paid to the surviving spouse, surviving
21 children in equal shares, surviving parents in equal shares, or
22 estate of the last person, in that order of precedence, to
23 receive a monthly allowance in a lump sum payment. If the total
24 of the sixty payments paid to the retired individual and the
25 beneficiary of the retired individual is less than the total of
26 the member's accumulated contributions, the difference shall be
27 paid to the beneficiary in a lump sum.

28 (2) The election of an option may be made only in the

1 application for retirement and such application must be filed
2 prior to the date on which the retirement of the member is to be
3 effective. If either the member or the person nominated to
4 receive the survivorship payments dies before the effective date
5 of retirement, the option shall not be effective, provided that:

6 (a) If the member or a person retired on disability
7 retirement dies after acquiring twenty-five or more years of
8 creditable service or after attaining the age of fifty-five years
9 and acquiring five or more years of creditable service and before
10 retirement, except retirement with disability benefits, and the
11 person named by the member as the member's beneficiary has an
12 insurable interest in the life of the deceased member, the
13 designated beneficiary may elect to receive either survivorship
14 benefits under option 2 or a payment of the accumulated
15 contributions of the member. If survivorship benefits under
16 option 2 are elected and the member at the time of death would
17 have been eligible to receive an actuarial equivalent of the
18 member's retirement allowance, the designated beneficiary may
19 further elect to defer the option 2 payments until the date the
20 member would have been eligible to receive the retirement
21 allowance provided in subsection 1 or 2 of this section;

22 (b) If the member or a person retired on disability
23 retirement dies before attaining age fifty-five but after
24 acquiring five but fewer than twenty-five years of creditable
25 service, and the person named as the member's beneficiary has an
26 insurable interest in the life of the deceased member, the
27 designated beneficiary may elect to receive either a payment of
28 the member's accumulated contributions, or survivorship benefits

1 under option 2 to begin on the date the member would first have
2 been eligible to receive an actuarial equivalent of the member's
3 retirement allowance, or to begin on the date the member would
4 first have been eligible to receive the retirement allowance
5 provided in subsection 1 or 2 of this section.

6 4. If the total of the retirement or disability allowance
7 paid to an individual before the death of the individual is less
8 than the accumulated contributions at the time of retirement, the
9 difference shall be paid to the beneficiary of the individual, or
10 to the surviving spouse, surviving children in equal shares,
11 surviving parents in equal shares, or estate of the individual in
12 that order of precedence. If an optional benefit as provided in
13 option 2, 3 or 4 in subsection 3 of this section had been
14 elected, and the beneficiary dies after receiving the optional
15 benefit, and if the total retirement allowance paid to the
16 retired individual and the beneficiary of the retired individual
17 is less than the total of the contributions, the difference shall
18 be paid to the surviving spouse, surviving children in equal
19 shares, surviving parents in equal shares, or estate of the
20 beneficiary, in that order of precedence, unless the retired
21 individual designates a different recipient with the board at or
22 after retirement.

23 5. If a member dies and his or her financial institution is
24 unable to accept the final payment or payments due to the member,
25 the final payment or payments shall be paid to the beneficiary of
26 the member or, if there is no beneficiary, to the surviving
27 spouse, surviving children in equal shares, surviving parents in
28 equal shares, or estate of the member, in that order of

1 precedence, unless otherwise stated. If the beneficiary of a
2 deceased member dies and his or her financial institution is
3 unable to accept the final payment or payments, the final payment
4 or payments shall be paid to the surviving spouse, surviving
5 children in equal shares, surviving parents in equal shares, or
6 estate of the member, in that order of precedence, unless
7 otherwise stated.

8 6. If a member dies before receiving a retirement
9 allowance, the member's accumulated contributions at the time of
10 the death of the member shall be paid to the beneficiary of the
11 member or, if there is no beneficiary, to the surviving spouse,
12 surviving children in equal shares, surviving parents in equal
13 shares, or to the estate of the member, in that order of
14 precedence; except that, no such payment shall be made if the
15 beneficiary elects option 2 in subsection 3 of this section,
16 unless the beneficiary dies before having received benefits
17 pursuant to that subsection equal to the accumulated
18 contributions of the member, in which case the amount of
19 accumulated contributions in excess of the total benefits paid
20 pursuant to that subsection shall be paid to the surviving
21 spouse, surviving children in equal shares, surviving parents in
22 equal shares, or estate of the beneficiary, in that order of
23 precedence.

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

1 8. Notwithstanding any provisions of sections 169.010 to
2 169.141 to the contrary, if a member ceases to be a public school
3 employee after acquiring five or more years of membership service
4 in Missouri, the member may at the option of the member leave the
5 member's contributions with the retirement system and claim a
6 retirement allowance any time after reaching the minimum age for
7 voluntary retirement. When the member's claim is presented to
8 the board, the member shall be granted an allowance as provided
9 in sections 169.010 to 169.141 on the basis of the member's age,
10 years of service, and the provisions of the law in effect at the
11 time the member requests the member's retirement to become
12 effective.

13 9. The retirement allowance of a member retired because of
14 disability shall be nine-tenths of the allowance to which the
15 member's creditable service would entitle the member if the
16 member's age were sixty, or fifty percent of one-twelfth of the
17 annual salary rate used in determining the member's contributions
18 during the last school year for which the member received a year
19 of creditable service immediately prior to the member's
20 disability, whichever is greater, except that no such allowance
21 shall exceed the retirement allowance to which the member would
22 have been entitled upon retirement at age sixty if the member had
23 continued to teach from the date of disability until age sixty at
24 the same salary rate.

25 10. Notwithstanding any provisions of sections 169.010 to
26 169.141 to the contrary, from October 13, 1961, the contribution
27 rate pursuant to sections 169.010 to 169.141 shall be multiplied
28 by the factor of two-thirds for any member of the system for whom

1 federal Old Age and Survivors Insurance tax is paid from state or
2 local tax funds on account of the member's employment entitling
3 the person to membership in the system. The monetary benefits
4 for a member who elected not to exercise an option to pay into
5 the system a retroactive contribution of four percent on that
6 part of the member's annual salary rate which was in excess of
7 four thousand eight hundred dollars but not in excess of eight
8 thousand four hundred dollars for each year of employment in a
9 position covered by this system between July 1, 1957, and July 1,
10 1961, as provided in subsection 10 of this section as it appears
11 in RSMo, 1969, shall be the sum of:

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

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

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

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

27 11. The monetary benefits for each other member for whom
28 federal Old Age and Survivors Insurance tax is or was paid at any

1 time from state or local funds on account of the member's
2 employment entitling the member to membership in the system shall
3 be the sum of:

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

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

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

13 12. Any retired member of the system who was retired prior
14 to September 1, 1972, or beneficiary receiving payments under
15 option 1 or option 2 of subsection 3 of this section, as such
16 option existed prior to September 1, 1972, will be eligible to
17 receive an increase in the retirement allowance of the member of
18 two percent for each year, or major fraction of more than one-
19 half of a year, which the retired member has been retired prior
20 to July 1, 1975. This increased amount shall be payable
21 commencing with January, 1976, and shall thereafter be referred
22 to as the member's retirement allowance. The increase provided
23 for in this subsection shall not affect the retired member's
24 eligibility for compensation provided for in section 169.580 or
25 169.585, nor shall the amount being paid pursuant to these
26 sections be reduced because of any increases provided for in this
27 section.

28 13. If the board of trustees determines that the cost of

1 living, as measured by generally accepted standards, increases
2 two percent or more in the preceding fiscal year, the board shall
3 increase the retirement allowances which the retired members or
4 beneficiaries are receiving by two percent of the amount being
5 received by the retired member or the beneficiary at the time the
6 annual increase is granted by the board with the provision that
7 the increases provided for in this subsection shall not become
8 effective until the fourth January first following the member's
9 retirement or January 1, 1977, whichever later occurs, or in the
10 case of any member retiring on or after July 1, 2000, the
11 increase provided for in this subsection shall not become
12 effective until the third January first following the member's
13 retirement, or in the case of any member retiring on or after
14 July 1, 2001, the increase provided for in this subsection shall
15 not become effective until the second January first following the
16 member's retirement. Commencing with January 1, 1992, if the
17 board of trustees determines that the cost of living has
18 increased five percent or more in the preceding fiscal year, the
19 board shall increase the retirement allowances by five percent.
20 The total of the increases granted to a retired member or the
21 beneficiary after December 31, 1976, may not exceed eighty
22 percent of the retirement allowance established at retirement or
23 as previously adjusted by other subsections. If the cost of
24 living increases less than five percent, the board of trustees
25 may determine the percentage of increase to be made in retirement
26 allowances, but at no time can the increase exceed five percent
27 per year. If the cost of living decreases in a fiscal year,
28 there will be no increase in allowances for retired members on

1 the following January first.

