

FIRST REGULAR SESSION

HOUSE BILL NO. 631

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ELMER (Sponsor), JONES (110),
COOKSON, BARNES AND JONES (50) (Co-sponsors).

1246L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 160.045, 168.104, 168.114, 168.124, 168.126, 168.128, 168.221, and 168.410, RSMo, and to enact in lieu thereof six new sections relating to educator quality.

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

Section A. Sections 160.045, 168.104, 168.114, 168.124, 168.126, 168.128, 168.221, and 168.410, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 168.104, 168.114, 168.124, 168.128, 168.221, and 168.310, to read as follows:

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

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.

16 or is permanently separated from employment by a school district, and is afterwards reemployed
17 by the same school district, reemployment for the first school year does not constitute an
18 indefinite contract but if he **or she** is employed for the succeeding year, the employment
19 constitutes an indefinite contract; and except that any teacher employed under a part-time
20 contract by a school district shall accrue credit toward permanent status on a prorated basis. Any
21 permanent teacher who is promoted with his **or her** consent to a supervisory position including
22 principal or assistant principal, or is first employed by a district in a supervisory position
23 including principal or assistant principal, shall not have permanent status in such position but
24 shall retain tenure in the position previously held within the district, or, after serving two years
25 as principal or assistant principal, shall have tenure as a permanent teacher of that system;

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

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

32 (7) **"Student growth", the change in achievement for an individual student between**
33 **two or more points in time based on standards-based measures that are rigorous, valid,**
34 **and comparable across classrooms of similar content and levels;**

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

40 (9) **"Value-added model", a growth model used to isolate the effect of a teacher's**
41 **impact on student learning, controlling for preexisting characteristics of a student,**
42 **including prior achievement.**

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

3 (1) Physical or mental condition unfitting him **or her** to instruct or associate with
4 children;

5 (2) Immoral conduct;

6 (3) Incompetency, **which shall be defined to include two consecutive ratings of**
7 **"ineffective" under section 168.128**, inefficiency or insubordination in line of duty;

8 (4) Willful or persistent violation of, or failure to obey, the school laws of the state or
9 the published regulations of the board of education of the school district employing him **or her**;

10 (5) Excessive or unreasonable absence from performance of duties; or

11 (6) Conviction of a felony or a crime involving moral turpitude.

12 2. **(1) The criteria for a school district to grant permanent teacher status to a**
13 **teacher shall include multiple measures for assessing a teacher's effectiveness, which**
14 **include but are not limited to the following:**

15 (a) **Evidence of demonstrated effectiveness, as shown through objective measures**
16 **of student academic growth, which shall be the predominant criterion for gaining**
17 **permanent teacher status;**

18 (b) **Other multiple measures of teacher performance, including multiple classroom**
19 **observations and classroom and district measures of student learning; and**

20 (c) **Four consecutive ratings of "effective" or "highly effective".**

21 (2) **Upon meeting the requirements provided in subdivision (1) of this subsection,**
22 **a teacher shall undergo a formal review and conferral process before gaining permanent**
23 **teacher status. The formal review shall be conducted by the teacher's principal and the**
24 **superintendent's designee and shall include a review of the teacher's performance**
25 **evaluations and progress as an instructor, as demonstrated by the criteria outlined in this**
26 **subsection.**

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

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,]
4 The board of education shall be governed by the following provisions **when placing teachers**
5 **on leave and when using the educator evaluations of section 168.128 to inform all staffing**
6 **decisions:**

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

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

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

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

16 (5) It shall base decisions regarding significant differentiation in retention,
17 promotion, dismissals, and other staffing decisions, including transfers, placements, and
18 preferences in the event of reductions in force, primarily on the results of annual
19 performance evaluations for teachers and principals;

20 (2) The board's reduction in force policy shall not use differentiation in
21 compensation levels, seniority, degrees, or credentials as a basis for determining pay or pay
22 increases, or making the retention, promotion, dismissal, and staffing decisions described
23 in this section; provided, that nothing in this subsection shall prohibit a cost of living
24 adjustment tied in whole or in part to prior compensation levels;

25 (3) Notwithstanding any provision of law to the contrary, a district shall not adopt
26 or implement policies that permit length of service to serve as the primary factor when
27 conducting layoffs or a reduction in force. A district instead shall utilize the results of
28 annual evaluations, as prescribed in section 168.128, as the primary factor when
29 conducting a reduction in force;

30 (4) Unless otherwise prohibited by law, these provisions are effective immediately
31 and any contrary provisions of collective bargaining agreements, regulations, or policies
32 are voided;

33 (5) In the case where teachers have equal performance scores as determined by the
34 required evaluations in section 168.128, the board shall consider the following factors when
35 determining which teachers to place on leave or when making staffing decisions:

36 (a) Significant relevant contributions, accomplishments, or performance;

37 (b) Relevant supplemental professional experiences as demonstrated on the job;

38 (c) Length of service;

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

41 [(6)] (7) The leave of absence shall not impair the tenure of a teacher;

42 [(7)] (8) The leave of absence shall continue for a period of not more than three years
43 unless extended by the board.

