

FIRST EXTRAORDINARY SESSION

SENATE BILL NO. 12

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHUPP.

Read 1st time July 27, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5846S.03I

AN ACT

To repeal sections 163.031 and 163.036, RSMo, and to enact in lieu thereof eight new sections relating to elementary and secondary school operations during a pandemic, with an emergency clause.

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

Section A. Sections 163.031 and 163.036, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 160.2800, 161.295, 161.300, 163.031, 163.036, 168.900, 287.064, and 290.160, to read as follows:

160.2800. 1. Subject to appropriation and in conformance with provisions of federal law and regulations, any student eligible to be enrolled in a federal free or reduced-price lunch program, based on income levels established by the United States Department of Agriculture, shall continue to receive meals under such program during any period of time when the student's school is closed or the student is required or chooses to receive instruction remotely due to the spread of COVID-19. The department of elementary and secondary education shall ensure that school districts receive the necessary funds to comply with the provisions of this section.

2. As used in this section, the term "COVID-19" means the severe acute respiratory syndrome coronavirus 2.

161.295. 1. As used in this section, the following terms mean:

(1) "COVID-19", the severe acute respiratory syndrome coronavirus 2;

(2) "Personal protective equipment", any device, equipment, substance, or material recommended by the Centers for Disease Control and Prevention, Food and Drug Administration, Environmental Protection Agency, Department of Homeland Security, or the Missouri

8 department of health and senior services to limit the spread of COVID-
9 19 including, but not limited to, respirators, masks, surgical or medical
10 apparel, gowns, gloves, sanitizers, disinfectants, and cleaning products;

11 (3) "School employee", any person regularly employed by any
12 elementary or secondary school;

13 (4) "Teacher", any person employed by any elementary or
14 secondary school on a full-time basis who is duly certificated under the
15 law governing the certification of teachers.

16 2. The department of elementary and secondary education shall
17 provide funds to each school district from funds appropriated to the
18 state from the federal Coronavirus Aid, Relief, and Economic Security
19 Act (CARES Act), P.L. 116-136, or any subsequent federal funds received
20 to combat the spread of COVID-19 that shall be used by each school
21 district to purchase personal protective equipment for use by teachers,
22 school employees, and students. Such funds shall also be used by each
23 school district to provide active COVID-19 testing for teachers, school
24 employees, and students at no cost to such teachers, school employees,
25 or students. Such testing for a student shall only be with the
26 permission of such student's parent or guardian.

27 3. Each school district shall report to the department non-
28 personally identifiable information aggregated by district on the
29 number of tests provided to teachers, school employees, and students,
30 the positivity rates of such tests, and any resulting absences due to
31 such positive tests. Such information shall be reported to the
32 department on a weekly basis and shall cover the previous school
33 week. The department shall provide a convenient method for school
34 districts to provide such information to the department.

161.300. 1. This section and sections 160.2800, 161.295, subsection
2 9 of section 163.031, subsection 6 of section 163.036, section 168.900,
3 section 287.064, and section 290.160 shall be known as the "Smart and
4 Safe Schools Act."

5 2. There is hereby established the "Smart and Safe Schools Task
6 Force" to provide all Missouri public schools and school districts with
7 guidelines and resources to promote a safe return to school during the
8 COVID-19 pandemic, a quality learning environment that provides
9 equitable opportunity for Missouri students, and honors the well-being
10 of all Missouri students, teachers, and staff. All task force members

11 shall be appointed within ten days of the effective date of this act. The
12 task force members shall be:

13 (1) The commissioner of the department of elementary and
14 secondary education, or the commissioner's designee, who shall serve
15 as chairperson of the task force;

16 (2) The superintendents, or a superintendent's designee, of the
17 St. Louis City, Kansas City, Columbia, Joplin, Cape Girardeau, and
18 Springfield school districts;

19 (3) Superintendents, or designees, of three school districts
20 located within St. Louis County and superintendents, or designees, of
21 three rural school districts, appointed by the governor;

