

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 2493

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BLACK (7).

5079H.01P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 163.016, 168.500, 168.515, and 513.430, RSMo, and to enact in lieu thereof four new sections relating to public school finances.

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

Section A. Sections 163.016, 168.500, 168.515, and 513.430, RSMo, are repealed
2 and four new sections enacted in lieu thereof, to be known as sections 163.016, 168.500,
3 168.515, and 513.430, to read as follows:

163.016. **1.** Notwithstanding the provisions of section 163.011, for any school district
2 located in more than one county and whose headquarters are located within a city of the
3 fourth classification with more than two thousand five hundred but fewer than two thousand
4 six hundred inhabitants and located in more than one county, the county signified in the
5 school district number shall be the county in the district with the highest dollar value
6 modifier.

7 **2.** Notwithstanding the provisions of section 163.011 to the contrary, for any
8 school district located in more than one county and whose headquarters are located
9 within a city with more than two thousand seven hundred but fewer than three
10 thousand inhabitants and located in a county with more than fourteen thousand but
11 fewer than fifteen thousand seven hundred inhabitants and with a county seat with
12 more than two thousand but fewer than three thousand inhabitants, the county signified
13 in the school district number shall be the county in the district with the highest dollar
14 value modifier.

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.

15 **3. Notwithstanding the provisions of section 163.011 to the contrary, for any**
16 **school district located in more than one county and whose headquarters are located**
17 **within a city with more than one thousand one hundred seventy but fewer than one**
18 **thousand three hundred inhabitants and located in a county with more than sixty**
19 **thousand but fewer than seventy thousand inhabitants, the county signified in the school**
20 **district number shall be the county in the district with the highest dollar value modifier.**

21 **4. Notwithstanding the provisions of section 163.011 to the contrary, for any**
22 **school district located in more than one county and whose headquarters are located**
23 **within a city with more than one thousand three hundred but fewer than one thousand**
24 **five hundred inhabitants and partially located in a county with more than eight**
25 **thousand but fewer than eight thousand nine hundred inhabitants and with a county**
26 **seat with more than three hundred but fewer than six hundred inhabitants, the county**
27 **signified in the school district number shall be the county in the district with the highest**
28 **dollar value modifier.**

168.500. 1. For the purpose of providing career pay, which shall be a salary
2 supplement, for public school teachers, which for the purpose of sections 168.500 to 168.515
3 shall include classroom teachers, librarians, school counselors and certificated teachers who
4 hold positions as school psychological examiners, parents as teachers educators, school
5 psychologists, special education diagnosticians and speech pathologists, and are on the
6 district salary schedule, there is hereby created and established a career advancement program
7 which shall be known as the "Missouri Career Development and Teacher Excellence Plan",
8 hereinafter known as the "career plan or program". Participation by local school districts in
9 the career advancement program established under this section shall be voluntary. The career
10 advancement program is a matching fund program. The general assembly may make an
11 annual appropriation to the excellence in education fund established under section 160.268
12 for the purpose of providing the state's portion for the career advancement program. The
13 "Career Ladder Forward Funding Fund" is hereby established in the state treasury. Beginning
14 with fiscal year 1998 and until the career ladder forward funding fund is terminated pursuant
15 to this subsection, the general assembly may appropriate funds to the career ladder forward
16 funding fund. Notwithstanding the provisions of section 33.080 to the contrary, moneys in
17 the fund shall not be transferred to the credit of the general revenue fund at the end of the
18 biennium. All interest or other gain received from investment of moneys in the fund shall be
19 credited to the fund. All funds deposited in the fund shall be maintained in the fund until such
20 time as the balance in the fund at the end of the fiscal year is equal to or greater than the
21 appropriation for the career ladder program for the following year, at which time all such
22 revenues shall be used to fund, in advance, the career ladder program for such following year
23 and the career ladder forward funding fund shall thereafter be terminated.

24 2. The department of elementary and secondary education, at the direction of the
25 commissioner of education, shall study and develop model career plans which shall be made
26 available to the local school districts. These state model career plans shall:

27 (1) Contain three steps or stages of career advancement;

28 (2) Contain a detailed procedure for the admission of teachers to the career program;

29 (3) Contain specific criteria for career step qualifications and attainment. These
30 criteria shall clearly describe the minimum number of professional responsibilities required of
31 the teacher at each stage of the plan and shall include reference to classroom performance
32 evaluations performed pursuant to section 168.128. **The criteria may include, but shall not**
33 **be limited to, teacher externships as provided in section 168.025;**

34 (4) Be consistent with the teacher certification process recommended by the Missouri
35 advisory council of certification for educators and adopted by the department of elementary
36 and secondary education;

37 (5) Provide that public school teachers in Missouri shall become eligible to apply for
38 admission to the career plans adopted under sections 168.500 to 168.515 after [~~five~~] **two**
39 years of public school teaching in Missouri. All teachers seeking admission to any career
40 plan shall, as a minimum, meet the requirements necessary to obtain the first renewable
41 professional certificate as provided in section 168.021;

42 (6) Provide procedures for appealing decisions made under career plans established
43 under sections 168.500 to 168.515.

