

FIRST REGULAR SESSION

SENATE BILL NO. 234

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CUNNINGHAM.

Read 1st time January 22, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

0542S.011

AN ACT

To repeal sections 168.110 and 168.126, RSMo, and to enact in lieu thereof two new sections relating to teacher salaries.

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

Section A. Sections 168.110 and 168.126, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 168.110 and 168.126, to read as follows:

168.110. The board of education of a school district may modify an indefinite contract annually on or before the fifteenth day of May in the following particulars:

(1) Determination of the date of beginning and length of the next school year;

(2) Fixing the amount of annual compensation for the following school year as provided by the salary schedule adopted by the board of education applicable to all teachers **who are similar in relevant experience and credentials, not limited to years of teaching experience and academic credentials. A salary schedule may include other qualifications in addition to experience and credentials, such as measurable classroom performance, as long as the schedule applies equitably to all teachers who are similar in such qualifications.** The modifications shall be effective at the beginning of the next school year. All teachers affected by the modification shall be furnished written copies of the modifications within thirty days after their adoption by the board of education.

168.126. 1. A board of education at a regular or special meeting may contract with and employ by a majority vote legally qualified probationary teachers for the school district. The contract shall be made by order of the board;

4 shall specify the number of months school is to be taught and the wages per
5 month to be paid; shall be signed by the probationary teacher and the president
6 of the board, or a facsimile signature of the president may be affixed at his
7 discretion; and the contract shall be attested by the secretary of the board by
8 signature or facsimile. **Districts may provide hiring incentives or salary**
9 **schedule modifications, which may include but are not limited to credit**
10 **for all prior years of service in another district, to attract and retain**
11 **teachers based upon demonstrated need for teachers certified in**
12 **shortage areas, including but not limited to mathematics or**
13 **science. Districts may also provide such incentives or schedule**
14 **modifications to attract and retain teachers with experience or**
15 **credentials that are exceptionally well suited to a district's needs for**
16 **academic improvement. Districts that are classified as provisionally**
17 **accredited or unaccredited by the state board of education may also**
18 **provide such incentives or schedule modifications to attract highly**
19 **qualified teachers, as determined by student performance and**
20 **described in school district policies. In exchange for such incentives,**
21 **teachers may be required to teach in the district offering the incentive**
22 **for a period of up to three school years. Districts shall have the**
23 **decision-making authority on whether to provide such incentives and**
24 **modifications within the limits of this section.** The board shall not employ
25 one of its members as a teacher; nor shall any person be employed as a teacher
26 who is related within the fourth degree to any board member, either by
27 consanguinity or affinity, where the vote of the board member is necessary to the
28 selection of the person.

29 2. If in the opinion of the board of education any probationary teacher has
30 been doing unsatisfactory work, the board of education, through its authorized
31 administrative representative, shall provide the teacher with a written statement
32 definitely setting forth his alleged incompetency and specifying the nature
33 thereof, in order to furnish the teacher an opportunity to correct his fault and
34 overcome his incompetency. If improvement satisfactory to the board of education
35 has not been made within ninety days of the receipt of the notification, the board
36 of education may terminate the employment of the probationary teacher
37 immediately or at the end of the school year. Any motion to terminate the
38 employment of a probationary teacher shall include only one person and must be
39 approved by a majority of the members of the board of education. A tie vote

40 thereon constitutes termination. On or before the fifteenth day of April in each
41 school year, the board of education shall notify in writing a probationary teacher
42 who will not be retained by the school district of the termination of his
43 employment. Upon request, the notice shall contain a concise statement of the
44 reason or reasons the employment of the probationary teacher is being
45 terminated. If the reason for the termination is due to a decrease in pupil
46 enrollment, school district reorganization, or the financial condition of the school
47 district, then the district shall in all cases issue notice to the teacher expressly
48 declaring such as the reason for such termination. Nothing contained in this
49 section shall give rise to a cause of action not currently cognizant at law by a
50 probationary teacher for any reason given in said writing so long as the board
51 issues the letter in good faith without malice, but an action for actual damages
52 may be maintained by any person for the deprivation of a right conferred by this
53 act.

54 3. Any probationary teacher who is not notified of the termination of his
55 employment shall be deemed to have been appointed for the next school year,
56 under the terms of the contract for the preceding year. A probationary teacher
57 who is informed of reemployment by written notice shall be tendered a contract
58 on or before the fifteenth day of May, and shall within fifteen days thereafter
59 present to the employing board of education a written acceptance or rejection of
60 the employment tendered, and failure of such teachers to present the acceptance
61 within such time constitutes a rejection of the board's offer. A contract between
62 a probationary teacher and a board of education may be terminated or modified
63 at any time by the mutual consent of the parties thereto.

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