

SECOND REGULAR SESSION

HOUSE BILL NO. 1526

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DIECKHAUS.

4267L.03I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 160.045, 163.172, 168.101, 168.102, 168.104, 168.114, 168.118, 168.120, 168.124, 168.201, 168.211, 168.221, 168.251, 168.291, 168.410, and 536.018, RSMo, and to enact in lieu thereof thirty-six new sections relating to school personnel, with an effective date for certain sections.

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

Section A. Sections 160.045, 163.172, 168.101, 168.102, 168.104, 168.114, 168.118, 168.120, 168.124, 168.201, 168.211, 168.221, 168.251, 168.291, 168.410, and 536.018, RSMo, are repealed and thirty-six new sections enacted in lieu thereof, to be known as sections 160.045, 163.172, 168.078, 168.101, 168.102, 168.104, 168.114, 168.118, 168.124, 168.201, 168.211, 168.221, 168.251, 168.291, 168.410, 168.999, 168.1000, 168.1002, 168.1003, 168.1004, 168.1006, 168.1007, 168.1008, 168.1009, 168.1010, 168.1011, 168.1012, 168.1016, 168.1020, 168.1022, 168.1025, 168.1026, 168.1028, 168.1030, 168.1032, and 536.018, to read as follows:

160.045. 1. Each public school shall develop standards for teaching no later than June 30, 2010. The standards shall be applicable to all public schools, including public charter schools operated by the board of a school district.

2. Teaching standards shall include, but not be limited to, the following:

(1) Students actively participate and are successful in the learning process;

(2) Various forms of assessment are used to monitor and manage student learning;

(3) The teacher is prepared and knowledgeable of the content and effectively maintains students' on-task behavior;

(4) The teacher uses professional communication and interaction with the school community;

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.

11 (5) The teacher keeps current on instructional knowledge and seeks and explores changes
12 in teaching behaviors that will improve student performance; and

13 (6) The teacher acts as a responsible professional in the overall mission of the school.

14 3. The department may provide assistance to public schools in developing these
15 standards upon request.

16 **4. The teaching standards adopted by each district board of education may be**
17 **included as part of a district's evaluation system for the purposes of section 168.1032.**

163.172. 1. In school year 1994-95 and thereafter until school year 2006-07, the
2 minimum teacher's salary shall be eighteen thousand dollars. Beginning in school year 2006- 07,
3 the minimum teacher's salary shall be twenty-two thousand dollars; in school year 2007-08, the
4 minimum teacher's salary shall be twenty-three thousand dollars; in school year 2008- 09, the
5 minimum teacher's salary shall be twenty-four thousand dollars; in school year 2009-10 and
6 thereafter, the minimum teacher's salary shall be twenty-five thousand dollars. [Beginning in the
7 school year 1996-97 until school year 2006- 07, for any full-time teacher with a master's degree
8 and at least ten years' teaching experience in a public school or combination of public schools,
9 the minimum salary shall be twenty-four thousand dollars. Beginning in the school year
10 2006-07, for any full-time teacher with a master's degree in an academic teaching field and at
11 least ten years' teaching experience in a public school or combination of public schools, the
12 minimum salary shall be thirty thousand dollars; in the 2007-08 school year such minimum
13 salary shall be thirty-one thousand dollars; in the 2008-09 school year such minimum salary shall
14 be thirty-two thousand dollars; and in the 2009-10 school year such minimum salary shall be
15 thirty-three thousand dollars.]

16 2. Beginning with the budget requests for fiscal year 1991, the commissioner of
17 education shall present to the appropriate committees of the general assembly information on the
18 average Missouri teacher's salary, regional average salary data, and national average salary data.

19 3. All school salary information shall be public information.

20 4. As used in this section, the term "salary" shall be defined as the salary figure which
21 appears on the teacher's contract and as determined by the local school district's basic salary
22 schedule and does not include supplements for extra duties.

23 5. The minimum salary for any fully certificated teacher employed on a less than
24 full-time basis by a school district, state school for the severely handicapped, the Missouri
25 School for the Deaf, or the Missouri School for the Blind shall be prorated to reflect the amounts
26 provided in subsection 1 of this section.

168.078. 1. School principals shall have the right to select teachers for their schools
2 **who have demonstrated their effectiveness and qualifications. School districts that**
3 **administer multiple schools shall include in their teacher contracts under section 168.110**

4 provisions for placement based on the mutual consent of the teacher and principal of the
5 school of teachers who are rated "highly effective" or "effective".

6 **2. Subject to subsection 3 of this section, school districts may adopt options for**
7 **teachers rated "highly effective" or "effective" who are displaced and not selected for a**
8 **regular position through mutual consent. Options may include but are not limited to**
9 **defined grace periods during which such teachers will serve in temporary positions on full**
10 **or partial pay and benefits, priority for interviews for vacancies, severance pay, or other**
11 **arrangements.**

12 **3. If a teacher is unable to obtain a mutual consent assignment at a school within**
13 **the school district after twelve months or two hiring cycles, whichever is longer, the school**
14 **district shall place the teacher on unpaid leave until such time as the teacher is able to**
15 **secure an assignment. If the teacher secures an assignment at a school of the school district**
16 **while placed on unpaid leave, the school district shall reinstate the teacher's salary at the**
17 **level no less than what it was at the time the unpaid leave began.**

18 **4. Nothing in this section shall limit the ability of a school district to place a teacher**
19 **in a limited-term teaching or substitute assignment for up to twelve months, during the**
20 **period in which the teacher is attempting to secure a mutual consent placement in a school.**
21 **A limited-term assignment shall not constitute a mutual consent placement and shall not**
22 **be deemed to interrupt the period in which the teacher is required to secure a mutual**
23 **consent placement before the school district shall place the teacher on unpaid leave.**

168.101. 1. In addition to the employment of teachers as provided in section 168.104,
2 the school board or board of directors of a school district, [except a metropolitan school district,]
3 may, at any regular or special meeting, contract and employ legally certificated teachers not
4 employed as superintendent of the district and not eligible under section 168.104 to gain
5 permanent status or tenure in the position held within the school system. The contract shall be
6 made by the order of the board, shall specify the number of months the employee is to work and
7 the wages per month to be paid, shall be signed by the employee and the president of the board,
8 or a facsimile signature of the president may be affixed at his direction, and the contract shall be
9 attested by the secretary of the board by signature or facsimile.