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

49 3. If a school district has an unrestricted combined ending fund balance of more than ten
50 percent of current expenditures in its teachers' and incidental funds, and in the subsequent fiscal
51 year such district, because of state appropriations, places a contracted teacher on leave of absence

52 after forty days subsequent to the governor signing the elementary and secondary education
53 appropriation bill, the district shall pay the affected teacher the greater of his or her salary for any
54 days worked under the contract, or a sum equal to three thousand dollars.

168.128. 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 168.102 to 168.130. In addition, the board of education of each school
4 district shall cause a comprehensive, performance-based evaluation for each teacher employed
5 by the district. Such evaluations shall be ongoing and [of sufficient specificity and frequency]
6 **performed annually** to provide for demonstrated standards of competency and academic ability.

7 **2. The evaluation system shall include formative performance reviews to provide**
8 **feedback to teachers and shall include summative evaluations. Each teacher and principal**
9 **contract and collective bargaining agreement shall authorize the use of evaluation results**
10 **as the basis for the decisions described in this subsection. Evaluation results shall also be**
11 **used to provide high-quality, individualized supports, and professional development for**
12 **teachers and principals.**

13 **3. Each local school district shall establish and implement a local evaluation system**
14 **for teachers and principals centered on student achievement. Evaluations of all personnel**
15 **shall be conducted annually based on the following parameters:**

16 **(1) Each local district shall develop and implement an evaluation system for**
17 **elementary and secondary school teachers and principals that uses multiple measures, all**
18 **aligned with growth in student achievement, and shall use the evaluation system as the**
19 **basis for personnel decisions about teachers and principals, consistent with this section and**
20 **with implementing regulations issued by the department of elementary and secondary**
21 **education with input from the local districts;**

22 **(2) If a district fails to adopt an evaluation system consistent with the requirements**
23 **and timelines of this section, or at the election of the district, the district shall use the model**
24 **evaluation system developed by the department of elementary and secondary education**
25 **under subsection 5 of this section;**

26 **(3) The evaluation system shall be developed and implemented in consultation with**
27 **teachers and principals and with parents of students;**

28 **(4) Teachers and principals shall be evaluated using multiple, fair, rigorous,**
29 **transparent, and valid measures. Evaluation measures shall include the following**
30 **elements:**

31 **(a) For those teachers who teach courses that are subject to annual assessments**
32 **aligned with state standards, student achievement, and student growth on such assessments**

33 shall count for at least fifty percent of the evaluation, using value-added measures
34 developed by the department of elementary and secondary education;

35 (b) For teachers who do not directly instruct students in subjects and grades
36 subject to assessments aligned with state standards, but who are expected through team
37 teaching to contribute to student performance on such assessments, growth in student
38 achievement on such assessments shall be used as an evaluation measure and shall count
39 for a percentage of the evaluation to be determined by the district;

40 (c) Student growth shall be measured through such assessments in accordance with
41 value-added methods or models developed by the department of elementary and secondary
42 education, and shall reflect at least one year's worth of growth for a school year of
43 instruction, or that students otherwise achieved appropriate growth based on expectations
44 derived from at least two years of individual student achievement data;

45 (d) Student growth may be measured through other rigorous, valid, and reliable
46 assessments approved by the department of elementary and secondary education;

47 (e) Multiple additional measures for teachers shall be correlated with impacts on
48 student achievement results. These measures shall include student surveys and multiple
49 classroom observations each year by trained master teachers, principals, administrators,
50 or other professionals, using clear, consistent observation rubrics provided to the teacher
51 in advance of the school year, and may include other measures aligned with student
52 achievement as determined at the local level;

53 (f) Multiple additional measures for principals shall be correlated with impacts on
54 student achievement results for students in all subgroups and shall include the principal's
55 ability to attract, develop, and retain highly effective teachers; management of the school,
56 including its finances, space, and legal compliance; and parental engagement in the school;
57 and may include other measures aligned with student achievement;

58 (5) Each teacher and principal shall be given one of four rating levels that are
59 designated as "highly effective", "effective", "minimally effective", or "ineffective", as
60 further defined by the department of elementary and secondary education or the local
61 school district; provided, that the effectiveness rating shall be based in significant part on
62 the measures related to student growth;

63 (6) Districts shall base decisions regarding significant differentiation in retention,
64 promotion, dismissals, and other staffing decisions, including transfers, placements, and
65 preferences in the event of a reduction in force, primarily on evaluation results for teachers
66 and principals. Each teacher and principal contract and collective bargaining agreement
67 entered into, including option years exercised, after the effective date of this section shall
68 authorize use of evaluation as the basis for the decisions described in this subsection.