22 (4) A parent of a student attending each of the twelve school
23 districts chosen pursuant to subdivisions (1) and (2) of this subsection,
24 appointed by the superintendent of the respective school district;

25 (5) A student attending each of the twelve school districts chosen
26 pursuant to subdivisions (1) and (2) of this subsection, appointed by the
27 superintendent of the respective school district;

28 (6) Four elementary school teachers, appointed by the governor;

29 (7) Four high school teachers, appointed by the governor;

30 (8) Four representatives of janitorial or facilities staff from
31 different school districts, appointed by the governor;

32 (9) Four representatives of school social workers or school
33 psychologists from different school districts, appointed by the
34 governor;

35 (10) The director of the department of health and senior services,
36 or his or her designee;

37 (11) An internally selected representative of the Missouri School
38 Boards Association;

39 (12) An internally selected representative of the Missouri Council
40 of School Administrators;

41 (13) An internally appointed representative of the Missouri State
42 Teachers Association;

43 (14) An internally appointed representative of the Missouri
44 National Education Association;

45 (15) A representative of a local chapter of the American Society
46 of Heating, Refrigerating and Air-Conditioning Engineers, appointed by
47 the governor;

48 (16) Two public health experts, one employed by a public college
49 or university in this state, and one employed by a research institution
50 of this state, appointed by the governor;

51 (17) An economist, appointed by the governor;

52 (18) An information technology specialist, appointed by the
53 governor;

54 (19) A human resources specialist, appointed by the governor;

55 (20) A disability rights advocate, appointed by the governor;

56 (21) An architect who has designed one or more school facilities,
57 appointed by the governor;

58 (22) An epidemiologist, appointed by the governor;

59 (23) Two licensed physicians trained and practicing as
60 pediatricians, appointed by the governor;

61 (24) Three members of the senate, with two appointed by the
62 president pro tempore of the senate and one appointed by the minority
63 leader of the senate; and

64 (25) Three members of the house of representatives, with two
65 appointed by the speaker of the house of representatives and one
66 appointed by the minority leader of the house of representatives.

67 3. Members of the task force shall serve without compensation.
68 No school district policy or administrative action shall require any
69 education employee member to use personal leave or incur a reduction
70 in pay for participating on the task force.

71 4. The department of elementary and secondary education shall
72 provide such legal, research, clerical, and technical services as the task
73 force may require in the performance of its duties.

74 5. The task force shall create recommended procedures,
75 guidelines, and criteria that all school districts should implement to
76 open as safely as possible, and shall support the review of school
77 districts' readiness by considering the following relevant areas,
78 including but not limited to:

79 (1) Alternatives to the traditional academic calendar such as:

80 (a) Delaying the start of the school year; and

81 (b) Extending the school week or school day to shorten the
82 duration of the fall semester or quarter;

83 (2) Personal protective equipment for teachers, staff, and
84 students;

85 (3) Additional training and professional development needed to
86 address health, protocol and social and emotional needs of students;
87 (4) Health care checks including:
88 (a) Taking of temperatures of students and school district
89 employees on a regular basis; and
90 (b) Plans for isolating staff or students and encouraging them to
91 stay home when feeling ill;
92 (5) Protocols for students and employees who may be COVID-19
93 positive including:
94 (a) Securing tests; and
95 (b) Testing and contact tracing for those in classrooms in close
96 proximity of the positive individual;
97 (6) Facility enhancements including:
98 (a) Social distancing in classroom space;
99 (b) Logistics of movement in the school buildings;
100 (c) Sanitation efforts;
101 (d) Installation of plexiglass in high traffic areas; and
102 (e) Advanced air filtration systems;
103 (7) Alternatives for safer transportation of bused students;
104 (8) Methods to expand internet access and tools to enhance or
105 replace in-school learning;
106 (9) Estimates and projections of appropriate amounts of needed
107 resources and a methodology for distribution of the resources including
108 but not limited to:
109 (a) Personal protective equipment;
110 (b) Plexiglass dividers;
111 (c) Cleaning supplies;
112 (d) Fans/heaters to replace use of air filtration systems;
113 (e) Additional staff, tutors, and substitute teachers; and
114 (f) Additional technology programs and equipment;
115 (10) Leave, salary, overtime and disability policies which provide
116 long-term paid leave or accommodation for those ill due to COVID-19
117 or COVID-19 exposure. No school personnel working within the schools
118 or providing transportation shall be required to use sick, personal or
119 vacation days should they be diagnosed with or exposed to COVID-19
120 as related to their work. Instead, paid leave will be utilized to ensure
121 they are compensated at their full salary and benefits for time missed.