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

10 15. Any application for retirement shall include a sworn
11 statement by the member certifying that the spouse of the member
12 at the time the application was completed was aware of the
13 application and the plan of retirement elected in the
14 application.

15 16. Notwithstanding any other provision of law, any person
16 retired prior to September 28, 1983, who is receiving a reduced
17 retirement allowance under option 1 or option 2 of subsection 3
18 of this section, as such option existed prior to September 28,
19 1983, and whose beneficiary nominated to receive continued
20 retirement allowance payments under the elected option dies or
21 has died, shall upon application to the board of trustees have
22 his or her retirement allowance increased to the amount he or she
23 would have been receiving had the option not been elected,
24 actuarially adjusted to recognize any excessive benefits which
25 would have been paid to him or her up to the time of application.

26 17. Benefits paid pursuant to the provisions of the public
27 school retirement system of Missouri shall not exceed the
28 limitations of Section 415 of Title 26 of the United States Code

1 except as provided pursuant to this subsection. Notwithstanding
2 any other law to the contrary, the board of trustees may
3 establish a benefit plan pursuant to Section 415(m) of Title 26
4 of the United States Code. Such plan shall be created solely for
5 the purpose described in Section 415(m) (3) (A) of Title 26 of the
6 United States Code. The board of trustees may promulgate
7 regulations necessary to implement the provisions of this
8 subsection and to create and administer such benefit plan.

9 18. Notwithstanding any other provision of law to the
10 contrary, any person retired before, on, or after May 26, 1994,
11 shall be made, constituted, appointed and employed by the board
12 as a special consultant on the matters of education, retirement
13 and aging, and upon request shall give written or oral opinions
14 to the board in response to such requests. As compensation for
15 such duties the person shall receive an amount based on the
16 person's years of service so that the total amount received
17 pursuant to sections 169.010 to 169.141 shall be at least the
18 minimum amounts specified in subdivisions (1) to (4) of this
19 subsection. In determining the minimum amount to be received,
20 the amounts in subdivisions (3) and (4) of this subsection shall
21 be adjusted in accordance with the actuarial adjustment, if any,
22 that was applied to the person's retirement allowance. In
23 determining the minimum amount to be received, beginning
24 September 1, 1996, the amounts in subdivisions (1) and (2) of
25 this subsection shall be adjusted in accordance with the
26 actuarial adjustment, if any, that was applied to the person's
27 retirement allowance due to election of an optional form of
28 retirement having a continued monthly payment after the person's

1 death. Notwithstanding any other provision of law to the
2 contrary, no person retired before, on, or after May 26, 1994,
3 and no beneficiary of such a person, shall receive a retirement
4 benefit pursuant to sections 169.010 to 169.141 based on the
5 person's years of service less than the following amounts:

6 (1) Thirty or more years of service, one thousand two
7 hundred dollars;

8 (2) At least twenty-five years but less than thirty years,
9 one thousand dollars;

10 (3) At least twenty years but less than twenty-five years,
11 eight hundred dollars;

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

14 19. Notwithstanding any other provisions of law to the
15 contrary, any person retired prior to May 26, 1994, and any
16 designated beneficiary of such a retired member who was deceased
17 prior to July 1, 1999, shall be made, constituted, appointed and
18 employed by the board as a special consultant on the matters of
19 education, retirement or aging and upon request shall give
20 written or oral opinions to the board in response to such
21 requests. Beginning September 1, 1996, as compensation for such
22 service, the member shall have added, pursuant to this
23 subsection, to the member's monthly annuity as provided by this
24 section a dollar amount equal to the lesser of sixty dollars or
25 the product of two dollars multiplied by the member's number of
26 years of creditable service. Beginning September 1, 1999, the
27 designated beneficiary of the deceased member shall as
28 compensation for such service have added, pursuant to this

1 subsection, to the monthly annuity as provided by this section a
2 dollar amount equal to the lesser of sixty dollars or the product
3 of two dollars multiplied by the member's number of years of
4 creditable service. The total compensation provided by this
5 section including the compensation provided by this subsection
6 shall be used in calculating any future cost-of-living
7 adjustments provided by subsection 13 of this section.

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

20 21. Any member who has retired shall be made, constituted,
21 appointed and employed by the board as a special consultant on
22 the matters of education, retirement and aging, and upon request
23 shall give written or oral opinions to the board in response to
24 such request. As compensation for such duties, the beneficiary
25 of the retired member, or, if there is no beneficiary, the
26 surviving spouse, surviving children in equal shares, surviving
27 parents in equal shares, or estate of the retired member, in that
28 order of precedence, shall receive as a part of compensation for

1 these duties a death benefit of five thousand dollars.

2 22. Any member who has retired prior to July 1, 1999, and
3 the designated beneficiary of a retired member who was deceased
4 prior to July 1, 1999, shall be made, constituted, appointed and
5 employed by the board as a special consultant on the matters of
6 education, retirement and aging, and upon request shall give
7 written or oral opinions to the board in response to such
8 requests. As compensation for such duties, the person shall have
9 added, pursuant to this subsection, to the monthly annuity as
10 provided by this section a dollar amount equal to five dollars
11 times the member's number of years of creditable service.

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

24 24. Any member who has retired prior to July 1, 2001, and
25 the designated beneficiary of a deceased retired member shall be
26 made, constituted, appointed and employed by the board as a
27 special consultant on the matters of education, retirement and
28 aging, and upon request shall give written or oral opinions to

1 the board in response to such requests. As compensation for such
2 duties, the person shall receive a dollar amount equal to three
3 dollars times the member's number of years of creditable service,
4 which shall be added to the member's or beneficiary's monthly
5 annuity and which shall not be subject to the provisions of
6 subsections 13 and 14 of this section for the purposes of the
7 limit on the total amount of increases which may be received.

8 169.270. Unless a different meaning is clearly required by
9 the context, the following words and phrases as used in sections
10 169.270 to 169.400 shall have the following meanings:

11 (1) "Accumulated contributions", the sum of all amounts
12 deducted from the compensation of a member or paid on behalf of
13 the member by the employer and credited to the member's
14 individual account together with interest thereon in the
15 employees' contribution fund. The board of trustees shall
16 determine the rate of interest allowed thereon as provided for in
17 section 169.295;

18 (2) "Actuarial equivalent", a benefit of equal value when
19 computed upon the basis of formulas and/or tables which have been
20 approved by the board of trustees. The formulas and tables in
21 effect at any time shall be set forth in a written document which
22 shall be maintained at the offices of the retirement system and
23 treated for all purposes as part of the documents governing the
24 retirement system established by section 169.280. The formulas
25 and tables may be changed from time to time if recommended by the
26 retirement system's actuary and approved by the board of
27 trustees;

28 (3) "Average final compensation", the highest average

1 annual compensation received for any four consecutive years of
2 service. In determining whether years of service are
3 "consecutive", only periods for which creditable service is
4 earned shall be considered, and all other periods shall be
5 disregarded;

6 (4) "Beneficiary", any person designated by a member for a
7 retirement allowance or other benefit as provided by sections
8 169.270 to 169.400;

9 (5) "Board of education", the board of directors or
10 corresponding board, by whatever name, having charge of the
11 public schools of the school district in which the retirement
12 system is established;

13 (6) "Board of trustees", the board provided for in section
14 169.291 to administer the retirement system;