10 2. After the original employment of a certificated employee not employed as
11 superintendent of the district under this section, his employment shall continue in the same staff
12 position from year to year subject to the regulations hereinafter set forth.

13 3. Each school board having one or more certificated employees as described in
14 subsection 1 of this section under contract shall notify each such certificated employee in writing
15 concerning his reemployment in his present staff position or lack thereof on or before the
16 fifteenth day of April of the year in which the contract then in force expires. Failure on the part

17 of a board to give the notice constitutes reemployment on the same terms and in the same staff
18 position as those provided in the contract of the current fiscal year; and not later than the
19 fifteenth day of May of the same year the board shall present a contract to each such certificated
20 employee notified of reemployment by the district.

21 4. Any motion regarding reemployment of such certificated employee shall include only
22 one person and a motion to reemploy shall be made in the positive sense and a majority of the
23 elected members voting in the affirmative shall constitute reemployment.

24 5. Any such certificated employee not employed as superintendent of the district who
25 receives a contract shall within fifteen days thereafter present to the employing board a written
26 acceptance or rejection of the employment tendered and his failure to present the acceptance
27 within such time constitutes a rejection of the board's offer.

28 6. If such certificated employee has been reemployed five times within the district, the
29 school board, if requested in writing by such certificated employee within ten days after receipt
30 of notice of demotion or lack of reemployment on the same terms and in the same staff position,
31 shall make available in writing a statement of reasons for demotion or lack of reemployment
32 within ten days after receipt of the request. The board shall grant such certificated employee a
33 hearing if requested in writing by him within ten days after the receipt of statement of reasons,
34 the hearing to be held within ten days after the request therefor, and to be open at the request of
35 the certificated employee. The certificated employee may have counsel at the hearing, may
36 testify and offer testimony of witnesses as well as other evidence sustaining his defense and may
37 cross-examine adverse witnesses.

38 7. A contract between the board of education and such certificated employee may be
39 terminated at any time by mutual consent of the certificated employee and the board.

40 8. This section shall not affect the employment or reemployment of the superintendent
41 of schools by a board of education.

42 **9. Teachers hired in metropolitan districts to begin employment before June 30,**
43 **2013, shall become subject to the requirements of sections 168.101 to 168.130 on July 1,**
44 **2013.**

45 **10. This section shall not apply to teachers hired to begin employment in any**
46 **district after June 30, 2013. Teachers who are hired to begin employment after June 30,**
47 **2013, shall be subject to sections 168.999 to 168.1032.**

168.102. 1. Sections 168.102 to 168.130 shall be known and may be cited as the
2 "Teacher Tenure Act" and shall become effective July 1, 1970.

3 **2. Sections 168.101 to 168.130 shall not apply to teachers hired to begin employment**
4 **after June 30, 2013.**

168.104. The following words and phrases when used in sections 168.102 to 168.130, except in those instances where the context indicates otherwise, mean:

(1) "Board of education", the school board or board of directors of a school district, [except a metropolitan school district,] having general control of the affairs of the district;

(2) "Demotion", any reduction in salary or transfer to a position carrying a lower salary, except on request of a teacher, other than any change in salary applicable to all teachers or all teachers in a classification;

(3) "Indefinite contract", every contract heretofore or hereafter entered into between a school district and a permanent teacher;

(4) "Permanent teacher", any teacher who has been employed or who is hereafter employed as a teacher in the same school district for five successive years and who has continued or who thereafter continues to be employed as a teacher by the school district or any supervisor of teachers who was employed as a teacher in the same school district for at least five successive years prior to becoming a supervisor of teachers and who continues thereafter to be employed as a certificated employee by the school district; except that, when a permanent teacher resigns or is permanently separated from employment by a school district, and is afterwards reemployed by the same school district, reemployment for the first school year does not constitute an indefinite contract but if he is employed for the succeeding year, the employment constitutes an indefinite contract; and except that any teacher employed under a part-time contract by a school district shall accrue credit toward permanent status on a prorated basis. Any permanent teacher who is promoted with his consent to a supervisory position including principal or assistant principal, or is first employed by a district in a supervisory position including principal or assistant principal, shall not have permanent status in such position but shall retain tenure in the position previously held within the district, or, after serving two years as principal or assistant principal, shall have tenure as a permanent teacher of that system;

(5) "Probationary teacher", any teacher as herein defined who has been employed in the same school district for five successive years or less. In the case of any probationary teacher who has been employed in any other school system as a teacher for two or more years, the board of education shall waive one year of his probationary period;

(6) "School district", every school district in this state, [except metropolitan school district as defined in section 162.571];

(7) "Teacher", any employee of a school district, [except a metropolitan school district,] regularly required to be certified under laws relating to the certification of teachers, except superintendents and assistant superintendents but including certified teachers who teach at the prekindergarten level in a nonmetropolitan public school within a prekindergarten program in which no fees are charged to parents or guardians.

168.114. 1. An indefinite contract with a permanent teacher shall not be terminated by the board of education of a school district except for one or more of the following causes:

(1) [Physical or mental condition unfitting him to instruct or associate with children;

(2) Immoral conduct;

(3) Incompetency, inefficiency or insubordination in line of duty;

(4) **Unsatisfactory performance based on an evaluation that includes performance on the teaching standards adopted under section 160.045 as well as any performance measures under section 168.1032;**

(2) Willful or persistent violation of, or failure to obey, the school laws of the state or the published regulations of the board of education of the school district employing him **or her, or insubordination in the line of duty;**

[(5)] (3) Excessive or unreasonable absence from performance of duties **in violation of school policy;** or

[(6)] (4) **Immoral conduct or conviction of a felony or a crime involving moral turpitude as specified in section 168.071.**

2. In determining the [professional competency of or efficiency of a permanent] **performance of a** teacher, consideration [should] **shall** be given to regular and special evaluation reports prepared in accordance with the policy of the employing school district and to any written standards of performance which may have been adopted by the school board.

