

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 125  
AN ACT

To repeal sections 168.221 and 168.291, RSMo, and to enact in lieu thereof one new section relating to employment of school personnel in the metropolitan school district.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
AS FOLLOWS:

1           Section A. Sections 168.221 and 168.291, RSMo, are repealed  
2 and one new section enacted in lieu thereof, to be known as  
3 section 168.221, to read as follows:

4           168.221. 1. The first five years of employment of all  
5 teachers entering the employment of the metropolitan school  
6 district shall be deemed a period of probation during which  
7 period all appointments of teachers shall expire at the end of  
8 each school year. During the probationary period any  
9 probationary teacher whose work is unsatisfactory shall be  
10 furnished by the superintendent of schools with a written  
11 statement setting forth the nature of his or her incompetency.  
12 If improvement satisfactory to the superintendent is not made  
13 within one semester after the receipt of the statement, the  
14 probationary teacher shall be dismissed. The semester granted  
15 the probationary teacher in which to improve shall not in any  
16 case be a means of prolonging the probationary period beyond five

1 years and six months from the date on which the teacher entered  
2 the employ of the board of education. The superintendent of  
3 schools on or before the fifteenth day of April in each year  
4 shall notify probationary teachers who will not be retained by  
5 the school district of the termination of their services. Any  
6 probationary teacher who is not so notified shall be deemed to  
7 have been appointed for the next school year. Any principal who  
8 prior to becoming a principal had attained permanent employee  
9 status as a teacher shall upon ceasing to be a principal have a  
10 right to resume his or her permanent teacher position with the  
11 time served as a principal being treated as if such time had been  
12 served as a teacher for the purpose of calculating seniority and  
13 pay scale. The rights and duties and remuneration of a teacher  
14 who was formerly a principal shall be the same as any other  
15 teacher with the same level of qualifications and time of  
16 service.

17 2. After completion of satisfactory probationary services,  
18 appointments of teachers shall become permanent, subject to  
19 removal for any one or more causes herein described and to the  
20 right of the board to terminate the services of all who attain  
21 the age of compulsory retirement fixed by the retirement system.  
22 In determining the duration of the probationary period of  
23 employment in this section specified, the time of service  
24 rendered as a substitute teacher shall not be included.

25 3. No teacher whose appointment has become permanent may be  
26 removed except for one or more of the following causes:  
27 immorality, incompetency, or inefficiency in line of duty,  
28 violation of the published regulations of the school district,

1 violation of the laws of Missouri governing the public schools of  
2 the state, or physical or mental condition which incapacitates  
3 him for instructing or associating with children, and then only  
4 by a vote of not less than a majority of all the members of the  
5 board, upon written charges presented by the superintendent of  
6 schools, to be heard by the board after thirty days' notice, with  
7 copy of the charges served upon the person against whom they are  
8 preferred, who shall have the privilege of being present at the  
9 hearing, together with counsel, offering evidence and making  
10 defense thereto. [Notifications received by an employee during a  
11 vacation period shall be considered as received on the first day  
12 of the school term following.] At the request of any person so  
13 charged the hearing shall be public. During any time in which  
14 powers granted to the district's board of education are vested in  
15 a special administrative board, the special administrative board  
16 may appoint a hearing officer to conduct the hearing. The  
17 hearing officer shall conduct the hearing as a contested case  
18 under chapter 536 and shall issue a written recommendation to the  
19 board rendering the charges against the teacher. The board shall  
20 render a decision on the charges upon the review of the hearing  
21 officer's recommendations and the record from the hearing. The  
22 action and decision of the board upon the charges shall be final.  
23 Pending the hearing of the charges, the person charged may be  
24 suspended if the rules of the board so prescribe, but in the  
25 event the board does not by a majority vote of all the members  
26 remove the teacher upon charges presented by the superintendent,  
27 the person shall not suffer any loss of salary by reason of the  
28 suspension. Incompetency or inefficiency in line of duty is

1 cause for dismissal only after the teacher has been notified in  
2 writing at least [one semester] thirty days prior to the  
3 presentment of charges against him by the superintendent. The  
4 notification shall specify the nature of the incompetency or  
5 inefficiency with such particularity as to enable the teacher to  
6 be informed of the nature of his or her incompetency or  
7 inefficiency.