15 (7) "Break in service", an occurrence when a regular
16 employee ceases to be a regular employee for any reason other
17 than retirement (including termination of employment,
18 resignation, or furlough but not including vacation, sick leave,
19 excused absence or leave of absence granted by an employer) and
20 such person does not again become a regular employee until after
21 sixty consecutive calendar days have elapsed, or after fifteen
22 consecutive school or work days have elapsed, whichever occurs
23 later. A break in service also occurs when a regular employee
24 retires under the retirement system established by section
25 169.280 and does not again become a regular employee until after
26 fifteen consecutive school or work days have elapsed. A "school
27 or work day" is a day on which the employee's employer requires
28 (or if the position no longer exists, would require, based on

1 past practice) employees having the former employee's last job
2 description to report to their place of employment for any
3 reason;

4 (8) "Charter school", any charter school established
5 pursuant to sections 160.400 to 160.420 and located, at the time
6 it is established, within the school district;

7 (9) "Compensation", the regular compensation as shown on
8 the salary and wage schedules of the employer, including any
9 amounts paid by the employer on a member's behalf pursuant to
10 subdivision (5) of subsection 1 of section 169.350, but such term
11 is not to include extra pay, overtime pay, consideration for
12 entering into early retirement, or any other payments not
13 included on salary and wage schedules. For any year beginning
14 after December 31, 1988, the annual compensation of each member
15 taken into account under the retirement system shall not exceed
16 the limitation set forth in Section 401(a)(17) of the Internal
17 Revenue Code of 1986, as amended;

18 (10) "Creditable service", the amount of time that a
19 regular employee is a member of the retirement system and makes
20 contributions thereto in accordance with the provisions of
21 sections 169.270 to 169.400;

22 (11) "Employee", any person who is classified by the school
23 district, a charter school, the library district or the
24 retirement system established by section 169.280 as an employee
25 of such employer and is reported contemporaneously for federal
26 and state tax purposes as an employee of such employer. A person
27 is not considered to be an employee for purposes of such
28 retirement system with respect to any service for which the

1 person was not reported contemporaneously for federal and state
2 tax purposes as an employee of such employer, regardless of
3 whether the person is or may later be determined to be or to have
4 been a common law employee of such employer, including but not
5 limited to a person classified by the employer as independent
6 contractors and persons employed by other entities which contract
7 to provide staff and services to the employer. In no event shall
8 a person reported for federal tax purposes as an employee of a
9 private, for-profit entity be deemed to be an employee eligible
10 to participate in the retirement system established by section
11 169.280 with respect to such employment;

12 (12) "Employer", the school district, any charter school,
13 the library district, or the retirement system established by
14 section 169.280, or any combination thereof, as required by the
15 context to identify the employer of any member, or, for purposes
16 only of subsection 2 of section 169.324, of any retirant;

17 (13) "Employer's board", the board of education, the
18 governing board of any charter school, the board of trustees of
19 the library district, the board of trustees, or any combination
20 thereof, as required by the context to identify the governing
21 body of an employer;

22 (14) "Library district", any urban public library district
23 created from or within a school district under the provisions of
24 section 182.703;

25 (15) "Medical board", the board of physicians provided for
26 in section 169.291;

27 (16) "Member", any person who is a regular employee after
28 the retirement system has been established hereunder ("active

1 member"), and any person who (i) was an active member, (ii) has
2 vested retirement benefits hereunder, and (iii) is not receiving
3 a retirement allowance hereunder ("inactive member"). A person
4 shall cease to be a member if the person has a break in service
5 before earning any vested retirement benefits or if the person
6 withdraws his or her accumulated contributions from the
7 retirement system;

8 (17) "Minimum normal retirement age", for any member who
9 retires before January 1, 2014, or who is a member of the
10 retirement system on December 31, 2013, and remains a member
11 continuously to retirement, the earlier of the date the member
12 attains the age of sixty or the date the member has a total of at
13 least seventy-five credits, with each year of creditable service
14 and each year of age equal to one credit[,] and with both years
15 of creditable service and years of age prorated for fractional
16 years; for any person who becomes a member of the retirement
17 system on or after January 1, 2014, including any person who was
18 previously a member of the retirement system before January 1,
19 2014, but ceased to be a member for any reason other than
20 retirement, the earlier of the date the member attains the age of
21 sixty-two or the date the member has a total of at least eighty
22 credits, with each year of creditable service and each year of
23 age equal to one credit and with both years of creditable service
24 and years of age prorated for fractional years;

25 (18) "Prior service", service prior to the date the system
26 becomes operative which is creditable in accordance with the
27 provisions of section 169.311. Prior service in excess of
28 thirty-eight years shall be considered thirty-eight years;

1 (19) "Regular employee", any employee who is assigned to an
2 established position which requires service of not less than
3 twenty-five hours per week, and not less than nine calendar
4 months a year. Any regular employee who is subsequently assigned
5 without break in service to a position demanding less service
6 than is required of a regular employee shall continue the
7 employee's status as a regular employee. Except as stated in the
8 preceding sentence, a temporary, part-time, or furloughed
9 employee is not a regular employee;

10 (20) "Retirant", a former member receiving a retirement
11 allowance hereunder;

12 (21) "Retirement allowance", annuity payments to a retirant
13 or to such beneficiary as is entitled to same;

14 (22) "School district", any school district in which a
15 retirement system shall be established under section 169.280.

16 169.291. 1. The general administration and the
17 responsibility for the proper operation of the retirement system
18 are hereby vested in a board of trustees of twelve persons who
19 shall be resident taxpayers of the school district, as follows:

20 (1) Four trustees to be appointed for terms of four years
21 by the board of education; provided, however, that the terms of
22 office of the first four trustees so appointed shall begin
23 immediately upon their appointment and shall expire one, two,
24 three and four years from the date the retirement system becomes
25 operative, respectively;

26 (2) Four trustees to be elected for terms of four years by
27 and from the members of the retirement system; provided, however,
28 that the terms of office of the first four trustees so elected

1 shall begin immediately upon their election and shall expire one,
2 two, three and four years from the date the retirement system
3 becomes operative, respectively;

4 (3) The ninth trustee shall be the superintendent of
5 schools of the school district;

6 (4) The tenth trustee shall be one retirant of the
7 retirement system elected for a term of four years beginning the
8 first day of January immediately following August 13, 1986, by
9 the retirants of the retirement system;

10 (5) The eleventh trustee shall be appointed for a term of
11 four years beginning the first day of January immediately
12 following August 13, 1990, by the board of trustees described in
13 subdivision (3) of section 182.701;

14 (6) The twelfth trustee shall be a retirant of the
15 retirement system elected for a term of four years beginning the
16 first day of January immediately following August 28, 1992, by
17 the retirants of the retirement system.

18 2. If a vacancy occurs in the office of a trustee, the
19 vacancy shall be filled for the unexpired term in the same manner
20 as the office was previously filled, except that the board of
21 trustees may appoint a qualified person to fill the vacancy in
22 the office of an elected member until the next regular election
23 at which time a member shall be elected for the unexpired term.
24 No vacancy or vacancies on the board of trustees shall impair the
25 power of the remaining trustees to administer the retirement
26 system pending the filling of such vacancy or vacancies.

27 3. In the event of a lapse of the school district's
28 corporate organization as described in subsections 1 and 4 of

1 section 162.081, the general administration and responsibility
2 for the proper operation of the retirement system shall continue
3 to be vested in a twelve-person board of trustees, all of whom
4 shall be resident taxpayers of a city, other than a city not
5 within a county, of four hundred thousand or more. In such
6 event, if vacancies occur in the offices of the four trustees
7 appointed, prior to the lapse, by the board of education, or in
8 the offices of the four trustees elected, prior to the lapse, by
9 the members of the retirement system, or in the office of trustee
10 held, prior to the lapse, by the superintendent of schools in the
11 school district, as provided in subdivisions (1), (2) and (3) of
12 subsection 1 of this section, the board of trustees shall appoint
13 a qualified person to fill each vacancy and subsequent vacancies
14 in the office of trustee for terms of up to four years, as
15 determined by the board of trustees.

