

FIRST REGULAR SESSION

# SENATE BILL NO. 29

98TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR EMERY.

Pre-filed December 1, 2014, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0075S.011

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## AN ACT

To repeal sections 168.124 and 168.221, RSMo, and to enact in lieu thereof one new section relating to the employment of teachers in school districts.

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

Section A. Sections 168.124 and 168.221, RSMo, are repealed and one new  
2 section enacted in lieu thereof, to be known as section 168.221, to read as follows:  
168.221. 1. The first five years of employment of all teachers entering the  
2 employment of the metropolitan school district shall be deemed a period of  
3 probation during which period all appointments of teachers shall expire at the  
4 end of each school year. During the probationary period any probationary teacher  
5 whose work is unsatisfactory shall be furnished by the superintendent of schools  
6 with a written statement setting forth the nature of his or her incompetency. If  
7 improvement satisfactory to the superintendent is not made within one semester  
8 after the receipt of the statement, the probationary teacher shall be  
9 dismissed. The semester granted the probationary teacher in which to improve  
10 shall not in any case be a means of prolonging the probationary period beyond  
11 five years and six months from the date on which the teacher entered the employ  
12 of the board of education. The superintendent of schools on or before the fifteenth  
13 day of April in each year shall notify probationary teachers who will not be  
14 retained by the school district of the termination of their services. Any  
15 probationary teacher who is not so notified shall be deemed to have been  
16 appointed for the next school year. Any principal who prior to becoming a  
17 principal had attained permanent employee status as a teacher shall upon  
18 ceasing to be a principal have a right to resume his or her permanent teacher  
19 position with the time served as a principal being treated as if such time had

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

20 been served as a teacher for the purpose of calculating seniority and pay  
21 scale. The rights and duties and remuneration of a teacher who was formerly a  
22 principal shall be the same as any other teacher with the same level of  
23 qualifications and time of service.

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

31           3. No teacher whose appointment has become permanent may be removed  
32 except for one or more of the following causes: immorality, incompetency, or  
33 inefficiency in line of duty, violation of the published regulations of the school  
34 district, violation of the laws of Missouri governing the public schools of the state,  
35 or physical or mental condition which incapacitates him for instructing or  
36 associating with children, and then only by a vote of not less than a majority of  
37 all the members of the board, upon written charges presented by the  
38 superintendent of schools, to be heard by the board after thirty days' notice, with  
39 copy of the charges served upon the person against whom they are preferred, who  
40 shall have the privilege of being present at the hearing, together with counsel,  
41 offering evidence and making defense thereto. At the request of any person so  
42 charged the hearing shall be public. During any time in which powers granted  
43 to the district's board of education are vested in a special administrative board,  
44 the special administrative board may appoint a hearing officer to conduct the  
45 hearing. The hearing officer shall conduct the hearing as a contested case under  
46 chapter 536 and shall issue a written recommendation to the board rendering the  
47 charges against the teacher. The board shall render a decision on the charges  
48 upon the review of the hearing officer's recommendations and the record from the  
49 hearing. The action and decision of the board upon the charges shall be  
50 final. Pending the hearing of the charges, the person charged may be suspended  
51 if the rules of the board so prescribe, but in the event the board does not by a  
52 majority vote of all the members remove the teacher upon charges presented by  
53 the superintendent, the person shall not suffer any loss of salary by reason of the  
54 suspension. Incompetency or inefficiency in line of duty is cause for dismissal  
55 only after the teacher has been notified in writing at least thirty days prior to the

56 presentment of charges against him by the superintendent. The notification shall  
57 specify the nature of the incompetency or inefficiency with such particularity as  
58 to enable the teacher to be informed of the nature of his or her incompetency or  
59 inefficiency.

60 4. No teacher whose appointment has become permanent shall be demoted  
61 nor shall his or her salary be reduced unless the same procedure is followed as  
62 herein stated for the removal of the teacher because of inefficiency in line of duty,  
63 and any teacher whose salary is reduced or who is demoted may waive the  
64 presentment of charges against him by the superintendent and a hearing thereon  
65 by the board. The foregoing provision shall apply only to permanent teachers  
66 prior to the compulsory retirement age under the retirement system. Nothing  
67 herein contained shall in any way restrict or limit the power of the board of  
68 education to make reductions in the number of teachers or principals, or both,  
69 because of insufficient funds[,] **or a** decrease in pupil enrollment[, or abolition  
70 of particular subjects or courses of instruction, except that the abolition of  
71 particular subjects or courses of instruction shall not cause those teachers who  
72 have been teaching the subjects or giving the courses of instruction to be placed  
73 on leave of absence as herein provided who are qualified to teach other subjects  
74 or courses of instruction, if positions are available for the teachers in the other  
75 subjects or courses of instruction].