168.118. 1. If a hearing is requested on the termination of an indefinite contract it shall be conducted by the board of education in accordance with the following provisions:

(1) The hearing shall be public;

(2) Both the teacher and the person filing charges may be represented by counsel who may cross-examine witnesses;

(3) Testimony at hearings shall be on oath or affirmation administered by the president of the board of education, who for the purpose of hearings held under sections 168.102 to 168.130 shall have the authority to administer oaths;

(4) The school board shall have the power to subpoena witnesses and documentary evidence as provided in section 536.077 and shall do so on its own motion or at the request of the teacher against whom charges have been made. The school board shall hear testimony of all witnesses named by the teacher; however, the school board may limit the number of witnesses to be subpoenaed on behalf of the teacher to not more than ten;

(5) The board of education shall employ a stenographer who shall make a full record of the proceedings of the hearings and who shall, within ten days after the conclusion thereof, furnish the board of education and the teacher, at no cost to the teacher, with a copy of the transcript of the record, which shall be certified by the stenographer to be complete and correct.

18 The transcript shall not be open to public inspection, unless the hearing on the termination of the
19 contract was an open hearing or if an appeal from the decision of the board is taken by the
20 teacher;

21 (6) All costs of the hearing shall be paid by the school board except the cost of counsel
22 for the teacher;

23 (7) The decision of the board of education resulting in the demotion of a permanent
24 teacher or the termination of an indefinite contract shall be by a majority vote of the members
25 of the board of education and the decision shall be made within seven days after the transcript
26 is furnished them. A written copy of the decision shall be furnished the teacher within three days
27 thereafter.

28 **2. During any time in which powers granted to a district's board of education are**
29 **vested in a special administrative board, the special administrative board may appoint a**
30 **hearing officer to conduct the hearing. The hearing officer shall conduct the hearing as**
31 **a contested case under chapter 536 and shall issue a written recommendation to the board**
32 **rendering the charges against the teacher. The board shall render a decision on the**
33 **charges upon the review of the hearing officer's recommendations and the record from the**
34 **hearing. The action and decision of the board upon the charges shall be final.**

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

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

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

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

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

14 (5) **Seniority or years of service shall not be used as criteria for reduction in force;**
15 **effective teacher performance shall be the deciding criterion.**

16 **2.** A teacher placed on leave of absence may engage in teaching or another occupation
17 during the period of such leave[;] .

18 [(6)] **3.** The leave of absence shall not impair the tenure of a teacher[;] .

19 [(7)] 4. The leave of absence shall continue for a period of not more than three years
20 unless extended by the board.

21 [2.] 5. Should a board of education choose to utilize the mechanism for reducing teacher
22 forces as provided in subsection 1 of this section in an attempt to manage adverse financial
23 conditions caused at least partially by a withholding of, or a decrease or less than expected
24 increase in, education appropriations, then the district additionally shall follow the provisions
25 of subsection [3] 6 of this section.

26 [3.] 6. If a school district has an unrestricted combined ending fund balance of more than
27 ten percent of current expenditures in its teachers' and incidental funds, and in the subsequent
28 fiscal year such district, because of state appropriations, places a contracted teacher on leave of
29 absence after forty days subsequent to the governor signing the elementary and secondary
30 education appropriation bill, the district shall pay the affected teacher the greater of his or her
31 salary for any days worked under the contract, or a sum equal to three thousand dollars.

168.201. The board of education in all districts [except metropolitan districts] may
2 employ and contract with a superintendent for a term not to exceed three years from the time of
3 making the contract, and may employ such other servants and agents as it deems necessary, and
4 prescribe their powers, duties, compensation and term of office or employment which shall not
5 exceed three years. It shall provide and keep a corporate seal.

168.211. 1. In metropolitan districts the superintendent of schools shall be appointed
2 by the board of education for a term of [one to five] **up to three** years, during which term his
3 compensation shall not be reduced. The superintendent of schools may appoint, with the
4 approval of the board, a treasurer, a commissioner of school buildings and he shall serve at the
5 pleasure of the superintendent of schools and as many associate and assistant superintendents as
6 he deems necessary, whose compensation shall be fixed by the board. The superintendent of
7 schools shall give bond in the sum that the board requires but not less than fifty thousand dollars.
8 No employee or agent of the board shall be a member of the board.

9 2. The superintendent of schools shall have general supervision, subject to policies
10 established by the board, of the school system, including its various departments and physical
11 properties, courses of instruction, discipline and conduct of the schools, textbooks and studies.
12 All appointments, promotions and transfers of teachers and all other employees, and introduction
13 and changes of textbooks and apparatus, shall be made by the superintendent with the approval
14 of the board. All appointments and promotions of teachers and all other employees shall be
15 made upon the basis of merit, to be ascertained, as far as practicable, in cases of appointment,
16 by examination, and in cases of promotion, by length and character of service. Examinations for
17 appointment shall be conducted by the superintendent under regulations to be made by the board.
18 He shall make such reports to the board that it directs or the rules provide.

19 3. The superintendent of schools shall have general supervision, subject to policies
20 established by the board, of all school buildings, apparatus, equipment and school grounds and
21 of their construction, installation, operation, repair, care and maintenance; the purchasing of all
22 supplies and equipment; the operation of the school lunchrooms; the administration of
23 examinations for the appointment and promotion of all employees of the school system; and the
24 preparation and administration of the annual budget for the school system. Subject to the
25 approval of the board of education as to number and salaries, the superintendent may appoint as
26 many employees as are necessary for the proper performance of his duties.

27 4. The board may grant a leave of absence to the superintendent of schools, and may
28 remove him from office by vote of a majority of its members.

29 5. Should the superintendent hire a commissioner of school buildings, said person shall
30 be a person qualified by reason of education, experience and general familiarity with buildings
31 and personnel to assume the following responsibilities and duties. Subject to the control of the
32 superintendent of schools, he shall exercise supervision over all school buildings, machinery,
33 heating systems, equipment, school grounds and other buildings and premises of the board of
34 education and the construction, installation, operation, repair, care and maintenance related
35 thereto and the personnel connected therewith; the purchasing of building supplies and
36 equipment and such other duties as may be assigned to him by board rules or regulations.