16 4. Each trustee shall, before assuming the duties of a
17 trustee, take the oath of office before the court of the judicial
18 circuit or one of the courts of the judicial circuit in which the
19 school district is located that so far as it devolves upon the
20 trustee, such trustee shall diligently and honestly administer
21 the affairs of the board of trustees and that the trustee will
22 not knowingly violate or willingly permit to be violated any of
23 the provisions of the law applicable to the retirement system.
24 Such oath shall be subscribed to by the trustee making it and
25 filed in the office of the clerk of the circuit court.

26 5. Each trustee shall be entitled to one vote in the board
27 of trustees. Seven trustees shall constitute a quorum at any
28 meeting of the board of trustees. At any meeting of the board of

1 trustees where a quorum is present, the vote of at least seven of
2 the trustees in support of a motion, resolution or other matter
3 is necessary to be the decision of the board; provided, however,
4 that in the event of a lapse in the school district's corporate
5 organization as described in subsections 1 and 4 of section
6 162.081, a majority of the trustees then in office shall
7 constitute a quorum at any meeting of the board of trustees, and
8 the vote of a majority of the trustees then in office in support
9 of a motion, resolution or other matter shall be necessary to be
10 the decision of the board.

11 6. The board of trustees shall have exclusive original
12 jurisdiction in all matters relating to or affecting the funds
13 herein provided for, including, in addition to all other matters,
14 all claims for benefits or refunds, and its action, decision or
15 determination in any matter shall be reviewable in accordance
16 with chapter 536 or chapter 621. Subject to the limitations of
17 sections 169.270 to 169.400, the board of trustees shall, from
18 time to time, establish rules and regulations for the
19 administration of funds of the retirement system, for the
20 transaction of its business, and for the limitation of the time
21 within which claims may be filed.

22 7. The trustees shall serve without compensation. The
23 board of trustees shall elect from its membership a chairman and
24 a vice chairman. The board of trustees shall appoint an
25 executive director who shall serve as the administrative officer
26 of the retirement system and as secretary to the board of
27 trustees. It shall employ one or more persons, firms or
28 corporations experienced in the investment of moneys to serve as

1 investment counsel to the board of trustees. The compensation of
2 all persons engaged by the board of trustees and all other
3 expenses of the board necessary for the operation of the
4 retirement system shall be paid at such rates and in such amounts
5 as the board of trustees shall approve, and shall be paid from
6 the investment income.

7 8. The board of trustees shall keep in convenient form such
8 data as shall be necessary for actuarial valuations of the
9 various funds of the retirement system and for checking the
10 experience of the system.

11 9. The board of trustees shall keep a record of all its
12 proceedings which shall be open to public inspection. It shall
13 prepare annually and furnish to the board of education and to
14 each member of the retirement system who so requests a report
15 showing the fiscal transactions of the retirement system for the
16 preceding fiscal year, the amount of accumulated cash and
17 securities of the system, and the last balance sheet showing the
18 financial condition of the system by means of an actuarial
19 valuation of the assets and liabilities of the retirement system.

20 10. The board of trustees shall have, in its own name,
21 power to sue and to be sued, to enter into contracts, to own
22 property, real and personal, and to convey the same; but the
23 members of such board of trustees shall not be personally liable
24 for obligations or liabilities of the board of trustees or of the
25 retirement system.

26 11. The board of trustees shall arrange for necessary legal
27 advice for the operation of the retirement system.

28 12. The board of trustees shall designate a medical board

1 to be composed of three or more physicians who shall not be
2 eligible for membership in the system and who shall pass upon all
3 medical examinations required under the provisions of sections
4 169.270 to 169.400, shall investigate all essential statements
5 and certificates made by or on behalf of a member in connection
6 with an application for disability retirement and shall report in
7 writing to the board of trustees its conclusions and
8 recommendations upon all matters referred to it.

9 13. The board of trustees shall designate an actuary who
10 shall be the technical advisor of the board of trustees on
11 matters regarding the operation of the retirement system and
12 shall perform such other duties as are required in connection
13 therewith. Such person shall be qualified as an actuary by
14 membership as a Fellow of the Society of Actuaries or by similar
15 objective standards.

16 14. At least once in each five-year period the actuary
17 shall make an investigation into the actuarial experience of the
18 members, retirants and beneficiaries of the retirement system
19 and, taking into account the results of such investigation, the
20 board of trustees shall adopt for the retirement system such
21 actuarial assumptions as the board of trustees deems necessary
22 for the financial soundness of the retirement system.

23 15. On the basis of such actuarial assumptions as the board
24 of trustees adopts, the actuary shall make annual valuations of
25 the assets and liabilities of the funds of the retirement system.

26 16. The rate of contribution payable by the [employer]
27 employers shall equal one and ninety-nine one-hundredths percent,
28 effective July 1, 1993; three and ninety-nine one-hundredths

1 percent, effective July 1, 1995; five and ninety-nine one-
2 hundredths percent, effective July 1, 1996; seven and one-half
3 percent effective January 1, 1999, and for [all] subsequent
4 calendar years through 2013. For calendar year 2014 and each
5 subsequent year, the rate of contribution payable by the
6 employers for each year shall be determined by the actuary for
7 the retirement system in the manner provided in subsection 4 of
8 section 169.350 and shall be certified by the board of trustees
9 to the employers at least six months prior to the date such rate
10 is to be effective.

11 17. In the event of a lapse of a school district's
12 corporate organization as described in subsections 1 and 4 of
13 section 162.081, no retirement system, nor any of the assets of
14 any retirement system, shall be transferred to or merged with
15 another retirement system without prior approval of such transfer
16 or merge by the board of trustees of the retirement system.

17 169.301. 1. Any active member who has completed five or
18 more years of actual (not purchased) creditable service shall be
19 entitled to a vested retirement benefit equal to the annual
20 service retirement allowance provided in sections 169.270 to
21 169.400 payable after attaining the minimum normal retirement age
22 and calculated in accordance with the law in effect on the last
23 date such person was a regular employee; provided, that such
24 member does not withdraw such person's accumulated contributions
25 pursuant to section 169.328 prior to attaining the minimum normal
26 retirement age.

27 2. Any member who elected on October 13, 1961, or within
28 thirty days thereafter, to continue to contribute and to receive

1 benefits under sections 169.270 to 169.400 may continue to be a
2 member of the retirement system under the terms and conditions of
3 the plan in effect immediately prior to October 13, 1961, or may,
4 upon written request to the board of trustees, transfer to the
5 present plan, provided that the member pays into the system any
6 additional contributions with interest the member would have
7 credited to the member's account if such person had been a member
8 of the current plan since its inception or, if the person's
9 contributions and interest are in excess of what the person would
10 have paid, such person will receive a refund of such excess. The
11 board of trustees shall adopt appropriate rules and regulations
12 governing the operation of the plan in effect immediately prior
13 to October 13, 1961.

14 3. Should a retirant again become an active member, such
15 person's retirement allowance payments shall cease during such
16 membership and shall be recalculated upon subsequent retirement
17 to include any creditable service earned during the person's
18 latest period of active membership in accordance with subsection
19 2 of section 169.324.

20 4. In the event of the complete termination of the
21 retirement system established by section 169.280 or the complete
22 discontinuance of contributions to such retirement system, the
23 rights of all members to benefits accrued to the date of such
24 termination or discontinuance, to the extent then funded, shall
25 be fully vested and nonforfeitable.

26 5. If a member leaves employment with an employer to
27 perform qualified military service, as defined in Section 414(u)
28 of the Internal Revenue Code of 1986, as amended, and dies while

1 in such service, the member's survivors shall be entitled to any
2 additional benefits (other than benefit accruals relating to the
3 period of qualified military service) that would have been
4 provided had the member resumed employment with the employer and
5 then terminated on account of death in accordance with the
6 requirements of Sections ~~407(a)(37)~~ 401(a)(37) and 414(u) of
7 the Internal Revenue Code of 1986, as amended. In such event,
8 the member's period of qualified military ~~services~~ service
9 shall be counted as creditable service for purposes of vesting
10 but not for purposes of determining the amount of the member's
11 retirement allowance.