122 **6. The task force shall provide expertise and informational**
123 **resources to schools on how to fully utilize all grants and federal funds**
124 **available to help cover in full or in part the costs of implementing**
125 **COVID-19 safety and health measures in schools.**

126 **7. All task force meetings shall be posted and held on a public**
127 **platform so that members of the task force may participate and**
128 **members of the public may view the meeting remotely in real time. The**
129 **task force shall finalize and publish the recommended procedures,**
130 **guidelines, and criteria as required by subsection 5 of this section**
131 **within thirty days of the formulation of the task force. The plans shall,**
132 **within twenty-four hours of completion, be made available for a public**
133 **comment period that shall last two business days. The comment period**
134 **shall include:**

135 **(1) One live web conference question and answer session with**
136 **task force leaders; and**

137 **(2) A question submission form that will solicit feedback**
138 **anonymously. The task force shall incorporate feedback from the**
139 **comment period and finalize the plan within seven days after the end**
140 **of the comment period for publication and distribution to all school**
141 **districts across the state.**

142 **8. The task force shall be ongoing and shall consider additional**
143 **services and needs of schools around the state that are moving to fully**
144 **reopen and those that choose or are required to close based on health**
145 **concerns. The task force may evolve into addressing additional needs**
146 **from mental health service proposals to remedial services as needs of**
147 **students and schools change.**

148 **9. As used in this section, "COVID-19" means the severe acute**
149 **respiratory syndrome coronavirus 2.**

163.031. 1. The department of elementary and secondary education shall
2 calculate and distribute to each school district qualified to receive state aid under
3 section 163.021 an amount determined by multiplying the district's weighted
4 average daily attendance by the state adequacy target, multiplying this product
5 by the dollar value modifier for the district, and subtracting from this product the
6 district's local effort and subtracting payments from the classroom trust fund
7 under section 163.043.

8 2. Other provisions of law to the contrary notwithstanding:

9 (1) For districts with an average daily attendance of more than three

10 hundred fifty in the school year preceding the payment year:

11 (a) For the 2008-09 school year, the state revenue per weighted average
12 daily attendance received by a district from the state aid calculation under
13 subsections 1 and 4 of this section, as applicable, and the classroom trust fund
14 under section 163.043 shall not be less than the state revenue received by a
15 district in the 2005-06 school year from the foundation formula, line 14, gifted,
16 remedial reading, exceptional pupil aid, fair share, and free textbook payment
17 amounts multiplied by the dollar value modifier, and dividing this product by the
18 weighted average daily attendance computed for the 2005-06 school year;

19 (b) For each year subsequent to the 2008-09 school year, the amount shall
20 be no less than that computed in paragraph (a) of this subdivision, multiplied by
21 the weighted average daily attendance pursuant to section 163.036, less any
22 increase in revenue received from the classroom trust fund under section 163.043;

23 (2) For districts with an average daily attendance of three hundred fifty
24 or less in the school year preceding the payment year:

25 (a) For the 2008-09 school year, the state revenue received by a district
26 from the state aid calculation under subsections 1 and 4 of this section, as
27 applicable, and the classroom trust fund under section 163.043 shall not be less
28 than the greater of state revenue received by a district in the 2004-05 or 2005-06
29 school year from the foundation formula, line 14, gifted, remedial reading,
30 exceptional pupil aid, fair share, and free textbook payment amounts multiplied
31 by the dollar value modifier;

32 (b) For each year subsequent to the 2008-09 school year, the amount shall
33 be no less than that computed in paragraph (a) of this subdivision;

34 (3) The department of elementary and secondary education shall make an
35 addition in the payment amount specified in subsection 1 of this section to assure
36 compliance with the provisions contained in this subsection.