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

18 teacher who was formerly a principal shall be the same as any other teacher with the same level
19 of qualifications and time of service.

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

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

51 4. No teacher whose appointment has become permanent shall be demoted nor shall his
52 **or her** salary be reduced unless the same procedure is followed as herein stated for the removal
53 of the teacher because of inefficiency in line of duty, and any teacher whose salary is reduced or

54 who is demoted may waive the presentment of charges against him **or her** by the superintendent
55 and a hearing thereon by the board. The foregoing provision shall apply only to permanent
56 teachers prior to the compulsory retirement age under the retirement system. Nothing herein
57 contained shall in any way restrict or limit the power of the board of education to make
58 reductions in the number of teachers or principals, or both, because of insufficient funds,
59 decrease in pupil enrollment, or abolition of particular subjects or courses of instruction, except
60 that the abolition of particular subjects or courses of instruction shall not cause those teachers
61 who have been teaching the subjects or giving the courses of instruction to be placed on leave
62 of absence as herein provided who are qualified to teach other subjects or courses of instruction,
63 if positions are available for the teachers in the other subjects or courses of instruction.

64 5. Whenever it is necessary to decrease the number of teachers because of insufficient
65 funds or a substantial decrease of pupil population within the school district, the board of
66 education upon recommendation of the superintendent of schools may cause the necessary
67 number of teachers beginning with those serving probationary periods to be placed on leave of
68 absence without pay, but only in the inverse order of their appointment. Nothing herein stated
69 shall prevent a readjustment by the board of education of existing salary schedules. No teacher
70 placed on a leave of absence shall be precluded from securing other employment during the
71 period of the leave of absence. Each teacher placed on leave of absence shall be reinstated in
72 inverse order of his placement on leave of absence. Such reemployment shall not result in a loss
73 of status or credit for previous years of service. No new appointments shall be made while there
74 are available teachers on leave of absence who are seventy years of age or less and who are
75 adequately qualified to fill the vacancy unless the teachers fail to advise the superintendent of
76 schools within thirty days from the date of notification by the superintendent of schools that
77 positions are available to them that they will return to employment and will assume the duties
78 of the position to which appointed not later than the beginning of the school year next following
79 the date of the notice by the superintendent of schools.

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

84 7. A teacher whose appointment has become permanent may give up the right to a
85 permanent appointment to participate in the teacher choice compensation package under sections
86 168.745 to 168.750.

87 **8. Teachers hired to begin employment before June 30, 2013, shall become subject**
88 **to the requirements of sections 168.101 to 168.130 on July 1, 2013.**

89 **9. Section 168.221 shall not apply to teachers hired to begin employment after June**
90 **30, 2013. Teachers who are hired to begin employment after June 30, 2013, shall be subject**
91 **to sections 168.999 to 168.1032.**

168.251. 1. All employees of a metropolitan school district shall be appointed and
2 promoted under rules and regulations prescribed by the board of education of the school district.
3 The rules shall be complementary to the provisions of sections 168.251 to 168.291 as to the
4 removal, discharge, suspension without pay or demotion of permanent employees and not in
5 derogation thereof. The word "employee" or "employees" as used in this section means all
6 employees, male or female, except certificated employees.

7 2. All appointments and promotions of noncertificated employees shall be made in the
8 case of appointment by examination, and in case of promotion by [length and] character of
9 service. Examinations for appointments shall be conducted by the director of personnel under
10 regulations to be made by the board.

11 3. Sections 168.251 to 168.291 shall not apply to employees hired after August 28, 2009.

168.291. Whenever it is necessary to decrease the number of employees because of
2 insufficient funds or decrease in pupil enrollment or lack of work the board of education may
3 cause the necessary number of employees, beginning with those serving probationary periods,
4 to be placed on leave of absence without pay[, but only in the inverse order of their appointment.
5 Each employee placed on leave of absence shall be reinstated in inverse order of his placement
6 on leave of absence]. **Employee performance as defined by the policy of the district shall**
7 **be the deciding criterion for reduction in force and reinstatement.** Such reemployment shall
8 not result in a loss of status or credit for previous periods of service. No new appointments shall
9 be made while there are available employees on leave of absence who have not attained the age
10 of seventy years and who are adequately qualified to fill the vacancy in the particular department
11 unless the employees fail to advise the board within thirty days from date of notification by the
12 board that positions are available to them, that they will return to employment, and will assume
13 the duties of the position to which they are appointed not later than the beginning of the month
14 following the date of the notice by the board.

168.410. **1.** School administrators and school district superintendents shall be evaluated
2 in the following manner:

3 (1) The board of education of each school district shall cause a comprehensive
4 performance-based evaluation for each administrator employed by the district. Such evaluation
5 shall be ongoing and of sufficient specificity and frequency to provide for demonstrated
6 standards of competency and academic ability;

7 (2) All evaluations shall be maintained in the respective administrator's personnel file
8 at the office of the board of education of the school district. A copy of each evaluation shall be
9 provided to the person being evaluated and to the appropriate administrator[;] .

10 **2. The Missouri administration standards professional continuum for leaders may**
11 **be included as part of a district's evaluation system for purposes of section 168.1032.**

12 [(3)] 3. The state department of elementary and secondary education shall provide
13 suggested procedures for the evaluations performed under this section.

14 **4. School administrators may enter into a contract for employment with the school**
15 **district for a period of up to four years.**

168.999. 1. Beginning on July 1, 2013, in addition to the employment of teachers
2 as provided in sections 168.1000 to 168.1030, the school board of a school district may, at
3 any regular or special meeting, contract and employ legally certificated teachers not
4 employed as superintendent of the district. The contract shall be made by the order of the
5 board, shall specify the number of months the employee is to work, not to exceed twelve
6 months, and the wages per month to be paid, shall be signed by the employee and the
7 president of the board, or a facsimile or electronic signature of the president may be
8 affixed at his or her direction, and the contract shall be attested by the secretary of the
9 board by signature, facsimile, or electronic signature.