8 4. No teacher whose appointment has become permanent shall  
9 be demoted nor shall his or her salary be reduced unless the same  
10 procedure is followed as herein stated for the removal of the  
11 teacher because of inefficiency in line of duty, and any teacher  
12 whose salary is reduced or who is demoted may waive the  
13 presentment of charges against him by the superintendent and a  
14 hearing thereon by the board. The foregoing provision shall  
15 apply only to permanent teachers prior to the compulsory  
16 retirement age under the retirement system. Nothing herein  
17 contained shall in any way restrict or limit the power of the  
18 board of education to make reductions in the number of teachers  
19 or principals, or both, because of insufficient funds, decrease  
20 in pupil enrollment, or abolition of particular subjects or  
21 courses of instruction, except that the abolition of particular  
22 subjects or courses of instruction shall not cause those teachers  
23 who have been teaching the subjects or giving the courses of  
24 instruction to be placed on leave of absence as herein provided  
25 who are qualified to teach other subjects or courses of  
26 instruction, if positions are available for the teachers in the  
27 other subjects or courses of instruction.

28 5. Whenever it is necessary to decrease the number of

1 teachers because of insufficient funds or a substantial decrease  
2 of pupil population within the school district, the board of  
3 education upon recommendation of the superintendent of schools  
4 may cause the necessary number of teachers beginning with those  
5 serving probationary periods to be placed on leave of absence  
6 without pay, but only in the inverse order of their appointment.  
7 Nothing herein stated shall prevent a readjustment by the board  
8 of education of existing salary schedules. No teacher placed on  
9 a leave of absence shall be precluded from securing other  
10 employment during the period of the leave of absence. Each  
11 teacher placed on leave of absence shall be reinstated in inverse  
12 order of his or her placement on leave of absence. Such  
13 reemployment shall not result in a loss of status or credit for  
14 previous years of service. [No new appointments shall be made  
15 while there are available teachers on leave of absence who are  
16 seventy years of age or less and who are adequately qualified to  
17 fill the vacancy unless the teachers fail to advise the  
18 superintendent of schools within thirty days from the date of  
19 notification by the superintendent of schools that positions are  
20 available to them that they will return to employment and will  
21 assume the duties of the position to which appointed not later  
22 than the beginning of the school year next following the date of  
23 the notice by the superintendent of schools] No appointment of  
24 new teachers shall be made while there are available teachers on  
25 unrequested leave of absence who are properly qualified to fill  
26 such vacancies. Such leave of absence shall not impair the  
27 tenure of a teacher. The leave of absence shall continue for a  
28 period of not more than three years unless extended by the board.

1           6. If any regulation which deals with the promotion of  
2 teachers is amended by increasing the qualifications necessary to  
3 be met before a teacher is eligible for promotion, the amendment  
4 shall fix an effective date which shall allow a reasonable length  
5 of time within which teachers may become qualified for promotion  
6 under the regulations.

7           7. A teacher whose appointment has become permanent may  
8 give up the right to a permanent appointment to participate in  
9 the teacher choice compensation package under sections 168.745 to  
10 168.750.

11               [168.291. Whenever it is necessary to decrease  
12 the number of employees because of insufficient funds  
13 or decrease in pupil enrollment or lack of work the  
14 board of education may cause the necessary number of  
15 employees, beginning with those serving probationary  
16 periods, to be placed on leave of absence without pay,  
17 but only in the inverse order of their appointment.  
18 Each employee placed on leave of absence shall be  
19 reinstated in inverse order of his placement on leave  
20 of absence. Such reemployment shall not result in a  
21 loss of status or credit for previous periods of  
22 service. No new appointments shall be made while there  
23 are available employees on leave of absence who have  
24 not attained the age of seventy years and who are  
25 adequately qualified to fill the vacancy in the  
26 particular department unless the employees fail to  
27 advise the board within thirty days from date of  
28 notification by the board that positions are available  
29 to them, that they will return to employment, and will  
30 assume the duties of the position to which they are  
31 appointed not later than the beginning of the month  
32 following the date of the notice by the board.]