44 3. **School district career plans shall recognize additional responsibilities and**
45 **volunteer efforts by teachers in formulating criteria for career ladder admission and**
46 **stage achievement. Such additional responsibilities and volunteer efforts shall be**
47 **required to occur outside of compensated hours and may include, but shall not be**
48 **limited to:**

49 (1) **Serving as a coach, supervisor, or organizer for any extracurricular activity**
50 **for which the teacher does not already receive additional compensation;**

51 (2) **Serving as a mentor for students, whether in a formal or informal capacity;**

52 (3) **Receiving additional teacher training or certification outside of that offered**
53 **by the school district;**

54 (4) **Serving as a tutor or providing additional learning opportunities to students;**
55 **and**

56 (5) **Assisting students with postsecondary education preparation including, but**
57 **not limited to, teaching an ACT or SAT preparation course or assisting students with**
58 **completing college or career school admission or financial assistance applications.**

59 **4.** The commissioner of education shall cause the department of elementary and
60 secondary education to establish guidelines for all career plans established under this section,
61 and criteria that must be met by any school district which seeks funding for its career plan.

62 ~~[4-]~~ **5.** A participating local school district may have the option of implementing a
63 career plan developed by the department of elementary and secondary education or a local
64 plan which has been developed with advice from teachers employed by the district and which
65 has met with the approval of the department of elementary and secondary education. In
66 approving local career plans, the department of elementary and secondary education may
67 consider provisions in the plan of the local district for recognition of teacher mobility from
68 one district to another within this state.

69 ~~[5-]~~ **6.** The career plans of local school districts shall not discriminate on the basis of
70 race, sex, religion, national origin, color, creed, or age. Participation in the career plan of a
71 local school district is optional, and any teacher who declines to participate shall not be
72 penalized in any way.

73 ~~[6-]~~ **7.** In order to receive funds under this section, a school district which is not
74 subject to section 162.920 must have a total levy for operating purposes which is in excess of
75 the amount allowed in Section 11(b) of Article X of the Missouri Constitution; and a school
76 district which is subject to section 162.920 must have a total levy for operating purposes
77 which is equal to or in excess of twenty-five cents on each hundred dollars of assessed
78 valuation.

79 ~~[7-]~~ **8.** The commissioner of education shall cause the department of elementary and
80 secondary education to regard a speech pathologist who holds both a valid certificate of
81 license to teach and a certificate of clinical competence to have fulfilled the standards
82 required to be placed on stage III of the career program, provided that such speech pathologist
83 has been employed by a public school in Missouri for at least ~~[five]~~ **two** years and is approved
84 for placement at such stage III by the local school district.

85 ~~[8-]~~ **9.** Beginning in fiscal year 2012, the state portion of career ladder payments shall
86 only be made available to local school districts if the general assembly makes an
87 appropriation for such program. Payments authorized under sections 168.500 to 168.515
88 shall only be made available in a year for which a state appropriation is made. Any state
89 appropriation shall be made prospectively in relation to the year in which work under the
90 program is performed.

91 ~~[9-]~~ **10.** Nothing in this section shall be construed to prohibit a local school district
92 from funding the program for its teachers for work performed in years for which no state
93 appropriation is made available.

168.515. 1. Each teacher selected to participate in a career plan established under
2 sections 168.500 to 168.515, who meets the requirements of such plan, may receive a salary

3 supplement, the state's share of which shall be distributed under section 163.031, equal to the
4 following amounts applied to the career ladder entitlement of section 163.031:

5 (1) Career stage I teachers may receive up to an additional one thousand five hundred
6 dollars per school year;

7 (2) Career stage II teachers may receive up to an additional three thousand dollars per
8 school year;

9 (3) Career stage III teachers may receive up to an additional five thousand dollars per
10 school year. All teachers within each stage within the same school district shall receive equal
11 salary supplements.

12 2. The state may make payments pursuant to section 163.031 to the local school
13 district for the purpose of providing funding to the local school district for the payment of any
14 salary supplements provided for in this section, subject to the availability of funds as
15 appropriated each year and distributed on a matching basis where the percentage of state
16 funding shall be ~~forty~~ **sixty** percent and the percentage of local funding shall be ~~sixty~~ **forty**
17 percent.