12 169.324. 1. The annual service retirement allowance
13 payable pursuant to section 169.320 [in equal monthly
14 installments for life shall be the retirant's number of years of
15 creditable service multiplied by one and three-fourths percent of
16 the person's average final compensation, subject to a maximum of
17 sixty percent of the person's average final compensation. For
18 any member who retires as an active member on or after June 30,
19 1999, the annual service retirement allowance payable pursuant to
20 section 169.320 in equal monthly installments for life shall be
21 the retirant's number of years of creditable service multiplied
22 by two percent of the person's average final compensation,
23 subject to a maximum of sixty percent of the person's average
24 final compensation. Any member whose number of years of
25 creditable service is greater than thirty-four and one-quarter on
26 August 28, 1993, shall receive an annual service retirement
27 allowance payable pursuant to section 169.320 in equal monthly
28 installments for life equal to the retirant's number of years of

1 creditable service as of August 28, 1993, multiplied by one and
2 three-fourths percent of the person's average final compensation
3 but shall not receive a greater annual service retirement
4 allowance based on additional years of creditable service after
5 August 28, 1993. Provided, however, that,] shall be the
6 retirant's number of years of creditable service multiplied by a
7 percentage of the retirant's average final compensation,
8 determined as follows:

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

17 (2) A retirant whose number of years of creditable service
18 is greater than thirty-four and one-quarter on August 28, 1993,
19 shall receive an annual service retirement allowance payable
20 pursuant to section 169.320 in equal monthly installments for
21 life equal to the retirant's number of years of creditable
22 service as of August 28, 1993, multiplied by one and three-
23 fourths percent of the person's average final compensation but
24 shall not receive a greater annual service retirement allowance
25 based on additional years of creditable service after August 28,
26 1993;

27 (3) A retirant who was an active member of the retirement
28 system at any time on or after June 30, 1999, and who either

1 retires before January 1, 2014, or is a member of the retirement
2 system on December 31, 2013, and remains a member continuously to
3 retirement shall receive an annual service retirement allowance
4 payable pursuant to section 169.320 in equal monthly installments
5 for life equal to the retirant's number of years of creditable
6 service multiplied by two percent of the person's average final
7 compensation, subject to a maximum of sixty percent of the
8 person's final compensation;

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

19 (5) Notwithstanding the provisions of subdivisions (1) to
20 (4) of this subsection, effective January 1, 1996, any [retiree]
21 retirant who retired on, before or after January 1, 1996, with at
22 least twenty years of creditable service shall receive at least
23 three hundred dollars each month as a retirement allowance, or
24 the actuarial equivalent thereof if the [retiree] retirant
25 elected any of the options available under section 169.326.
26 [Provided, further, any retiree] Any retirant who retired with at
27 least ten years of creditable service shall receive at least one
28 hundred fifty dollars each month as a retirement allowance, plus

1 fifteen dollars for each additional full year of creditable
2 service greater than ten years but less than twenty years (or the
3 actuarial equivalent thereof if the [retiree] retirant elected
4 any of the options available under section 169.326). Any
5 beneficiary of a deceased [retiree] retirant who retired with at
6 least ten years of creditable service and elected one of the
7 options available under section 169.326 shall also be entitled to
8 the actuarial equivalent of the minimum benefit provided by this
9 subsection, determined from the option chosen.

10 2. Except as otherwise provided in sections 169.331,
11 169.580 and 169.585, payment of a retirant's retirement allowance
12 will be suspended for any month for which such person receives
13 remuneration from the person's employer or from any other
14 employer in the retirement system established by section 169.280
15 for the performance of services except any such person other than
16 a person receiving a disability retirement allowance under
17 section 169.322 may serve as a nonregular substitute, part-time
18 or temporary employee for not more than six hundred hours in any
19 school year without becoming a member and without having the
20 person's retirement allowance discontinued, provided that through
21 such substitute, part-time, or temporary employment, the person
22 may earn no more than fifty percent of the annual salary or wages
23 the person was last paid by the employer before the person
24 retired and commenced receiving a retirement allowance, adjusted
25 for inflation. If a person exceeds such hours limit or such
26 compensation limit, payment of the person's retirement allowance
27 shall be suspended for the month in which such limit was exceeded
28 and each subsequent month in the school year for which the person

1 receives remuneration from any employer in the retirement system.
2 If a retirant is reemployed by any employer in any capacity,
3 whether pursuant to this section, or section 169.331, 169.580, or
4 169.585, or as a regular employee, the amount of such person's
5 retirement allowance attributable to service prior to the
6 person's first retirement date shall not be changed by the
7 reemployment. If the person again becomes an active member and
8 earns additional creditable service, upon the person's second
9 retirement the person's retirement allowance shall be the sum of:

10 (1) The retirement allowance the person was receiving at
11 the time the person's retirement allowance was suspended,
12 pursuant to the payment option elected as of the first retirement
13 date, plus the amount of any increase in such retirement
14 allowance the person would have received pursuant to subsection 3
15 of this section had payments not been suspended during the
16 person's reemployment; and

17 (2) An additional retirement allowance computed using the
18 benefit formula in effect on the person's second retirement date,
19 the person's creditable service following reemployment, and the
20 person's average final annual compensation as of the second
21 retirement date. The sum calculated pursuant to this subsection
22 shall not exceed the greater of sixty percent of the person's
23 average final compensation as of the second retirement date or
24 the amount determined pursuant to subdivision (1) of this
25 subsection. Compensation earned prior to the person's first
26 retirement date shall be considered in determining the person's
27 average final compensation as of the second retirement date if
28 such compensation would otherwise be included in determining the

1 person's average final compensation.

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

12 (1) After determination by the actuary of the investment
13 return for the preceding year as of December thirty-first (the
14 "valuation year"), the actuary shall recommend to the board of
15 trustees what portion of the investment return is available to
16 provide such benefits increase, if any, and shall recommend the
17 amount of such benefits increase, if any, to be implemented as of
18 the first day of the thirteenth month following the end of the
19 valuation year, and [the] first payable on or about the first day
20 of the fourteenth month following the end of the valuation year.
21 The actuary shall make such recommendations so as not to affect
22 the financial soundness of the retirement system, recognizing the
23 following safeguards:

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

1 (b) The actuarially required contribution rate, after
2 adjusting for the effect of the proposed increase, may not exceed
3 the [statutory] then applicable employer and member contribution
4 rate as determined under subsection 4 of section 169.350;

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

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

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

14 4. This section does not guarantee an annual increase to
15 any retirant.

16 5. If an inactive member becomes an active member after
17 June 30, 2001, and after a break in service, unless the person
18 earns at least four additional years of creditable service
19 without another break in service, upon retirement the person's
20 retirement allowance shall be calculated separately for each
21 separate period of service ending in a break in service. The
22 retirement allowance shall be the sum of the separate retirement
23 allowances computed for each such period of service using the
24 benefit formula in effect, the person's average final
25 compensation as of the last day of such period of service and the
26 creditable service the person earned during such period of
27 service; provided, however, if the person earns at least four
28 additional years of creditable service without another break in

1 service, all of the person's creditable service prior to and
2 including such service shall be aggregated and, upon retirement,
3 the retirement allowance shall be computed using the benefit
4 formula in effect and the person's average final compensation as
5 of the last day of such period of four or more years and all of
6 the creditable service the person earned prior to and during such
7 period.

8 6. Notwithstanding anything contained in this section to
9 the contrary, the amount of the annual service retirement
10 allowance payable to any retirant pursuant to the provisions of
11 sections 169.270 to 169.400, including any adjustments made
12 pursuant to subsection 3 of this section, shall at all times
13 comply with the provisions and limitations of Section 415 of the
14 Internal Revenue Code of 1986, as amended, and the regulations
15 thereunder, the terms of which are specifically incorporated
16 herein by reference.

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

23 169.350. 1. All of the assets of the retirement system
24 (other than tangible real or personal property owned by the
25 retirement system for use in carrying out its duties, such as
26 office supplies and furniture) shall be credited, according to
27 the purpose for which they are held, in either the employees'
28 contribution fund or the general reserve fund.

