

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 2304

101ST GENERAL ASSEMBLY

4910H.03P

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To amend chapter 168, RSMo, by adding thereto two new sections relating to substitute teaching, with an emergency clause for a certain section.

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

Section A. Chapter 168, RSMo, is amended by adding thereto two new sections, to be known as sections 168.036 and 168.037, to read as follows:

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

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

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

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

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

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

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17           **4. The department of elementary and secondary education shall develop and**  
18 **maintain an online training program for individuals, which shall consist of twenty hours**  
19 **of training related to subjects appropriate for substitute teachers as determined by the**  
20 **department.**

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

29           **6. (1) Notwithstanding any other provisions to contrary, beginning on the**  
30 **effective date of this section and ending on June 30, 2025, any person, who is retired and**  
31 **currently receiving a retirement allowance under sections 169.010 to 169.141 or sections**  
32 **169.600 to 169.715, other than for disability, may be employed to substitute teach on a**  
33 **part time or temporary substitute basis by an employer included in the retirement**  
34 **system without a discontinuance of the person's retirement allowance. Such a person**  
35 **shall not contribute to the retirement system, or to the public school retirement system**  
36 **established by sections 169.010 to 169.141 or to the public education employee**  
37 **retirement system established by sections 169.600 to 169.715, because of earnings during**  
38 **such period of employment.**

39           **(2) In addition to the conditions set forth in subdivision 1 of this subsection, any**  
40 **person retired and currently receiving a retirement allowance under sections 169.010 to**  
41 **169.141, other than for disability, who is employed by a third party or is performing**  
42 **work as an independent contractor may be employed to substitute teach on a part-time**  
43 **or temporary substitute basis, if such person is performing work for an employer**  
44 **included in the retirement system without a discontinuance of the person's retirement**  
45 **allowance.**

46           **(3) If a person is employed pursuant to this subsection on a regular, full-time**  
47 **basis the person shall not be entitled to receive the person's retirement allowance for**  
48 **any month during which the person is so employed. The retirement system may require**  
49 **the employer, the third-party employer, the independent contractor, and the retiree**  
50 **subject to this subsection to provide documentation showing compliance with this**  
51 **subsection. If such documentation is not provided, the retirement system may deem the**  
52 **retiree to have exceeded the limitations provided in this subsection.**

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

57           8. (1) An individual to whom the state board grants a certificate under this  
58 section may be a substitute teacher in a public school in the state if the school district  
59 agrees to employ the individual as a substitute teacher and such individual has  
60 completed a background check as required in subsection 10 of this section.

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

64           9. Each school district may develop an orientation for individuals to whom the  
65 state board grants a certificate under this section for such individuals employed by the  
66 school district and may require such individuals to complete such orientation. Such  
67 orientation shall contain at least two hours of subjects appropriate for substitute  
68 teachers and shall contain instruction on the school district's best practices for  
69 classroom management.

70           10. Beginning January 1, 2023, any substitute teacher may, at the time such  
71 substitute teacher submits the fingerprints and information required for the  
72 background check required under section 168.021, designate up to five school  
73 districts to which such substitute teacher has submitted an application for substitute  
74 teaching to receive the results of the substitute teacher's criminal history background  
75 check and fingerprint collection. The total amount of any fees for disseminating such  
76 results to up to five school districts under this subsection shall not exceed fifty dollars.

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

          168.037. 1. The department of elementary and secondary education shall create  
2 and maintain a web-based survey for collecting anonymous information from substitute  
3 teachers in Missouri public schools. The survey will collect anonymous, nonbiased, real-  
4 time data that school districts, charter schools, and the state can access to study and  
5 improve the effectiveness of substitute teachers in supporting instruction and learning  
6 and to improve circumstances that may cause a shortage of available substitute  
7 teachers.

8           2. (1) Each substitute teacher in a public school shall complete the survey  
9 described in subsection 1 of this section at the end of each day of teaching. The district  
10 or charter school in which the substitute teacher is teaching for that day shall provide,

11 **by email, a web link to the survey. If needed, the district or charter school shall also**  
12 **provide brief access to a computer or other connected device sufficient to allow the**  
13 **survey to be completed. The survey can also be completed on-site by the substitute**  
14 **teacher using a personal device.**

15 **(2) The survey described in subsection 1 of this section shall include at a**  
16 **minimum, questions regarding: the age and level of education of the substitute teacher,**  
17 **the date of teaching, the district and school, the grade or grades taught, information**  
18 **about support and interaction with school staff, any student health or safety issues**  
19 **experienced, and rate of substitute teacher pay.**

20 **3. Districts and charter schools shall annually provide information to the**  
21 **department of elementary and secondary education regarding: use of third-party**  
22 **employment agencies for substitute teachers, daily rate of substitute teacher pay,**  
23 **employment of full-time and part-time substitute teachers, substitute teacher**  
24 **recruitment efforts, the substitute teacher interview process, and use of current**  
25 **school staff as substitute teachers during other assigned time.**

Section B. Because immediate action is necessary to provide for the safety and  
2 education of school children and increase the number of substitute teachers, the enactment of  
3 section 168.036 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 within the  
5 meaning of the constitution, and the enactment of section 168.036 of this act shall be in full  
6 force and effect upon its passage and approval.

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