37 3. School districts that meet the requirements of section 163.021 shall
38 receive categorical add-on revenue as provided in this subsection. The categorical
39 add-on for the district shall be the sum of: seventy-five percent of the district
40 allowable transportation costs under section 163.161; the career ladder
41 entitlement for the district, as provided for in sections 168.500 to 168.515; the
42 vocational education entitlement for the district, as provided for in section
43 167.332; and the district educational and screening program entitlements as
44 provided for in sections 178.691 to 178.699. The categorical add-on revenue
45 amounts may be adjusted to accommodate available appropriations.

46 4. For any school district meeting the eligibility criteria for state aid as
47 established in section 163.021, but which is considered an option district under
48 section 163.042 and therefore receives no state aid, the commissioner of education
49 shall present a plan to the superintendent of the school district for the waiver of
50 rules and the duration of said waivers, in order to promote flexibility in the
51 operations of the district and to enhance and encourage efficiency in the delivery
52 of instructional services as provided in section 163.042.

53 5. (1) No less than seventy-five percent of the state revenue received
54 under the provisions of subsections 1 and 2 of this section shall be placed in the
55 teachers' fund, and the remaining percent of such moneys shall be placed in the
56 incidental fund. No less than seventy-five percent of one-half of the funds
57 received from the school district trust fund distributed under section 163.087
58 shall be placed in the teachers' fund. One hundred percent of revenue received
59 under the provisions of section 163.161 shall be placed in the incidental
60 fund. One hundred percent of revenue received under the provisions of sections
61 168.500 to 168.515 shall be placed in the teachers' fund.

62 (2) A school district shall spend for certificated compensation and tuition
63 expenditures each year:

64 (a) An amount equal to at least seventy-five percent of the state revenue
65 received under the provisions of subsections 1 and 2 of this section;

66 (b) An amount equal to at least seventy-five percent of one-half of the
67 funds received from the school district trust fund distributed under section
68 163.087 during the preceding school year; and

69 (c) Beginning in fiscal year 2008, as much as was spent per the second
70 preceding year's weighted average daily attendance for certificated compensation
71 and tuition expenditures the previous year from revenue produced by local and
72 county tax sources in the teachers' fund, plus the amount of the incidental fund
73 to teachers' fund transfer calculated to be local and county tax sources by dividing
74 local and county tax sources in the incidental fund by total revenue in the
75 incidental fund.

76 In the event a district fails to comply with this provision, the amount by which
77 the district fails to spend funds as provided herein shall be deducted from the
78 district's state revenue received under the provisions of subsections 1 and 2 of
79 this section for the following year, provided that the state board of education may
80 exempt a school district from this provision if the state board of education
81 determines that circumstances warrant such exemption.

82 6. (1) If a school district's annual audit discloses that students were
83 inappropriately identified as eligible for free and reduced price lunch, special
84 education, or limited English proficiency and the district does not resolve the
85 audit finding, the department of elementary and secondary education shall
86 require that the amount of aid paid pursuant to the weighting for free and
87 reduced price lunch, special education, or limited English proficiency in the
88 weighted average daily attendance on the inappropriately identified pupils be
89 repaid by the district in the next school year and shall additionally impose a
90 penalty of one hundred percent of such aid paid on such pupils, which penalty
91 shall also be paid within the next school year. Such amounts may be repaid by
92 the district through the withholding of the amount of state aid.