10 2. Each school board having one or more certificated employees as described in
11 subsection 1 of this section under annual contract shall notify each such certificated
12 employee in writing concerning his or her reemployment or nonrenewal in his or her
13 present employment position on or before the fifteenth day of April of the school year in
14 which the annual contract then in force expires. No later than the fifteenth day of May of
15 the same year the board shall present an annual contract to each such certificated
16 employee notified of reemployment by the district.

17 3. Any motion regarding reemployment of such certificated employee shall include
18 only one person and a motion to reemploy shall be made in the positive sense, and a
19 majority of the total membership of the board voting in the affirmative shall constitute
20 reemployment.

21 4. Any such certificated employee not employed as superintendent of the district
22 who receives an annual contract shall within fifteen days thereafter present to the
23 employing board a written acceptance or rejection of the employment tendered. Failure
24 to present the acceptance within such time constitutes a rejection of the board's offer.

25 5. A teacher employed under this section shall be subject to the requirement of
26 notice of nonrenewal under section 168.1011.

27 **6. An annual contract between the school board and such certificated employee**
28 **may be terminated at any time by mutual consent of the certificated employee and the**
29 **board.**

30 **7. This section shall not affect the employment or reemployment of the**
31 **superintendent of schools by a school board.**

168.1000. Sections 168.1000 to 168.1030 shall be known and may be cited as the
2 **"Teacher Multiyear Contract Act" and shall become effective July 1, 2013.**

168.1002. The following words and phrases when used in sections 168.1000 to
2 **168.1030, except in those instances where the context indicates otherwise, mean:**

3 **(1) "Board of education", the school board or board of directors of a school district**
4 **having general control of the affairs of the district, including a special administrative**
5 **board that has general control of the affairs of the district;**

6 **(2) "Demotion", any reduction in salary or transfer to a position carrying a lower**
7 **salary, except on request of a teacher, other than any change in salary applicable to all**
8 **teachers or all teachers in a classification;**

9 **(3) "Evaluation", a systematic assessment of teacher performance, undertaken by**
10 **personnel who have received appropriate training in teacher performance assessment, that**
11 **includes both formative and summative elements. Formative assessment primarily**
12 **provides feedback for the improvement of teacher performance. Summative assessment**
13 **provides a basis for employment decisions and may contain information from formative**
14 **assessments as provided in the school district's policy on teacher evaluation;**

15 **(4) "Multiyear contract", every contract entered into between a school district and**
16 **a teacher for a period of two to four consecutive years;**

17 **(5) "Multiyear contract teacher", any teacher as herein defined in this section who**
18 **is employed on a multiyear contract;**

19 **(6) "School district", every school district in this state;**

20 **(7) "Teacher", any employee of a school district regularly required to be certified**
21 **under laws relating to the certification of teachers, except building administrators,**
22 **superintendents, and assistant superintendents, but including certified teachers who teach**
23 **at the prekindergarten level in a seven-director or urban public school within a**
24 **prekindergarten program in which no fees are charged to parents or guardians.**

168.1003. 1. Each school district shall initially place any teacher who is contracted
2 **to begin initial employment in the district on or after July 1, 2013, on a one-year contract**
3 **as provided in section 168.999.**

4 **2. School districts shall develop policies that guide decisions concerning the**
5 **recommended length of multiyear contracts for school years subsequent to 2013-14, except**
6 **as further provided in subsection 3 of this section.**

7 **3. A teacher who has received two successive annual evaluations of "ineffective"**
8 **shall not be reemployed.**

168.1004. A multiyear contract shall continue in effect for the period decided upon
2 **by the school board, subject to:**

3 **(1) Compulsory or optional retirement;**

4 **(2) The death of the teacher;**

5 **(3) Resignation of the teacher with the written consent of the school board;**

6 **(4) Termination by the board of education;**

7 **(5) The revocation or lapse of the teacher's certificate; or**

8 **(6) Modifications under subsection 1 of section 168.1008 with the consent of the**
9 **teacher.**

168.1006. 1. Every multiyear contract shall contain the following provisions in
2 **substantially the following form:**

3 **"It is hereby agreed by and between, the teacher, and the Board of Education**
4 **of School District, the employer, that the teacher, beginning on the day of,**
5 **20..., shall serve in the employ of the Board of Education and its successors for a term of**
6 **..... months for an annual compensation of \$, to be paid to the teacher in equal**
7 **installments according to local school board regulations less the contributions required by**
8 **law."**

9 **2. Every multiyear contract shall be:**

10 **(1) Made by the order of the board of education;**

11 **(2) In writing;**

12 **(3) Signed by the teacher and the president of the board of education, or a facsimile**
13 **signature of the president may be affixed at his or her direction; and**

14 **(4) Attested by the secretary of the board of education by signature or facsimile.**

15 **3. Nothing in the terms of a multiyear contract shall restrict the power of the board**
16 **of education to terminate the multiyear contract for cause at any time.**

17 **4. The terms of a multiyear contract, including salary, may be made contingent**
18 **upon available funding.**

19 **5. A multiyear contract may not be renewed more than fourteen months before its**
20 **expiration.**

168.1007. The board of education shall not employ one of its members as a teacher,
2 **nor shall any person be employed as a teacher who is related within the fourth degree to**

3 any board member, either by consanguinity or affinity, where the vote of the board
4 member is necessary to the selection of the person.

168.1008. 1. The board of education of a school district may modify a multiyear
2 contract on or before the fifteenth day of May in the following particulars:

- 3 (1) Determination of the date of beginning and length of the next school year;
- 4 (2) Fixing the amount of annual compensation for the following school year; and
- 5 (3) Designating how assessment results based on student performance may affect
6 contract length and terms.

7 2. The modifications shall be effective at the beginning of the next school year. All
8 teachers affected by the modification shall be furnished written copies of the modifications
9 within thirty days after their adoption by the board of education.

168.1009. Each school district shall develop a compensation plan for certificated
2 personnel and update it annually.

168.1010. A multiyear contract between a multiyear contract teacher and a board
2 of education may be terminated or modified at any time by the mutual consent of the
3 parties thereto. Any teacher who desires to terminate his or her multiyear contract at the
4 end of a school term shall give written notice of his or her intention to do so and the
5 reasons therefore not later than June first of the year in which the term ends.