76 5. [Whenever it is necessary to decrease the number of teachers because  
77 of insufficient funds or a substantial decrease of pupil population within the  
78 school district, the board of education upon recommendation of the  
79 superintendent of schools may cause the necessary number of teachers beginning  
80 with those serving probationary periods to be placed on leave of absence without  
81 pay, but only in the inverse order of their appointment. Nothing herein stated  
82 shall prevent a readjustment by the board of education of existing salary  
83 schedules. No teacher placed on a leave of absence shall be precluded from  
84 securing other employment during the period of the leave of absence. Each  
85 teacher placed on leave of absence shall be reinstated in inverse order of his or  
86 her placement on leave of absence. Such reemployment shall not result in a loss  
87 of status or credit for previous years of service. No appointment of new teachers  
88 shall be made while there are available teachers on unrequested leave of absence  
89 who are properly qualified to fill such vacancies. Such leave of absence shall not  
90 impair the tenure of a teacher. The leave of absence shall continue for a period  
91 of not more than three years unless extended by the board.

92           6.] If any regulation which deals with the promotion of teachers is  
93 amended by increasing the qualifications necessary to be met before a teacher is  
94 eligible for promotion, the amendment shall fix an effective date which shall allow  
95 a reasonable length of time within which teachers may become qualified for  
96 promotion under the regulations.

97           [7.] 6. A teacher whose appointment has become permanent may give up  
98 the right to a permanent appointment to participate in the teacher choice  
99 compensation package under sections 168.745 to 168.750.

100           [8.] 7. Should the state mandate that professional development for  
101 teachers be provided in local school districts and any funds be utilized for such,  
102 a metropolitan school district shall be allowed to utilize a professional  
103 development plan for teachers which is known within the administration as the  
104 "St. Louis Plan", should the district and the teacher decide jointly to participate  
105 in such plan.

                  [168.124. 1. The board of education of a school district may  
2           place on leave of absence as many teachers as may be necessary  
3           because of a decrease in pupil enrollment, school district  
4           reorganization or the financial condition of the school district. In  
5           placing teachers on leave, the board of education shall be governed  
6           by the following provisions:

7                   (1) No permanent teacher shall be placed on leave of  
8           absence while probationary teachers are retained in positions for  
9           which a permanent teacher is qualified;

10                   (2) Permanent teachers shall be retained on the basis of  
11           performance-based evaluations and seniority (however, seniority  
12           shall not be controlling) within the field of specialization;

13                   (3) Permanent teachers shall be reinstated to the positions  
14           from which they have been given leaves of absence, or if not  
15           available, to positions requiring like training and experience, or to  
16           other positions in the school system for which they are qualified by  
17           training and experience;

18                   (4) No appointment of new teachers shall be made while  
19           there are available teachers on unrequested leave of absence who  
20           are properly qualified to fill such vacancies;

21                   (5) A teacher placed on leave of absence may engage in  
22           teaching or another occupation during the period of such leave;

23                   (6) The leave of absence shall not impair the tenure of a  
24 teacher;

25                   (7) The leave of absence shall continue for a period of not  
26 more than three years unless extended by the board.

27                   2. Should a board of education choose to utilize the  
28 mechanism for reducing teacher forces as provided in subsection 1  
29 of this section in an attempt to manage adverse financial conditions  
30 caused at least partially by a withholding of, or a decrease or less  
31 than expected increase in, education appropriations, then the  
32 district additionally shall follow the provisions of subsection 3 of  
33 this section.

34                   3. If a school district has an unrestricted combined ending  
35 fund balance of more than ten percent of current expenditures in  
36 its teachers' and incidental funds, and in the subsequent fiscal year  
37 such district, because of state appropriations, places a contracted  
38 teacher on leave of absence after forty days subsequent to the  
39 governor signing the elementary and secondary education  
40 appropriation bill, the district shall pay the affected teacher the  
41 greater of his or her salary for any days worked under the contract,  
42 or a sum equal to three thousand dollars.]

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