93 (2) In the 2017-18 school year and in each subsequent school year, if a
94 district experiences a decrease in its gifted program enrollment of twenty percent
95 or more from the previous school year, an amount equal to the product of the
96 difference between the number of students enrolled in the gifted program in the
97 current school year and the number of students enrolled in the gifted program in
98 the previous school year multiplied by six hundred eighty dollars shall be
99 subtracted from the district's current year payment amount. The provisions of
100 this subdivision shall apply to districts entitled to receive state aid payments
101 under both subsections 1 and 2 of this section but shall not apply to any school
102 district with an average daily attendance of three hundred fifty or less.

103 7. Notwithstanding any provision of law to the contrary, in any fiscal year
104 during which the total formula appropriation is insufficient to fully fund the
105 entitlement calculation of this section, the department of elementary and
106 secondary education shall adjust the state adequacy target in order to
107 accommodate the appropriation level for the given fiscal year. In no manner shall
108 any payment modification be rendered for any district qualified to receive
109 payments under subsection 2 of this section based on insufficient appropriations.

110 8. Notwithstanding any provision of law to the contrary, school districts
111 that receive revenue from the tax authorized under sections 148.030, 148.140,
112 148.620, and 148.720 shall, beginning January 1, 2020, and every January first
113 thereafter, report the amount of said revenue received by the district to the
114 department. The department shall, based on the data submitted by the district,
115 determine the total amount of revenue the district would have received from the
116 tax authorized under sections 148.030, 148.140, 148.620, and 148.720 absent the
117 provisions of section 148.720, and remit the following amount to each applicable

118 district not less than thirty days after the conclusion of each calendar year. The
119 amount remitted to each district shall be the total of the revenue received by the
120 district from the tax authorized under sections 148.030, 148.140, 148.620, and
121 148.720 during the applicable calendar year times one and five thousand six
122 hundred twenty-five ten thousandths minus the total of the revenue received by
123 the district from the tax authorized under sections 148.030, 148.140, 148.620, and
124 148.720 during the same calendar year. This payment shall be in addition to
125 payments authorized under subsections 1, 2, and 7 of this section and shall be
126 made from the annual appropriation to fund this section.

127 **9. Notwithstanding any provision of this section to the contrary,**
128 **the state revenue received by a school district under this section shall**
129 **not be reduced due to the absence of a student or students enrolled in**
130 **the district who attend in-person for at least five school days and who**
131 **cease attending in-person due to a COVID-19 illness or who must**
132 **quarantine due to a COVID-19 diagnosis or exposure or potential**
133 **exposure to COVID-19. As used in this subsection, the term "COVID-19"**
134 **shall mean the severe acute respiratory syndrome coronavirus 2.**

163.036. 1. In computing the amount of state aid a school district is
2 entitled to receive for the minimum school term only under section 163.031, a
3 school district may use an estimate of the weighted average daily attendance for
4 the current year, or the weighted average daily attendance for the immediately
5 preceding year or the weighted average daily attendance for the second preceding
6 school year, whichever is greater. Beginning with the 2006-07 school year, the
7 summer school attendance included in the average daily attendance as defined
8 in subdivision (2) of section 163.011 shall include only the attendance hours of
9 pupils that attend summer school in the current year. Beginning with the
10 2004-05 school year, when a district's official calendar for the current year
11 contributes to a more than ten percent reduction in the average daily attendance
12 for kindergarten compared to the immediately preceding year, the payment
13 attributable to kindergarten shall include only the current year kindergarten
14 average daily attendance. Any error made in the apportionment of state aid
15 because of a difference between the actual weighted average daily attendance and
16 the estimated weighted average daily attendance shall be corrected as provided
17 in section 163.091, except that if the amount paid to a district estimating
18 weighted average daily attendance exceeds the amount to which the district was
19 actually entitled by more than five percent, interest at the rate of six percent

20 shall be charged on the excess and shall be added to the amount to be deducted
21 from the district's apportionment the next succeeding year.

