

FIRST REGULAR SESSION

# SENATE BILL NO. 705

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR LEWIS.

2884S.01I

KRISTINA MARTIN, Secretary

## AN ACT

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

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

Section A. Section 168.036, RSMo, is repealed and one new  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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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