168.1011. 1. When an administrator recommends that the multiyear contract of
2 a teacher not be renewed, the administrator shall provide written notice to the teacher no
3 later than January thirty-first.

4 2. The administrator shall present the name of each teacher whose multiyear
5 contract is not recommended for renewal to the board of education of the school district
6 by March thirty-first of each year. The board shall conduct a vote to accept or reject the
7 administrator's recommendation separately on each name by April fifteenth.

168.1012. 1. A multiyear contract may be terminated by the board of education of
2 a school district for one or more of the following causes:

- 3 (1) Unsatisfactory performance based on the teacher evaluation under section
4 168.1032;
- 5 (2) Willful or persistent violation of, or failure to obey, the school laws of the state
6 or the published regulations of the board of education of the school district employing him
7 or her, or insubordination in the line of duty;
- 8 (3) Excessive or unreasonable absence from performance of duties in violation of
9 school district policy; or
- 10 (4) Immoral conduct or conviction of a felony or a crime involving moral turpitude
11 as specified in section 168.071.

12 **2. In determining the professional competency or efficiency of a multiyear contract**
13 **teacher, consideration shall be given to regular and special evaluation reports prepared in**
14 **accordance with the policy of the employing school district and to any written standards**
15 **of performance which have been adopted by the school board under sections 160.045 and**
16 **168.1032.**

168.1016. 1. The multiyear contract of a teacher may not be terminated by the
2 **board of education until after service upon the teacher of written charges specifying with**
3 **particularity the grounds alleged to exist for termination of such contract, notice of a**
4 **hearing on the charges, and a hearing by the board of education on the charges if**
5 **requested by the teacher.**

6 **2. Prior to the service of charges, the teacher shall be given warning by the board**
7 **of education or the superintendent of schools, stating specifically the causes which, if not**
8 **removed, may result in charges. Service of written charges under subsection 1 of this**
9 **section cannot be made in less than twenty days after the teacher has been given the**
10 **written warning. Thereafter, both the superintendent, or his or her designated**
11 **representative, and the teacher shall meet and confer in an effort to resolve the matter.**

12 **3. Notice of a hearing upon the charges, together with a copy of the charges, shall**
13 **be served on the teacher at least fifteen days prior to the date of the hearing. The notice**
14 **and copy of the charges may be served upon the teacher by certified mail with personal**
15 **delivery addressed to the teacher's last known address. If the teacher or his or her agent**
16 **does not within ten days after receipt of the notice request a hearing on the charges, the**
17 **board of education may, by a majority vote, order the contract of the teacher terminated.**
18 **If a hearing is requested by either the teacher or the board of education, it shall take place**
19 **no more than twenty days after notice of a hearing has been provided to the teacher.**

20 **4. On the filing of charges in accordance with this section, the board of education**
21 **may suspend the teacher from active performance of duty until a decision is rendered by**
22 **the board of education, but the teacher's salary shall be continued during such suspension.**

23 **5. If a hearing is requested on the termination of a multiyear contract, it shall be**
24 **conducted by the board of education in accordance with the following provisions:**

25 **(1) The hearing shall be public;**

26 **(2) Both the teacher and the person filing charges may be represented by counsel**
27 **who may cross-examine witnesses;**

28 **(3) Testimony at hearings shall be on oath or affirmation administered by the**
29 **president of the board of education, who for the purpose of hearings held under this**
30 **section shall have the authority to administer oaths;**

31 (4) The board of education shall have the power to subpoena witnesses and
32 documentary evidence as provided in section 536.077 and shall do so on its own motion or
33 at the request of the teacher against whom charges have been made. The board of
34 education shall hear testimony of all witnesses named by the teacher; however, the board
35 of education may limit the number of witnesses to be subpoenaed on behalf of the teacher
36 to not more than ten;

37 (5) The board of education shall employ a stenographer who shall make a full
38 record of the proceedings of the hearings and who shall, within ten days after the
39 conclusion thereof, provide the board of education and the teacher, at no cost to the
40 teacher, with a copy of the transcript of the record, which shall be certified by the
41 stenographer to be complete and correct;

42 (6) All costs of the hearing shall be paid by the board of education except the cost
43 of counsel for the teacher if the teacher is represented by counsel;

44 (7) The decision of the board of education resulting in the demotion of a teacher or
45 the termination of a multiyear contract shall be by a majority vote of the members of the
46 board of education, and the decision shall be made within seven days after the transcript
47 is provided to them. A written copy of the decision shall be provided to the teacher within
48 three days of the board's decision.

49 6. During any time in which powers granted to a district's board of education are
50 vested in a special administrative board, the special administrative board may appoint a
51 hearing officer to conduct the hearing. The hearing officer shall conduct the hearing as
52 a contested case under chapter 536 and shall issue a written recommendation to the board
53 rendering the charges against the teacher. The board shall render a decision on the
54 charges upon the review of the hearing officer's recommendations and the record from the
55 hearing. The action and decision of the board upon the charges shall be final.

 168.1020. The board of education of a school district may establish policies for
2 granting a leave of absence including but not limited to sabbatical leave, maternity leave,
3 sick leave, and military leave. A board of education may, upon the written request of a
4 teacher, and for good cause shown, grant a leave of absence or place him or her on a
5 part-time teaching schedule for a period of one year, subject to renewal from year to year.
6 Leaves and military service shall not impair the multiyear contract previously acquired by
7 a teacher under sections 168.1000 to 168.1030.

 168.1022. 1. The board of education of a school district may place on leave of
2 absence as many teachers as may be necessary because of a decrease in pupil enrollment,
3 school district reorganization, or the financial condition of the school district. Seniority

4 or years of service shall not be used as criteria for reduction in force; effective teacher
5 performance shall be the deciding criterion.

6 2. A teacher placed on leave of absence may engage in teaching or another
7 occupation during the period of such leave.

8 3. The leave of absence shall not impair the multiyear contract of a teacher.