22 2. Notwithstanding the provisions of subsection 1 of this section or any
23 other provision of law, the state board of education shall make an adjustment for
24 the immediately preceding year for any increase in the actual weighted average
25 daily attendance above the number on which the state aid in section 163.031 was
26 calculated. Said adjustment shall be made in the manner providing for correction
27 of errors under subsection 1 of this section.

28 3. Any error made in the apportionment of state aid because of a
29 difference between the actual equalized assessed valuation for the current year
30 and the estimated equalized assessed valuation for the current year shall be
31 corrected as provided in section 163.091, except that if the amount paid to a
32 district estimating current equalized assessed valuation exceeds the amount to
33 which the district was actually entitled, interest at the rate of six percent shall
34 be charged on the excess and shall be added to the amount to be deducted from
35 the district's apportionment the next succeeding year.

36 4. For the purposes of distribution of state school aid pursuant to section
37 163.031, a school district with ten percent or more of its assessed valuation that
38 is owned by one person or corporation as commercial or personal property who is
39 delinquent in a property tax payment may elect, after receiving notice from the
40 county clerk on or before March fifteenth that more than ten percent of its
41 current taxes due the preceding December thirty-first by a single property owner
42 are delinquent, to use in the local effort calculation of the state aid formula the
43 district's equalized assessed valuation for the preceding year or the actual
44 assessed valuation of the year for which the taxes are delinquent less the
45 assessed valuation of property for which the current year's property tax is
46 delinquent. To qualify for use of the actual assessed valuation of the year for
47 which the taxes are delinquent less the assessed valuation of property for which
48 the current year's property tax is delinquent, a district must notify the
49 department of elementary and secondary education on or before April first, except
50 in the year enacted, of the current year amount of delinquent taxes, the assessed
51 valuation of such property for which delinquent taxes are owed and the total
52 assessed valuation of the district for the year in which the taxes were due but not
53 paid. Any district giving such notice to the department of elementary and
54 secondary education shall present verification of the accuracy of such notice
55 obtained from the clerk of the county levying delinquent taxes. When any of the

56 delinquent taxes identified by such notice are paid during a four-year period
57 following the due date, the county clerk shall give notice to the district and the
58 department of elementary and secondary education, and state aid paid to the
59 district shall be reduced by an amount equal to the delinquent taxes received plus
60 interest. The reduction in state aid shall occur over a period not to exceed five
61 years and the interest rate on excess state aid not refunded shall be six percent
62 annually.

63 5. If a district receives state aid based on equalized assessed valuation as
64 determined by subsection 4 of this section and if prior to such notice the district
65 was paid state aid pursuant to section 163.031, the amount of state aid paid
66 during the year of such notice and the first year following shall equal the sum of
67 state aid paid pursuant to section 163.031 plus the difference between the state
68 aid amount being paid after such notice minus the amount of state aid the district
69 would have received pursuant to section 163.031 before such notice. To be
70 eligible to receive state aid based on this provision the district must levy during
71 the first year following such notice at least the maximum levy permitted school
72 districts by Article X, Section 11(b) of the Missouri Constitution and have a
73 voluntary rollback of its tax rate which is no greater than one cent per one
74 hundred dollars assessed valuation.

75 **6. During the 2020-2021 school year, students enrolled in the**
76 **district and who attend in-person for at least five school days and who**
77 **cease attending in-person due to a COVID-19 illness or who must**
78 **quarantine due to a COVID-19 diagnosis or exposure or potential**
79 **exposure to COVID-19 may be included in the district's weighted**
80 **average daily attendance during the time the student is unable to**
81 **attend in-person for the aforementioned COVID-19 related**
82 **reasons. Attendance under this subsection shall only be awarded for**
83 **planned attendance school days and hours designated in the district's**
84 **calendar for the school term as provided in section 171.031. As used in**
85 **this subsection, the term "COVID-19" shall mean the severe acute**
86 **respiratory syndrome coronavirus 2.**