69 **4. Consistent with department of elementary and secondary education regulations,**
70 **each district shall fully implement an evaluation system that conforms to the provisions of**
71 **this section, including using the evaluation results for personnel decisions in advance of the**
72 **next school year. Each district, with such assistance as may be available from the**
73 **department of elementary and secondary education, shall develop an evaluation system**
74 **that conforms to the provisions of this section and implement it using the same time frame**
75 **used by the department of elementary and secondary education in conjunction with the**
76 **department's waiver from the federal Elementary and Secondary Education Act.**

77 **5. (1) If a permanent teacher has received a rating of ineffective or minimally**
78 **effective on an annual year-end performance evaluation, the school district shall provide**
79 **the teacher with an individualized development plan developed by appropriate**
80 **administrative personnel in consultation with the individual teacher.**

81 **(2) Any permanent teacher who receives a rating of ineffective or minimally**
82 **effective on an annual performance evaluation shall be placed on a remediation period**
83 **following the receipt of the notice of ineffective or minimally effective performance.**

84 **(3) During the remediation period, the teacher in question shall be provided**
85 **assistance and in-service training opportunities to help correct any noted performance**
86 **deficiencies.**

87 **(4) If the teacher does not receive a rating of effective or higher by the time of the**
88 **subsequent annual year-end performance evaluation, the teacher's permanent teacher**
89 **status shall be revoked and the teacher shall be placed on probationary teacher status,**
90 **receive additional professional development, and shall be eligible for dismissal or**
91 **demotion.**

92 **6. The department of elementary and secondary education shall:**

93 **(1) Promulgate rules and regulations governing the development and**
94 **implementation of local evaluation systems under subsection 3 of this section. Such rules**
95 **and regulations shall be designed to preserve autonomy and flexibility for districts to adopt**
96 **their own policies and processes for the evaluation system and may include, but not be**
97 **limited to:**

98 **(a) Processes and requirements to determine the teacher of record for purposes of**
99 **assigning student achievement scores to a teacher in evaluating the teacher's performance;**

100 **(b) Standards for rating levels to be assigned to teachers and principals, consistent**
101 **with subsection 3 of this section;**

102 **(c) Processes and requirements for value-added models to be used in measuring**
103 **student achievement growth for purposes of teacher and principal evaluation;**

104 **(2) Develop, implement, and publicly disseminate a statewide student growth model**
105 **and a value-added model for determining student growth on assessments;**

106 **(3) Provide technical assistance to districts in developing and implementing a local**
107 **evaluation system;**

108 **(4) Develop a model evaluation system that shall be used by districts that are not**
109 **able to develop their own system or that elect to use the state model evaluation system;**

110 **(5) Establish and implement a process to approve assessments and forms; and**

111 **(6) Monitor local evaluation systems established under subsection 3 of this section**
112 **to ensure that evaluation outcomes are consistent in the aggregate with student**
113 **achievement results at the district and school levels; and that the evaluation systems meet**
114 **the requirements of this section and implement rules and regulations issued by the**
115 **department of elementary and secondary education; and direct any appropriate corrective**
116 **actions.**

117 **7. The contract of any probationary teacher who has been rated "ineffective", as**
118 **defined by the required evaluations of this section, for two consecutive school years, shall**
119 **not be renewed.**

120 **8.** All evaluations shall be maintained in the teacher's personnel file at the office of the
121 board of education. A copy of each evaluation shall be provided to the teacher and appropriate
122 administrator. [The state department of elementary and secondary education shall provide
123 suggested procedures for such an evaluation.]

