

SENATE AMENDMENT NO. 1

Offered by Nasheed of 54th

Amend #2 SS/SCS/HCS/House Bill No. 604, Page 83, Section 168.133, Line 21, ~~18~~, ~~167.125~~

2 of said page, by inserting immediately after said line the
3 following:

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
17 years and six months from the date on which the teacher entered
18 the employ of the board of education. The superintendent of
19 schools on or before the fifteenth day of April in each year
20 shall notify probationary teachers who will not be retained by
21 the school district of the termination of their services. Any
22 probationary teacher who is not so notified shall be deemed to
23 have been appointed for the next school year. Any principal who

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1 prior to becoming a principal had attained permanent employee
2 status as a teacher shall upon ceasing to be a principal have a
3 right to resume his or her permanent teacher position with the
4 time served as a principal being treated as if such time had been
5 served as a teacher for the purpose of calculating seniority and
6 pay scale. The rights and duties and remuneration of a teacher
7 who was formerly a principal shall be the same as any other
8 teacher with the same level of qualifications and time of
9 service.

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

18 3. No teacher whose appointment has become permanent may be
19 removed except for one or more of the following causes:
20 immorality, incompetency, or inefficiency in line of duty,
21 violation of the published regulations of the school district,
22 violation of the laws of Missouri governing the public schools of
23 the state, or physical or mental condition which incapacitates
24 him for instructing or associating with children, and then only
25 by a vote of not less than a majority of all the members of the
26 board, upon written charges presented by the superintendent of
27 schools, to be heard by the board after thirty days' notice, with
28 copy of the charges served upon the person against whom they are
29 preferred, who shall have the privilege of being present at the

1 hearing, together with counsel, offering evidence and making
2 defense thereto. At the request of any person so charged the
3 hearing shall be public. During any time in which powers granted
4 to the district's board of education are vested in a special
5 administrative board, the special administrative board may
6 appoint a hearing officer to conduct the hearing. Should the
7 special administrative board relinquish power to the district's
8 elected board of education, such board of education may also
9 appoint a hearing officer to conduct the hearing. The hearing
10 officer shall conduct the hearing as a contested case under
11 chapter 536 and shall issue a written recommendation to the board
12 rendering the charges against the teacher. The board shall
13 render a decision on the charges upon the review of the hearing
14 officer's recommendations and the record from the hearing. The
15 action and decision of the board upon the charges shall be final.
16 Pending the hearing of the charges, the person charged may be
17 suspended if the rules of the board so prescribe, but in the
18 event the board does not by a majority vote of all the members
19 remove the teacher upon charges presented by the superintendent,
20 the person shall not suffer any loss of salary by reason of the
21 suspension. Incompetency or inefficiency in line of duty is
22 cause for dismissal only after the teacher has been notified in
23 writing at least thirty days prior to the presentment of charges
24 against him by the superintendent. The notification shall
25 specify the nature of the incompetency or inefficiency with such
26 particularity as to enable the teacher to be informed of the
27 nature of his or her incompetency or inefficiency.

28 4. No teacher whose appointment has become permanent shall
29 be demoted nor shall his or her salary be reduced unless the same

1 procedure is followed as herein stated for the removal of the
2 teacher because of inefficiency in line of duty, and any teacher
3 whose salary is reduced or who is demoted may waive the
4 presentment of charges against him by the superintendent and a
5 hearing thereon by the board. The foregoing provision shall
6 apply only to permanent teachers prior to the compulsory
7 retirement age under the retirement system. Nothing herein
8 contained shall in any way restrict or limit the power of the
9 board of education to make reductions in the number of teachers
10 or principals, or both, because of insufficient funds, decrease
11 in pupil enrollment, or abolition of particular subjects or
12 courses of instruction, except that the abolition of particular
13 subjects or courses of instruction shall not cause those teachers
14 who have been teaching the subjects or giving the courses of
15 instruction to be placed on leave of absence as herein provided
16 who are qualified to teach other subjects or courses of
17 instruction, if positions are available for the teachers in the
18 other subjects or courses of instruction.

19 5. Whenever it is necessary to decrease the number of
20 teachers because of insufficient funds or a substantial decrease
21 of pupil population within the school district, the board of
22 education upon recommendation of the superintendent of schools
23 may cause the necessary number of teachers beginning with those
24 serving probationary periods to be placed on leave of absence
25 without pay, but only in the inverse order of their appointment.
26 Nothing herein stated shall prevent a readjustment by the board
27 of education of existing salary schedules. No teacher placed on
28 a leave of absence shall be precluded from securing other
29 employment during the period of the leave of absence. Each

1 teacher placed on leave of absence shall be reinstated in inverse
2 order of his or her placement on leave of absence. Such
3 reemployment shall not result in a loss of status or credit for
4 previous years of service. No appointment of new teachers shall
5 be made while there are available teachers on unrequested leave
6 of absence who are properly qualified to fill such vacancies.
7 Such leave of absence shall not impair the tenure of a teacher.
8 The leave of absence shall continue for a period of not more than
9 three years unless extended by the board.

10 6. If any regulation which deals with the promotion of
11 teachers is amended by increasing the qualifications necessary to
12 be met before a teacher is eligible for promotion, the amendment
13 shall fix an effective date which shall allow a reasonable length
14 of time within which teachers may become qualified for promotion
15 under the regulations.

16 7. A teacher whose appointment has become permanent may
17 give up the right to a permanent appointment to participate in
18 the teacher choice compensation package under sections 168.745 to
19 168.750.

20 8. Should the state mandate that professional development
21 for teachers be provided in local school districts and any funds
22 be utilized for such, a metropolitan school district shall be
23 allowed to utilize a professional development plan for teachers
24 which is known within the administration as the "St. Louis Plan",
25 should the district and the teacher decide jointly to participate
26 in such plan."; and

27 Further amend the title and enacting clause accordingly.