1 (1) The employees' contribution fund shall be the fund in
2 which shall be accumulated the contributions of the members. The
3 employer shall, except as provided in subdivision (5) of this
4 subsection, cause to be deducted from the compensation of each
5 member on each and every payroll, for each and every payroll
6 period, the pro rata portion of five and nine-tenths percent of
7 his annualized compensation. Effective January 1, 1999, through
8 December 31, 2013, the employer shall deduct an additional one
9 and six-tenths percent of the member's annualized compensation.
10 For 2014 and for each subsequent year, the employer shall deduct
11 from each member's annualized compensation the rate of
12 contribution determined for such year by the actuary for the
13 retirement system in the manner provided in subsection 4 of this
14 section.

15 (2) The employer shall pay all such deductions and any
16 amount it may elect to pay pursuant to subdivision (5) of this
17 subsection to the retirement system at once. The retirement
18 system shall credit such deductions and such amounts to the
19 individual account of each member from whose compensation the
20 deduction was made or with respect to whose compensation the
21 amount was paid pursuant to subdivision (5) of this subsection.
22 In determining the deduction for a member in any payroll period,
23 the board of trustees may consider the rate of compensation
24 payable to such member on the first day of the payroll period as
25 continuing throughout such period.

26 (3) The deductions provided for herein are declared to be a
27 part of the compensation of the member and the making of such
28 deductions shall constitute payments by the member out of the

1 person's compensation and such deductions shall be made
2 notwithstanding that the amount actually paid to the member after
3 such deductions is less than the minimum compensation provided by
4 law for any member. Every member shall be deemed to consent to
5 the deductions made and provided for herein, and shall receipt
6 for the person's full compensation, and the making of the
7 deduction and the payment of compensation less the deduction
8 shall be a full and complete discharge and acquittance of all
9 claims and demands whatsoever for services rendered during the
10 period covered by the payment except as to benefits provided by
11 sections 169.270 to 169.400.

12 (4) The accumulated contributions with interest of a member
13 withdrawn by the person or paid to the person's estate or
14 designated beneficiary in the event of the person's death before
15 retirement shall be paid from the employees' contribution fund.
16 Upon retirement of a member the member's accumulated
17 contributions with interest shall be transferred from the
18 employees' contribution fund to the general reserve fund.

19 (5) The employer may elect to pay on behalf of all members
20 all or part of the amount that the members would otherwise be
21 required to contribute to the employees' contribution fund
22 pursuant to subdivision (1) of this subsection. Such amounts
23 paid by the employer shall be in lieu of members' contributions
24 and shall be treated for all purposes of sections 169.270 to
25 169.400 as contributions made by members. Notwithstanding any
26 other provision of this chapter to the contrary, no member shall
27 be entitled to receive such amounts directly. The election shall
28 be made by a duly adopted resolution of the employer's board and

1 shall remain in effect for at least one year from the effective
2 date thereof. The election may be thereafter terminated only by
3 an affirmative act of the employer's board notwithstanding any
4 limitation in the term thereof in the adopting resolution. Any
5 such termination resolution shall be adopted at least sixty days
6 prior to the effective date thereof, and the effective date
7 thereof shall coincide with a fiscal year-end of the employer.
8 In the absence of such a termination resolution, the election
9 shall remain in effect from fiscal year to fiscal year.

10 2. The general reserve fund shall be the fund in which
11 shall be accumulated all reserves for the payment of all benefit
12 expenses and other demands whatsoever upon the retirement system
13 except those items heretofore allocated to the employees'
14 contribution fund.

15 (1) All contributions by the employer, except those the
16 employer elects to make on behalf of the members pursuant to
17 subdivision (5) of subsection 1 of this section, shall be
18 credited to the general reserve fund.

19 (2) Should a retirant be restored to active service and
20 again become a member of the retirement system, the excess, if
21 any, of the person's accumulated contributions over benefits
22 received by the retirant shall be transferred from the general
23 reserve fund to the employees' contribution fund and credited to
24 the person's account.

25 3. Gifts, devises, bequests and legacies may be accepted by
26 the board of trustees and deposited in the general reserve fund
27 to be held, invested and used at its discretion for the benefit
28 of the retirement system except where specific direction for the

1 use of a gift is made by a donor.

2 4. Beginning in 2013, the actuary for the retirement system
3 shall annually calculate the rate of employer contributions and
4 member contributions for 2014 and for each subsequent calendar
5 year, expressed as a level percentage of the annualized
6 compensation of the members, subject to the following:

7 (1) The rate of contribution for any calendar year shall be
8 determined based on an actuarial valuation of the retirement
9 system as of the first day of the prior calendar year. Such
10 actuarial valuation shall be performed using the actuarial cost
11 method and actuarial assumptions adopted by the board of trustees
12 and in accordance with accepted actuarial standards of practice
13 in effect at the time the valuation is performed, as promulgated
14 by the actuarial standards board or its successor;

15 (2) The target combined employer and member contribution
16 rate shall be the amount actuarially required to cover the normal
17 cost and amortize any unfunded accrued actuarial liability over a
18 period that shall not exceed thirty years from the date of the
19 valuation;

20 (3) The target combined rate as so determined shall be
21 allocated equally between the employer contribution rate and the
22 member contribution rate, provided, however, that the level rate
23 of contributions to be paid by the employers and the level rate
24 of contributions to be deducted from the compensation of members
25 for any calendar year shall each be limited as follows:

26 (a) The contribution rate shall not be less than seven and
27 one-half percent;

28 (b) The contribution rate shall not exceed nine percent;

1 and

2 (c) Changes in the contribution rate from year to year
3 shall be in increments of one-half percent such that the
4 contribution rate for any year shall not be greater than or less
5 than the rate in effect for the prior year by more than one-half
6 percent;

7 (4) The board of trustees shall certify to the employers
8 the contribution rate for the following calendar year no later
9 than six months prior to the date such rate is to be effective.

10 169.670. 1. The retirement allowance of a member whose age
11 at retirement is sixty years or more and whose creditable service
12 is five years or more, or whose sum of age and creditable service
13 equals eighty years or more, or whose creditable service is
14 thirty years or more regardless of age, shall be the sum of the
15 following items:

16 (1) For each year of membership service, one and sixty-one
17 hundredths percent of the member's final average salary;

18 (2) Six-tenths of the amount payable for a year of
19 membership service for each year of prior service;

20 (3) Eighty-five one-hundredths of one percent of any amount
21 by which the member's average compensation for services rendered
22 prior to July 1, 1973, exceeds the average monthly compensation
23 on which federal Social Security taxes were paid during the
24 period over which such average compensation was computed, for
25 each year of membership service credit for services rendered
26 prior to July 1, 1973, plus six-tenths of the amount payable for
27 a year of membership service for each year of prior service
28 credit;

1 (4) In lieu of the retirement allowance otherwise provided
2 by subdivisions (1) to (3) of this subsection, [between July 1,
3 2001, and July 1, 2013,] a member may elect to receive a
4 retirement allowance of:

5 (a) One and fifty-nine hundredths percent of the member's
6 final average salary for each year of membership service, if the
7 member's creditable service is twenty-nine years or more but less
8 than thirty years and the member has not attained the age of
9 fifty-five;

10 (b) One and fifty-seven hundredths percent of the member's
11 final average salary for each year of membership service, if the
12 member's creditable service is twenty-eight years or more but
13 less than twenty-nine years, and the member has not attained the
14 age of fifty-five;

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

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

25 (e) One and fifty-one hundredths percent of the member's
26 final average salary for each year of membership service, if the
27 member's creditable service is twenty-five years or more but less
28 than twenty-six years and the member has not attained the age of

1 fifty-five; and

2 (5) In addition to the retirement allowance provided in
3 subdivisions (1) to (3) of this subsection, a member retiring on
4 or after July 1, 2001, whose creditable service is thirty years
5 or more or whose sum of age and creditable service is eighty
6 years or more, shall receive a temporary retirement allowance
7 equivalent to eight-tenths of one percent of the member's final
8 average salary multiplied by the member's years of service until
9 such time as the member reaches the minimum age for Social
10 Security retirement benefits.

