

# SENATE BILL NO. 415

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR ARTHUR.

1402S.03I

KRISTINA MARTIN, Secretary

## AN ACT

To amend chapter 168, RSMo, by adding thereto one new section relating to salaries for school district personnel.

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

Section A. Chapter 168, RSMo, is amended by adding thereto one new section, to be known as section 168.800, to read as follows:

**168.800. 1. As used in this section, the following terms shall mean:**

(1) "Department", department of elementary and secondary education;

(2) "Salary", the salary figure which appears on the teacher's contract and as determined by the local school district's basic salary schedule, not including supplements for extra duties;

(3) "Teacher", as defined in section 163.011.

2. There is hereby created in the state treasury the "Missouri Public School Salary Equalization Fund", which shall consist of moneys collected under this section for the purpose of providing supplemental funding to school districts and charter schools that certify to the department, as provided in this section and rules promulgated under subsection 11 of this section, that the district or charter school meets either of the following conditions:

19           (1) The average teacher salary for the district or  
20 charter school is below the statewide average teacher  
21 salary; or

22           (2) The district or charter school is experiencing  
23 sustained labor shortages for positions vital to providing  
24 an adequate education to students, including: classroom  
25 teachers for difficult to fill academic areas, substitute  
26 teachers, and school counselors.

27 The state treasurer shall be the custodian of the fund. In  
28 accordance with sections 30.170 and 30.180, the state  
29 treasurer may approve disbursements. The fund shall be a  
30 dedicated fund and, upon appropriation, moneys in the fund  
31 shall be used solely for the administration of this section.

32           3. Notwithstanding the provisions of section 33.080 to  
33 the contrary, any moneys remaining in the fund at the end of  
34 the biennium shall not revert to the credit of the general  
35 revenue fund.

36           4. The state treasurer shall invest moneys in the fund  
37 in the same manner as other funds are invested. Any  
38 interest and moneys earned on such investments shall be  
39 credited to the fund.

40           5. By the fifteenth of November each year, the  
41 commissioner of education shall present to the joint  
42 committee on education information concerning:

43           (1) The average Missouri teacher's salary, regional  
44 average salary data, and national average salary data;

45           (2) An assessment of whether the state's teacher  
46 salaries are competitive with other states of similar  
47 economies and school-age populations; and

48           (3) Labor shortages impacting schools' ability to fill  
49 positions vital to providing an adequate education to

50 students, including classroom teachers for difficult to fill  
51 academic areas, substitute teachers, and school counselors.

52 The joint committee on education shall, no later than  
53 January first each year, issue a report to the house budget  
54 committee and the senate appropriations committee that  
55 includes the joint committee's recommendation for the amount  
56 of funds that should be appropriated to the "Missouri Public  
57 School Salary Equalization Fund" in order to adequately fund  
58 the provisions and goals of this section.

59 6. To receive moneys from the fund, school districts  
60 shall be required to submit documentation to the department  
61 showing that the local tax base and any other revenue  
62 allocated to education is:

63 (1) Insufficient to employ the labor force necessary  
64 to provide an adequate education to students, including  
65 classroom teachers for difficult to fill academic areas,  
66 substitute teachers, and school counselors; or

67 (2) Unable to cover the cost of teacher salaries such  
68 that the district's average salary matches or exceeds the  
69 statewide average teacher salary.

70 7. If moneys in the fund are insufficient to fully  
71 fund the provisions of this section in a given school year,  
72 the department shall prorate available funds as provided in  
73 this subsection. For districts demonstrating need under  
74 subdivision (2) of subsection 6 of this section, the  
75 department shall disburse moneys in the fund to eligible  
76 districts on a pro rata basis based on the difference  
77 between the eligible district's average teacher salary and  
78 the statewide average teacher salary. For districts  
79 demonstrating need under subdivision (1) of subsection 6 of  
80 this section, the department shall prorate funds on a pro

81 rata basis in a manner that prioritizes teacher salaries in  
82 difficult to fill areas over school counselors and  
83 substitute teachers, as provided in rules promulgated under  
84 subsection 11 of this section.

85 8. Notwithstanding any provision of this section to  
86 the contrary, in order to qualify for funding under this  
87 section, a school district or, in the case of a charter  
88 school, the school district in which the charter school is  
89 located shall:

90 (1) Levy an "adjusted operating levy" equal to or  
91 greater than the "performance levy" as such terms are  
92 defined in section 163.011; and

93 (2) Not have reduced the district's adjusted operating  
94 levy in the current or first preceding school year, provided  
95 that any tax rate required to be reduced pursuant to article  
96 X, section 22 of the Missouri constitution or section  
97 137.073 shall not disqualify the district or charter school  
98 from receiving grants under this subdivision.

99 9. Subject to appropriations, a school district or  
100 charter school shall continue to receive moneys from the  
101 fund in the same amount as the preceding fiscal year in  
102 addition to the amount eligible for the current fiscal year,  
103 provided they remain in compliance with subsection 8 of this  
104 section and continue to demonstrate sufficient need. A  
105 school district or charter school qualifying for grants  
106 under subdivision (2) of subsection 6 of this section with  
107 an average teacher salary meeting or exceeding the statewide  
108 average salary is ineligible to receive moneys from the fund  
109 exceeding the amount received by the school district in the  
110 previous year.

111 10. All funds provided to a school district or charter  
112 school under this section shall be expended only for teacher

113 salaries and benefits, school counselor salaries and  
114 benefits, or payments to substitute teachers, as applicable.

115 11. The department shall promulgate rules to carry out  
116 the provisions of this section. Any rule or portion of a  
117 rule, as that term is defined in section 536.010, that is  
118 created under the authority delegated in this section shall  
119 become effective only if it complies with and is subject to  
120 all of the provisions of chapter 536 and, if applicable,  
121 section 536.028. This section and chapter 536 are  
122 nonseverable and if any of the powers vested with the  
123 general assembly pursuant to chapter 536 to review, to delay  
124 the effective date, or to disapprove and annul a rule are  
125 subsequently held unconstitutional, then the grant of  
126 rulemaking authority and any rule proposed or adopted after  
127 August 28, 2023, shall be invalid and void.

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