18 3. Not less than every fourth year, beginning with calendar year 1988, the general
19 assembly, through the joint committee established under section 160.254, shall review the
20 amount of the career pay provided for in this section to determine if any increases are
21 necessary to reflect the increases in the cost of living which have occurred since the salary
22 supplements were last reviewed or set.

23 4. To participate in the salary supplement program established under this section, a
24 school district may submit to the voters of the district a proposition to increase taxes for this
25 purpose. If a school district's current tax rate ceiling is at or above the rate from which an
26 increase would require a two-thirds majority, the school board may submit to the voters of the
27 district a proposition to reduce or eliminate the amount of the levy reduction resulting from
28 section 164.013. If a majority of the voters voting thereon vote in favor of the proposition,
29 the board may certify that seventy-five percent of the revenue generated from this source shall
30 be used to implement the salary supplement program established under this section.

31 5. In no case shall a school district use state funds received under this section nor
32 local revenue generated from a tax established under subsection 4 of this section to comply
33 with the minimum salary requirements for teachers established pursuant to section 163.172.

513.430. 1. The following property shall be exempt from attachment and execution
2 to the extent of any person's interest therein:

3 (1) Household furnishings, household goods, wearing apparel, appliances, books,
4 animals, crops or musical instruments that are held primarily for personal, family or
5 household use of such person or a dependent of such person, not to exceed three thousand
6 dollars in value in the aggregate;

- 7 (2) A wedding ring not to exceed one thousand five hundred dollars in value and other
8 jewelry held primarily for the personal, family or household use of such person or a
9 dependent of such person, not to exceed five hundred dollars in value in the aggregate;
- 10 (3) Any other property of any kind, not to exceed in value six hundred dollars in the
11 aggregate;
- 12 (4) Any implements or professional books or tools of the trade of such person or the
13 trade of a dependent of such person not to exceed three thousand dollars in value in the
14 aggregate;
- 15 (5) Any motor vehicles, not to exceed three thousand dollars in value in the
16 aggregate;
- 17 (6) Any mobile home used as the principal residence but not attached to real property
18 in which the debtor has a fee interest, not to exceed five thousand dollars in value;
- 19 (7) Any one or more unmaturred life insurance contracts owned by such person, other
20 than a credit life insurance contract, and up to fifteen thousand dollars of any matured life
21 insurance proceeds for actual funeral, cremation, or burial expenses where the deceased is the
22 spouse, child, or parent of the beneficiary;
- 23 (8) The amount of any accrued dividend or interest under, or loan value of, any one or
24 more unmaturred life insurance contracts owned by such person under which the insured is
25 such person or an individual of whom such person is a dependent; provided, however, that if
26 proceedings under Title 11 of the United States Code are commenced by or against such
27 person, the amount exempt in such proceedings shall not exceed in value one hundred fifty
28 thousand dollars in the aggregate less any amount of property of such person transferred by
29 the life insurance company or fraternal benefit society to itself in good faith if such transfer is
30 to pay a premium or to carry out a nonforfeiture insurance option and is required to be so
31 transferred automatically under a life insurance contract with such company or society that
32 was entered into before commencement of such proceedings. No amount of any accrued
33 dividend or interest under, or loan value of, any such life insurance contracts shall be exempt
34 from any claim for child support. Notwithstanding anything to the contrary, no such amount
35 shall be exempt in such proceedings under any such insurance contract which was purchased
36 by such person within one year prior to the commencement of such proceedings;
- 37 (9) Professionally prescribed health aids for such person or a dependent of such
38 person;
- 39 (10) Such person's right to receive:
- 40 (a) A Social Security benefit, unemployment compensation or a public assistance
41 benefit;
- 42 (b) A veteran's benefit;
- 43 (c) A disability, illness or unemployment benefit;

44 (d) Alimony, support or separate maintenance, not to exceed seven hundred fifty
45 dollars a month;

46 (e) a. Any payment under a stock bonus plan, pension plan, disability or death
47 benefit plan, profit-sharing plan, nonpublic retirement plan or any plan described, defined, or
48 established pursuant to section 456.014, the person's right to a participant account in any
49 deferred compensation program offered by the state of Missouri or any of its political
50 subdivisions, or annuity or similar plan or contract on account of illness, disability, death, age
51 or length of service, to the extent reasonably necessary for the support of such person and any
52 dependent of such person unless:

53 ~~[(a)]~~ (i) Such plan or contract was established by or under the auspices of an insider
54 that employed such person at the time such person's rights under such plan or contract arose;

55 ~~[(b)]~~ (ii) Such payment is on account of age or length of service; and

56 ~~[(c)]~~ (iii) Such plan or contract does not qualify under Section 401(a), 403(a), 403(b),
57 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, (26 U.S.C. Section 401
58 (a), 403(a), 403(b), 408, 408A or 409)[;].