9 4. If a board of education chooses to reduce its teacher forces as provided in
10 subsection 1 of this section in an attempt to manage adverse financial conditions caused at
11 least partially by a withholding of, or a decrease or less than expected increase in,
12 education appropriations, then the district additionally shall follow the provisions of
13 subsection 5 of this section.

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

168.1025. 1. School principals shall have the right to select teachers for their
2 schools who have demonstrated their effectiveness and qualifications. School districts that
3 administer multiple schools shall include in their teacher contracts under section 168.1008
4 provisions for placement based on the mutual consent of the teacher and principal of the
5 school of teachers who are rated "highly effective" or "effective".

6 2. Subject to subsection 3 of this section, school districts may adopt options for
7 teachers rated "highly effective" or "effective" who are displaced and not selected for a
8 regular position through mutual consent. Options may include but are not limited to
9 defined grace periods during which such teachers will serve in temporary positions on full
10 or partial pay and benefits, priority for interviews for vacancies, severance pay, or other
11 arrangements.

12 3. If a teacher is unable to obtain a mutual consent assignment at a school within
13 the school district after twelve months or two hiring cycles, whichever is longer, the school
14 district shall place the teacher on unpaid leave until such time as the teacher is able to
15 secure an assignment. If the teacher secures an assignment at a school of the school district
16 while placed on unpaid leave, the school district shall reinstate the teacher's salary at the
17 level no less than what it was at the time the unpaid leave began.

18 4. Nothing in this section shall limit the ability of a school district to place a teacher
19 in a limited-term teaching or substitute assignment for up to twelve months, during the

20 period in which the teacher is attempting to secure a mutual consent placement in a school.
21 A limited-term assignment shall not constitute a mutual consent placement and shall not
22 be deemed to interrupt the period in which the teacher is required to secure a mutual
23 consent placement before the school district shall place the teacher on unpaid leave.

168.1026. 1. The board of education of each school district shall maintain records
2 showing periods of service, dates of appointment, and other necessary information for the
3 enforcement of sections 168.1000 to 168.1032.

4 2. All evaluations shall be maintained in the teacher's personnel file at the office of
5 the board of education. A copy of each evaluation shall be provided to the teacher and
6 appropriate administrator.

168.1028. No member of a board of education or duly designated administrative
2 officer of a board of education shall be liable in a civil action based on an evaluation of or
3 a statement of charges against a teacher.

168.1030. No teacher shall take part in the management of a campaign for the
2 election or defeat of members of a board of education by which he or she is employed. Any
3 teacher who violates the provisions of this section shall be subject to termination of his or
4 her employment by the district with the right of a hearing as provided in sections 168.1000
5 to 168.1030.

168.1032. 1. Notwithstanding sections 160.045 and 168.412, evaluation of teachers
2 and principals shall include, at a minimum, the following:

3 (1) Each district board of education shall develop and implement an evaluation
4 system for elementary and secondary school teachers and principals that uses multiple
5 measures aligned with growth in student achievement, and shall use the evaluation system
6 as the basis for personnel and compensation decisions about teachers and principals,
7 consistent with this section and the district's compensation plans under section 168.1009
8 and with regulations issued by the department of elementary and secondary education;

9 (2) If a district board of education fails to adopt an evaluation system consistent
10 with the requirements and timelines of this section, or at the election of the district board
11 of education, the district board of education shall use the model evaluation system
12 developed by the department under this section.

13 2. The district's evaluation system shall be developed and implemented in
14 consultation with teachers and principals and with parents of students and include
15 continuing input from teachers, principals, and parents; provided, that policies and
16 procedures for the system and actions to implement the system shall not be subject to
17 collective bargaining with the collective bargaining agents of teachers.

18 **3. Teachers and principals shall be evaluated using multiple, fair, rigorous,**
19 **transparent, and valid measures, consistent with definitions of these terms by the**
20 **department. Evaluation measures shall include the following:**

21 **(1) For teachers who teach courses that are subject to state assessments aligned**
22 **with state standards and for the principals of elementary or secondary schools that use**
23 **these assessments, student achievement growth on such assessments shall count for at least**
24 **fifty percent of the evaluation;**

25 **(2) For teachers who do not directly instruct students in subjects and grades subject**
26 **to assessments aligned with state standards, but who are expected to contribute to student**
27 **performance on such assessments, growth in student achievement on such assessments**
28 **shall be used as an evaluation measure and shall count for at least fifty percent of the**
29 **evaluation;**

30 **(3) Student achievement growth shall be measured through such assessments in**
31 **accordance with a state-level growth model and with value-added methods developed by**
32 **the department;**

33 **(4) Multiple additional measures for teachers may be correlated with impacts on**
34 **student achievement results. These measures shall include student surveys and multiple**
35 **classroom observations each year by trained teachers, principals, administrators, or other**
36 **professionals, using clear, consistent observation rubrics provided to the teacher in**
37 **advance and may include other measures aligned with student achievement as designated**
38 **by the school district;**

39 **(5) Districts shall develop evaluation standards for teachers who are in their first**
40 **year of employment in their career and thus lack student performance results. A district's**
41 **teaching standards under section 160.045 and measures specifically directed towards new**
42 **teachers may be used in lieu of student performance under this subsection during the first**
43 **year of employment;**

44 **(6) The department of elementary and secondary education shall develop suggested**
45 **procedures and models for student performance evaluations including suggestions for**
46 **evaluation of student performance that may be equitably applied to certificated teachers**
47 **who are not assigned to a classroom, or whose assignment lacks evaluation instruments**
48 **specific to their assignments;**

49 **(7) Multiple additional measures for principals shall be correlated with impacts on**
50 **student achievement results for students in all subgroups and shall include the principal's**
51 **ability to attract and retain highly effective teachers; management of the school, including**
52 **its finances, space, and legal compliance; and parental engagement in the school; and shall**
53 **include at least fifty percent from measures aligned with student achievement.**

54 **4. Notice of evaluation measures and effectiveness ratings shall be based on the**
55 **following:**

56 **(1) Teachers and principals shall be given written notice in advance of the measures**
57 **and any specific indicators that will be used to evaluate them including any teaching**
58 **standards adopted under section 160.045 or administrator standards adopted under**
59 **section 168.412;**