11 2. If the board of trustees determines that the cost of
12 living, as measured by generally accepted standards, increases
13 five percent or more in the preceding fiscal year, the board
14 shall increase the retirement allowances which the retired
15 members or beneficiaries are receiving by five percent of the
16 amount being received by the retired member or the beneficiary at
17 the time the annual increase is granted by the board; provided
18 that, the increase provided in this subsection shall not become
19 effective until the fourth January first following a member's
20 retirement or January 1, 1982, whichever occurs later, and the
21 total of the increases granted to a retired member or the
22 beneficiary after December 31, 1981, may not exceed eighty
23 percent of the retirement allowance established at retirement or
24 as previously adjusted by other provisions of law. If the cost
25 of living increases less than five percent, the board of trustees
26 may determine the percentage of increase to be made in retirement
27 allowances, but at no time can the increase exceed five percent
28 per year. If the cost of living decreases in a fiscal year,

1 there will be no increase in allowances for retired members on
2 the following January first.

3 3. The board of trustees may reduce the amounts which have
4 been granted as increases to a member pursuant to subsection 2 of
5 this section if the cost of living, as determined by the board
6 and as measured by generally accepted standards, is less than the
7 cost of living was at the time of the first increase granted to
8 the member; provided that, the reductions shall not exceed the
9 amount of increases which have been made to the member's
10 allowance after December 31, 1981.

11 4. (1) In lieu of the retirement allowance provided in
12 subsection 1 of this section, called option 1, a member whose
13 creditable service is twenty-five years or more or who has
14 attained age fifty-five with five or more years of creditable
15 service may elect, in the application for retirement, to receive
16 the actuarial equivalent of the member's retirement allowance in
17 reduced monthly payments for life during retirement with the
18 provision that:

19 Option 2. Upon the member's death, the reduced retirement
20 allowance shall be continued throughout the life of and paid to
21 such person as has an insurable interest in the life of the
22 member as the member shall have nominated in the member's
23 election of the option, and provided further that if the person
24 so nominated dies before the retired member, the retirement
25 allowance will be increased to the amount the retired member
26 would be receiving had the member elected option 1; OR

27 Option 3. Upon the death of the member three-fourths of
28 the reduced retirement allowance shall be continued throughout

1 the life of and paid to such person as has an insurable interest
2 in the life of the member and as the member shall have nominated
3 in an election of the option, and provided further that if the
4 person so nominated dies before the retired member, the
5 retirement allowance will be increased to the amount the retired
6 member would be receiving had the member elected option 1; OR

7 Option 4. Upon the death of the member one-half of the
8 reduced retirement allowance shall be continued throughout the
9 life of, and paid to, such person as has an insurable interest in
10 the life of the member and as the member shall have nominated in
11 an election of the option, and provided further that if the
12 person so nominated dies before the retired member, the
13 retirement allowance shall be increased to the amount the retired
14 member would be receiving had the member elected option 1; OR

15 Option 5. Upon the death of the member prior to the member
16 having received one hundred twenty monthly payments of the
17 member's reduced allowance, the remainder of the one hundred
18 twenty monthly payments of the reduced allowance shall be paid to
19 such beneficiary as the member shall have nominated in the
20 member's election of the option or in a subsequent nomination.

21 If there is no beneficiary so nominated who survives the member
22 for the remainder of the one hundred twenty monthly payments, the
23 reserve for the remainder of such one hundred twenty monthly
24 payments shall be paid to the surviving spouse, surviving
25 children in equal shares, surviving parents in equal shares, or
26 estate of the last person, in that order of precedence, to
27 receive a monthly allowance in a lump sum payment. If the total
28 of the one hundred twenty payments paid to the retired individual

1 and the beneficiary of the retired individual is less than the
2 total of the member's accumulated contributions, the difference
3 shall be paid to the beneficiary in a lump sum; OR

4 Option 6. Upon the death of the member prior to the member
5 having received sixty monthly payments of the member's reduced
6 allowance, the remainder of the sixty monthly payments of the
7 reduced allowance shall be paid to such beneficiary as the member
8 shall have nominated in the member's election of the option or in
9 a subsequent nomination. If there is no beneficiary so nominated
10 who survives the member for the remainder of the sixty monthly
11 payments, the reserve for the remainder of such sixty monthly
12 payments shall be paid to the surviving spouse, surviving
13 children in equal shares, surviving parents in equal shares, or
14 estate of the last person, in that order of precedence, to
15 receive a monthly allowance in a lump sum payment. If the total
16 of the sixty payments paid to the retired individual and the
17 beneficiary of the retired individual is less than the total of
18 the member's accumulated contributions, the difference shall be
19 paid to the beneficiary in a lump sum; OR

20 Option 7. A plan of variable monthly benefit payments
21 which provides, in conjunction with the member's retirement
22 benefits under the federal Social Security laws, level or near-
23 level retirement benefit payments to the member for life during
24 retirement, and if authorized, to an appropriate beneficiary
25 designated by the member. Such a plan shall be actuarially
26 equivalent to the retirement allowance under option 1 and shall
27 be available for election only if established by the board of
28 trustees under duly adopted rules.

1 (2) The election of an option may be made only in the
2 application for retirement and such application must be filed
3 prior to the date on which the retirement of the member is to be
4 effective. If either the member or the person nominated dies
5 before the effective date of retirement, the option shall not be
6 effective, provided that:

7 (a) If the member or a person retired on disability
8 retirement dies after attaining age fifty-five and acquiring five
9 or more years of creditable service or after acquiring twenty-
10 five or more years of creditable service and before retirement,
11 except retirement with disability benefits, and the person named
12 by the member as the member's beneficiary has an insurable
13 interest in the life of the deceased member, the designated
14 beneficiary may elect to receive either survivorship payments
15 under option 2 or a payment of the member's accumulated
16 contributions. If survivorship benefits under option 2 are
17 elected and the member at the time of death would have been
18 eligible to receive an actuarial equivalent of the member's
19 retirement allowance, the designated beneficiary may further
20 elect to defer the option 2 payments until the date the member
21 would have been eligible to receive the retirement allowance
22 provided in subsection 1 of this section.

23 (b) If the member or a person retired on disability
24 retirement dies before attaining age fifty-five but after
25 acquiring five but fewer than twenty-five years of creditable
26 service, and the person named as the beneficiary has an insurable
27 interest in the life of the deceased member or disability
28 retiree, the designated beneficiary may elect to receive either a

1 payment of the person's accumulated contributions or survivorship
2 benefits under option 2 to begin on the date the member would
3 first have been eligible to receive an actuarial equivalent of
4 the person's retirement allowance, or to begin on the date the
5 member would first have been eligible to receive the retirement
6 allowance provided in subsection 1 of this section.

7 5. If the total of the retirement or disability allowances
8 paid to an individual before the person's death is less than the
9 person's accumulated contributions at the time of the person's
10 retirement, the difference shall be paid to the person's
11 beneficiary or, if there is no beneficiary, to the surviving
12 spouse, surviving children in equal shares, surviving parents in
13 equal shares, or person's estate, in that order of precedence;
14 provided, however, that if an optional benefit, as provided in
15 option 2, 3 or 4 in subsection 4 of this section, had been
16 elected and the beneficiary dies after receiving the optional
17 benefit, then, if the total retirement allowances paid to the
18 retired individual and the individual's beneficiary are less than
19 the total of the contributions, the difference shall be paid to
20 the surviving spouse, surviving children in equal shares,
21 surviving parents in equal shares, or estate of the beneficiary,
22 in that order of precedence, unless the retired individual
23 designates a different recipient with the board at or after
24 retirement.

25 6. If a member dies and his or her financial institution is
26 unable to accept the final payment or payments due to the member,
27 the final payment or payments shall be paid to the beneficiary of
28 the member or, if there is no beneficiary, to the surviving

1 spouse, surviving children in equal shares, surviving parents in
2 equal shares, or estate of the member, in that order of
3 precedence, unless otherwise stated. If the beneficiary of a
4 deceased member dies and his or her financial institution is
5 unable to accept the final payment or payments, the final payment
6 or payments shall be paid to the surviving spouse, surviving
7 children in equal shares, surviving parents in equal shares, or
8 estate of the member, in that order of precedence, unless
9 otherwise stated.

