

FIRST REGULAR SESSION

# HOUSE BILL NO. 261

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BARNES.

0985L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 168.124, RSMo, and to enact in lieu thereof one new section relating to teacher layoffs.

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

Section A. Section 168.124, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 168.124, to read as follows:

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

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

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

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

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

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

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

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.

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

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

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