59 ~~[except that]~~ b. **Notwithstanding the exemption provided in subparagraph a. of**
60 **this paragraph**, any such payment to any person shall be subject to attachment or execution
61 pursuant to a qualified domestic relations order, as defined by Section 414(p) of the Internal
62 Revenue Code of 1986 (**26 U.S.C. Section 414(p)**), as amended, issued by a court in any
63 proceeding for dissolution of marriage or legal separation or a proceeding for disposition of
64 property following dissolution of marriage by a court which lacked personal jurisdiction over
65 the absent spouse or lacked jurisdiction to dispose of marital property at the time of the
66 original judgment of dissolution;

67 (f) Any money or assets, payable to a participant or beneficiary from, or any interest
68 of any participant or beneficiary in, a retirement plan, profit-sharing plan, health savings plan,
69 or similar plan, including an inherited account or plan, that is qualified under Section 401(a),
70 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986 (**26 U.S.C. 401(a),**
71 **403(a), 403(b), 408, 408A, or 409)**), as amended, whether such participant's or beneficiary's
72 interest arises by inheritance, designation, appointment, or otherwise, except as provided in
73 this paragraph. Any plan or arrangement described in this paragraph shall not be exempt
74 from the claim of an alternate payee under a qualified domestic relations order; however, the
75 interest of any and all alternate payees under a qualified domestic relations order shall be
76 exempt from any and all claims of any creditor, other than the state of Missouri through its
77 department of social services. As used in this paragraph, the terms "alternate payee" and
78 "qualified domestic relations order" have the meaning given to them in Section 414(p) of the
79 Internal Revenue Code of 1986 (**26 U.S.C. Section 414(p)**), as amended. If proceedings
80 under Title 11 of the United States Code are commenced by or against such person, no

81 amount of funds shall be exempt in such proceedings under any such plan, contract, or trust
82 which is fraudulent as defined in subsection 2 of section 428.024 and for the period such
83 person participated within three years prior to the commencement of such proceedings. For
84 the purposes of this section, when the fraudulently conveyed funds are recovered and after,
85 such funds shall be deducted and then treated as though the funds had never been contributed
86 to the plan, contract, or trust;

87 (11) The debtor's right to receive, or property that is traceable to, a payment on
88 account of the wrongful death of an individual of whom the debtor was a dependent, to the
89 extent reasonably necessary for the support of the debtor and any dependent of the debtor;

90 (12) Firearms, firearm accessories, and ammunition, not to exceed one thousand five
91 hundred dollars in value in the aggregate;

92 **(13) Any moneys accruing to and deposited in individual savings accounts or**
93 **individual deposit accounts under sections 166.400 to 166.456 or sections 166.500 to**
94 **166.529, subject to the following provisions:**

95 **(a) This subdivision shall apply to any proceeding that:**

96 **a. Is filed on or before January 1, 2022; or**

97 **b. Was filed before January 1, 2022, and is pending or on appeal after January 1,**
98 **2022;**

99 **(b) Except as provided by paragraph (c) of this subdivision, if the designated**
100 **beneficiary of an individual savings account or individual deposit account established**
101 **under sections 166.400 to 166.456 or sections 166.500 to 166.529 is a lineal descendant of**
102 **the account owner, all moneys in the account shall be exempt from any claims of**
103 **creditors of the account owner or designated beneficiary;**

104 **(c) The provisions of paragraph (b) of this subdivision shall not apply to:**

105 **a. Claims of any creditor of an account owner as to amounts contributed within**
106 **a two-year period preceding the date of the filing of a bankruptcy petition under 11**
107 **U.S.C. Section 101 et seq., as amended; or**

108 **b. Claims of any creditor of an account owner as to amounts contributed within**
109 **a one-year period preceding an execution on judgment for such claims against the**
110 **account owner.**

111 2. Nothing in this section shall be interpreted to exempt from attachment or execution
112 for a valid judicial or administrative order for the payment of child support or maintenance
113 any money or assets, payable to a participant or beneficiary from, or any interest of any
114 participant or beneficiary in, a retirement plan which is qualified pursuant to Sections 408 and
115 408A of the Internal Revenue Code of 1986 **(26 U.S.C. Sections 408 and 408A)**, as
116 amended.