10 7. If a member dies before receiving a retirement
11 allowance, the member's accumulated contributions at the time of
12 the member's death shall be paid to the member's beneficiary or,
13 if there is no beneficiary, to the surviving spouse, surviving
14 children in equal shares, surviving parents in equal shares, or
15 to the member's estate; provided, however, that no such payment
16 shall be made if the beneficiary elects option 2 in subsection 4
17 of this section, unless the beneficiary dies before having
18 received benefits pursuant to that subsection equal to the
19 accumulated contributions of the member, in which case the amount
20 of accumulated contributions in excess of the total benefits paid
21 pursuant to that subsection shall be paid to the surviving
22 spouse, surviving children in equal shares, surviving parents in
23 equal shares, or estate of the beneficiary, in that order of
24 precedence.

25 8. If a member ceases to be an employee as defined in
26 section 169.600 and certifies to the board of trustees that such
27 cessation is permanent or if the person's membership is otherwise
28 terminated, the person shall be paid the person's accumulated

1 contributions with interest.

2 9. Notwithstanding any provisions of sections 169.600 to
3 169.715 to the contrary, if a member ceases to be an employee as
4 defined in section 169.600 after acquiring five or more years of
5 creditable service, the member may, at the option of the member,
6 leave the member's contributions with the retirement system and
7 claim a retirement allowance any time after the member reaches
8 the minimum age for voluntary retirement. When the member's
9 claim is presented to the board, the member shall be granted an
10 allowance as provided in sections 169.600 to 169.715 on the basis
11 of the member's age and years of service.

12 10. The retirement allowance of a member retired because of
13 disability shall be nine-tenths of the allowance to which the
14 member's creditable service would entitle the member if the
15 member's age were sixty.

16 11. Notwithstanding any provisions of sections 169.600 to
17 169.715 to the contrary, any member who is a member prior to
18 October 13, 1969, may elect to have the member's retirement
19 allowance computed in accordance with sections 169.600 to 169.715
20 as they existed prior to October 13, 1969.

21 12. Any application for retirement shall include a sworn
22 statement by the member certifying that the spouse of the member
23 at the time the application was completed was aware of the
24 application and the plan of retirement elected in the
25 application.

26 13. Notwithstanding any other provision of law, any person
27 retired prior to August 14, 1984, who is receiving a reduced
28 retirement allowance under option 1 or 2 of subsection 4 of this

1 section, as the option existed prior to August 14, 1984, and
2 whose beneficiary nominated to receive continued retirement
3 allowance payments under the elected option dies or has died,
4 shall upon application to the board of trustees have the person's
5 retirement allowance increased to the amount the person would
6 have been receiving had the person not elected the option
7 actuarially adjusted to recognize any excessive benefits which
8 would have been paid to the person up to the time of the
9 application.

10 14. Benefits paid pursuant to the provisions of the public
11 education employee retirement system of Missouri shall not exceed
12 the limitations of Section 415 of Title 26 of the United States
13 Code, except as provided under this subsection. Notwithstanding
14 any other law, the board of trustees may establish a benefit plan
15 under Section 415(m) of Title 26 of the United States Code. Such
16 plan shall be credited solely for the purpose described in
17 Section 415(m) (3) (A) of Title 26 of the United States Code. The
18 board of trustees may promulgate regulations necessary to
19 implement the provisions of this subsection and to create and
20 administer such benefit plan.

21 15. Any member who has retired prior to July 1, 1999, and
22 the designated beneficiary of a deceased retired member upon
23 request shall be made, constituted, appointed and employed by the
24 board as a special consultant on the matters of education,
25 retirement and aging. As compensation for such duties the person
26 shall receive a payment equivalent to seven and four-tenths
27 percent of the previous month's benefit, which shall be added to
28 the member's or beneficiary's monthly annuity and which shall not

1 be subject to the provisions of subsections 2 and 3 of this
2 section for the purposes of the limit on the total amount of
3 increases which may be received.

4 16. Any member who has retired prior to July 1, 2000, and
5 the designated beneficiary of a deceased retired member upon
6 request shall be made, constituted, appointed and employed by the
7 board as a special consultant on the matters of education,
8 retirement and aging. As compensation for such duties the person
9 shall receive a payment equivalent to three and four-tenths
10 percent of the previous month's benefit, which shall be added to
11 the member's or beneficiary's monthly annuity and which shall not
12 be subject to the provisions of subsections 2 and 3 of this
13 section for the purposes of the limit on the total amount of
14 increases which may be received.

15 17. Any member who has retired prior to July 1, 2001, and
16 the designated beneficiary of a deceased retired member upon
17 request shall be made, constituted, appointed and employed by the
18 board as a special consultant on the matters of education,
19 retirement and aging. As compensation for such duties the person
20 shall receive a payment equivalent to seven and one-tenth percent
21 of the previous month's benefit, which shall be added to the
22 member's or beneficiary's monthly annuity and which shall not be
23 subject to the provisions of subsections 2 and 3 of this section
24 for the purposes of the limit on the total amount of increases
25 which may be received.

26 170.340. Books of a religious nature may be used in the
27 classroom as part of instruction in elective courses in
28 literature and history, as long as such books are not used in a

1 manner so as to violate the establishment clause of the First
2 Amendment to the United States Constitution.

3 178.550. [The president of the state board of education
4 shall annually appoint a committee of five members to be known as
5 the "State Advisory Committee for Vocational Education". The
6 state advisory committee shall consist of one person of
7 experience in agriculture; one employer; one representative of
8 labor; one person of experience in home economics; one person of
9 experience in commerce. The state commissioner of education is
10 ex officio a member and the chairman of the advisory committee.
11 The state board of education shall formulate general principles
12 and policies for the administration of sections 178.420 to
13 178.580, which, when they have been approved by the state
14 advisory committee, shall be put into effect. Joint conferences
15 between the state board of education and advisory committee shall
16 be held at least four times each year. All members of the state
17 advisory committee shall be reimbursed for their actual expenses
18 in attending the conferences.] 1. This section shall be known
19 and may be cited as the career and technical education student
20 protection act. There is hereby established the "Career and
21 Technical Education Advisory Council" within the department of
22 elementary and secondary education.

23 2. The advisory council shall be composed of eleven members
24 who shall be Missouri residents, appointed by the governor with
25 the advice and consent of the senate:

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

28 (2) An individual from the business community with a

1 background in commerce;

2 (3) A representative from Linn State Technical College;

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

7 (a) DECA;

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

9 (c) FFA;

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

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

13 (f) SkillsUSA; or

14 (g) Technology Student Association (TSA);

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

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

18 (7) A representative from Southeast Missouri State
19 University or the University of Central Missouri;

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

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

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

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

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

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

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

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

8 4. The advisory council shall have three nonvoting ex-
9 officio members:

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

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

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

17 5. The assistant commissioner for the office of college and
18 career readiness of the department of elementary and secondary
19 education shall provide staff assistance to the advisory council.

20 6. The advisory council shall meet at least four times
21 annually. The advisory council may make all rules it deems
22 necessary to enable it to conduct its meetings, elect its
23 officers, and set the terms and duties of its officers. The
24 advisory council shall elect from among its members a
25 chairperson, vice chairperson, a secretary-reporter, and such
26 other officers as it deems necessary. Members of the advisory
27 council shall serve without compensation but may be reimbursed
28 for actual expenses necessary to the performance of their

1 official duties for the advisory council.

2 7. Any business to come before the advisory council shall
3 be available on the advisory council's internet website at least
4 seven business days prior to the start of each meeting. All
5 records of any decisions, votes, exhibits, or outcomes shall be
6 available on the advisory council's internet website within
7 forty-eight hours following the conclusion of every meeting. Any
8 materials prepared for the members shall be delivered to the
9 members at least five days before the meeting, and to the extent
10 such materials are public records as defined in section 610.010
11 and are not permitted to be closed under section 610.021, shall
12 be made available on the advisory council's internet website at
13 least five business days in advance of the meeting.

14 8. The advisory council shall make an annual written report
15 to the state board of education and the commissioner of education
16 regarding the development, implementation, and administration of
17 the state budget for career and technical education.

18 9. The advisory council shall annually submit written
19 recommendations to the state board of education and the
20 commissioner of education regarding the oversight and procedures
21 for the handling of funds for student career and technical
22 education organizations.

23 10. The advisory council shall:

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

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