168.900. 1. Notwithstanding any provision of this chapter to the
2 **contrary, the department of elementary and secondary education shall**
3 **provide funds to each school district from funds appropriated to the**
4 **state from the federal Coronavirus Aid, Relief, and Economic Security**
5 **Act (CARES Act), P.L. 116-136, or any subsequent federal funds received**

6 to combat the spread of COVID-19 that may be used by each school
7 district to provide a bonus in compensation to teachers and school
8 employees who are employed by a school district that provides in-
9 person instruction during the 2020-2021 school year. The bonus shall
10 be paid on a monthly basis for each month of the school year where in-
11 person instruction is provided by the school district employing such
12 teacher or school employees.

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

14 (1) "COVID-19", the severe acute respiratory syndrome
15 coronavirus 2;

16 (2) "School employee", any person regularly employed by any
17 elementary or secondary school;

18 (3) "Teacher", any person employed by any elementary or
19 secondary school on a full-time basis who is duly certificated under the
20 law governing the certification of teachers.

287.064. 1. Any teacher or school employee who has contracted
2 or is quarantined for COVID-19, is presumed to have an occupational
3 disease arising out of and in the course of their employment. Such
4 presumption shall include situations where the teacher or school
5 employee is quarantined at the direction of the employer due to
6 suspected COVID-19 exposure, or the display of any COVID-19
7 symptoms, or receives a presumptive positive COVID-19 test, or
8 receives a COVID-19 diagnosis from a physician, or receives a
9 laboratory-confirmed COVID-19 diagnosis.

10 2. The presumption set forth in subsection 1 of this section shall
11 retroactively apply to all teachers and school employees who otherwise
12 meet the requirements set forth in this section.

13 3. A teacher or school employee is not entitled to the
14 presumption in subsection 1 of this section if a subsequent medical
15 determination establishes by clear and convincing evidence that the
16 teacher or school employee did not actually have COVID-19, or
17 contracted or was quarantined for COVID-19 resulting from exposure
18 that was not related to the teacher or school employee's employment.

19 4. The department is authorized to use funds appropriated to the
20 state from the federal Coronavirus Aid, Relief, and Economic Security
21 Act (CARES Act), P.L. 116-136, or any subsequent federal funds received
22 to combat the spread of COVID-19, to pay any claim arising under this

23 section.

24 5. For purposes of this section, the following terms mean:

25 (1) "COVID-19", the severe acute respiratory syndrome
26 coronavirus 2;

27 (2) "School employee", any person regularly employed by any
28 elementary or secondary school;

29 (3) "Teacher", any person employed by any elementary or
30 secondary school on a full-time basis who is duly certificated under the
31 law governing the certification of teachers.

290.160. 1. An employer shall not reduce the wages of any
2 teacher or school employee who has taken leave because such teacher
3 or school employee has contracted or is quarantined for COVID-19.

4 2. An employer shall not require a teacher or school employee
5 who has taken leave because such teacher or school employee has
6 contracted or is quarantined for COVID-19 to use sick, vacation,
7 personal days, or other similarly-termed paid time off.

8 3. For purposes of this section, the following terms mean:

9 (1) "COVID-19", the severe acute respiratory syndrome
10 coronavirus 2;

11 (2) "Employer", an entity that employs a teacher or school
12 employee in their capacity as a teacher or school employee;

13 (3) "School employee", any person regularly employed by any
14 elementary or secondary school;

15 (4) "Teacher", any person employed by any elementary or
16 secondary school on a full-time basis who is duly certificated under the
17 law governing the certification of teachers.

Section B. Because of the need to address the impact on school safety
2 during the COVID-19 pandemic in school districts throughout the state, section
3 A of this act is deemed necessary for the immediate preservation of the public
4 health, welfare, peace, and safety, and is hereby declared to be an emergency act
5 within the meaning of the constitution, and section A of this act shall be in full
6 force and effect upon its passage and approval.

✓