60 **(2) Each teacher and principal shall be given one of four rating levels that are**
61 **designated as "Highly Effective", "Effective", "Needs Improvement", or "Ineffective", as**
62 **further defined by the department of elementary and secondary education or district board**
63 **of education; provided, that the rating of "Effective" shall be based in significant part on**
64 **the percentage of students who achieved at least one year's worth of growth for a school**
65 **year of instruction, or otherwise achieved appropriate growth based on expectations**
66 **derived from at least two years of individual student achievement data, except for a teacher**
67 **who is in his or her first year of employment.**

68 **5. District boards of education shall base decisions regarding significant**
69 **differentiation in pay, retention, promotion, dismissals, and other staffing decisions,**
70 **including contract length, transfers, placements, and preferences in the event of reductions**
71 **in force as provided in section 168.1022, primarily on evaluation results for teachers and**
72 **principals.**

73 **6. Each teacher and principal contract and collective bargaining agreement entered**
74 **into after July 1, 2013, shall authorize use of evaluation results as the basis for the decisions**
75 **described in subsection 5 of this section;**

76 **7. Each district board of education, with such assistance as may be available from**
77 **the department, shall develop the evaluation system for administration as a pilot during**
78 **the 2012-13 school year and shall review the results of the pilot to determine the**
79 **professional development needs of teachers and principals and to make adjustments to the**
80 **system for full implementation during school year 2013-14.**

81 **8. The department of elementary and secondary education shall:**

82 **(1) Develop standards for implementation of local evaluation systems under this**
83 **section, including, but not limited to:**

84 **(a) Processes to determine the teacher of record for purposes of assigning student**
85 **achievement scores to a teacher in evaluating the teacher's performance;**

86 **(b) Processes to verify the minimum amount of instructional time given by the**
87 **teacher to a student in order to assign the student's achievement scores to the teacher for**
88 **the purposes of evaluating the teacher's performance;**

89 **(c) Standards for rating levels to be assigned to teachers and principals, consistent**
90 **with this section;**

91 **(d) Processes and requirements for value-added methods to be used in measuring**
92 **student achievement growth for purposes of teacher and principal evaluation; and**

93 **(e) Minimum training requirements for evaluators of teachers and principals;**

94 **(2) Develop, implement, and publicly disseminate a statewide student growth model**
95 **and a value-added system for determining student growth on assessments for purposes of**
96 **teacher and principal evaluation in order to standardize student academic growth**
97 **measures and ensure teachers are measured according to the value they add to student**
98 **growth;**

99 **(3) Provide technical assistance to district boards of education in developing and**
100 **implementing a local evaluation system under this section, including providing or helping**
101 **to develop training for evaluators and a resource bank that identifies assessments,**
102 **processes, tools, and policies that a district board of education may use to develop its**
103 **evaluation system. The resource bank shall include resources that are appropriate to**
104 **districts of different sizes, demographics, and locations and shall be updated periodically**
105 **to reflect new research and experience in implementing sections 168.1000 to 168.1032;**

106 **(4) Develop a default evaluation system, consistent with this section, that shall be**
107 **used by districts that are not able to develop their own system or that elect to use the state**
108 **model evaluation system developed by the department of elementary and secondary**
109 **education. A district that uses the state model evaluation system may revise or adapt**
110 **policies or processes in the system to the extent consistent with this section and regulations**
111 **of the department;**

112 **(5) Provide or approve evaluation forms to be used in evaluating teachers and**
113 **principals;**

114 **(6) Include in its longitudinal data system links between data for teacher**
115 **preparation programs in the state and achievement data for individual students; and**

116 **(7) Monitor local evaluation systems established under this section to ensure that**
117 **evaluation outcomes are consistent in the aggregate with student achievement results at the**
118 **district and school levels and that the evaluation systems meet the requirements of this**
119 **section and direct any appropriate corrective actions.**

536.018. The term "agency" and the term "state agency" as defined by section 536.010
2 shall not include an institution of higher education, supported in whole or in part from state
3 funds, **or a public school district established under chapter 162**, if such institution **or district**
4 has established written procedures to assure that constitutionally required due process safeguards

5 exist and apply to a proceeding that would otherwise constitute a "contested case" as defined in
6 section 536.010.

2 [168.120. 1. The teacher shall have the right to appeal from the decision
3 of the board of education to the circuit court of the county where the employing
4 school district is located. The appeal shall be taken within fifteen days after
5 service of a copy of the decision of the board of education upon the teacher, and
6 if an appeal is not taken within the time, then the decision of the board of
7 education shall become final.

8 2. The appeal may be taken by filing notice of appeal with the board of
9 education, whereupon the board of education, under its certificate, shall forward
10 to the court all documents and papers on file in the matter, together with a
11 transcript of the evidence, the findings and the decision of the board of education,
12 which shall thereupon become the record of the cause. Such appeal shall be
13 heard as provided in chapter 536.

14 3. Appeals from the circuit court shall be allowed in the same manner as
15 in civil actions, except that the original transcript prepared and filed in the circuit
16 court by the board of education, together with a transcript of the proceedings had
17 in the circuit court, shall constitute the transcript on appeal in the appellate court.
18 The board of education shall make available, to the parties, copies of any
19 transcript prepared and filed by it in the circuit court and upon final determination
20 of the cause in the appellate court the original record of the board of education
21 filed as a part of the transcript on appeal shall be certified back to the board of
22 education by the appellate court. In all appeals from the board of education or
23 circuit court the costs thereof shall be assessed against the losing party as
24 provided by law in civil cases. All appeals to the circuit court and appellate
25 courts shall have precedence over all cases except election contests.

26 4. If the circuit court finds for the teacher, he shall be restored to
27 permanent teacher status and shall receive compensation for the period during
28 which he may have been suspended from work, and such other relief as may be
29 granted by the court.]

Section B. The repeal of section 168.120 and the repeal and reenactment of sections
2 168.101, 168.102, 168.104, 168.114, 168.118, 168.124, 168.201, 168.211, 168.221, 168.251,
3 168.291, and 536.018, and the enactment of section 168.078, of this act shall become effective
4 on July 1, 2013.

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