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] **who is deemed ineffective or**
5 **minimally effective pursuant to annual evaluations of section 168.128** shall be furnished by
6 the superintendent of schools with a written statement setting forth the nature of his **or her**
7 incompetency. If improvement satisfactory to the superintendent is not made within one
8 semester after the receipt of the statement, the probationary teacher shall be dismissed. The
9 semester granted the probationary teacher in which to improve shall not in any case be a means
10 of prolonging the probationary period beyond five years and six months from the date on which
11 the teacher entered the employ of the board of education. The superintendent of schools on or
12 before the fifteenth day of April in each year shall notify probationary teachers who will not be
13 retained by the school district of the termination of their services. Any probationary teacher who
14 is not so notified shall be deemed to have been appointed for the next school year. **A teacher**
15 **may be considered for a permanent appointment upon the successful completion of the**
16 **probationary period, but in no case shall permanent status be automatically granted.** Any

17 principal who prior to becoming a principal had attained permanent employee status as a teacher
18 shall upon ceasing to be a principal have a right to resume his or her permanent teacher position
19 with the time served as a principal being treated as if such time had been served as a teacher for
20 the purpose of calculating seniority and pay scale. The rights and duties and remuneration of a
21 teacher who was formerly a principal shall be the same as any other teacher with the same level
22 of qualifications and time of service. **The criteria for granting a permanent appointment to**
23 **a teacher shall include multiple measures for assessing a teacher's effectiveness, which**
24 **include but are not limited to the following:**

25 (1) (a) Evidence of demonstrated effectiveness, as shown through objective
26 measures of student academic growth, which shall be the predominant criterion for
27 granting a permanent appointment;

28 (b) Other multiple measures of teacher performance, including multiple classroom
29 observations and classroom and district measures of student learning; and

30 (c) Four consecutive ratings of effective or highly effective;

31 (2) Upon meeting the requirements provided in subdivision (1) of this subsection,
32 a teacher shall undergo a formal review and conferral process before being granted a
33 permanent appointment. The formal review shall be conducted by the teacher's principal
34 and the superintendent's designee and shall include a review of the teacher's performance
35 evaluations and progress as an instructor, as demonstrated by the criteria outlined in this
36 subsection.

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

43 3. No teacher whose appointment has become permanent may be removed except for one
44 or more of the following causes: **incompetency, which shall be defined to include two**
45 **consecutive ratings of "ineffective" pursuant to the evaluations in section 168.128,**
46 immorality, inefficiency in line of duty, violation of the published regulations of the school
47 district, violation of the laws of Missouri governing the public schools of the state, or physical
48 or mental condition which incapacitates him **or her** for instructing or associating with children,
49 and then only by a vote of not less than a majority of all the members of the board, upon written
50 charges presented by the superintendent of schools, to be heard by the board after thirty days'
51 notice, with copy of the charges served upon the person against whom they are preferred, who
52 shall have the privilege of being present at the hearing, together with counsel, offering evidence

53 and making defense thereto. Notifications received by an employee during a vacation period
54 shall be considered as received on the first day of the school term following. At the request of
55 any person so charged the hearing shall be public. During any time in which powers granted to
56 the district's board of education are vested in a special administrative board, the special
57 administrative board may appoint a hearing officer to conduct the hearing. The hearing officer
58 shall conduct the hearing as a contested case under chapter 536 and shall issue a written
59 recommendation to the board rendering the charges against the teacher. The board shall render
60 a decision on the charges upon the review of the hearing officer's recommendations and the
61 record from the hearing. The action and decision of the board upon the charges shall be final.
62 Pending the hearing of the charges, the person charged may be suspended if the rules of the board
63 so prescribe, but in the event the board does not by a majority vote of all the members remove
64 the teacher upon charges presented by the superintendent, the person shall not suffer any loss of
65 salary by reason of the suspension. Inefficiency in line of duty is cause for dismissal only after
66 the teacher has been notified in writing at least one semester prior to the presentment of charges
67 against him **or her** by the superintendent. The notification shall specify the nature of the
68 inefficiency with such particularity as to enable the teacher to be informed of the nature of his
69 **or her** inefficiency.

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

83 5. **Each metropolitan school district shall establish and implement a local**
84 **evaluation system for teachers and principals that conforms to the requirements of section**
85 **168.128. If a teacher with a permanent appointment has received a rating of ineffective or**
86 **minimally effective on an annual year-end performance evaluation, the school district shall**
87 **provide the teacher with an individualized development plan developed by appropriate**
88 **administrative personnel in consultation with the individual teacher.**

89 **(1) The teacher with a permanent appointment who receives a rating of ineffective**
90 **or minimally effective on an annual performance evaluation shall be placed on a**
91 **remediation period following the receipt of the notice of ineffective or minimally effective**
92 **performance;**

93 **(2) During the remediation period, the teacher in question shall be provided**
94 **assistance and in-service training opportunities to help correct any noted performance**
95 **deficiencies;**

96 **(3) If the teacher does not receive a rating of effective or higher by the time of the**
97 **subsequent annual year-end performance evaluation, the teacher's permanent appointment**
98 **shall be revoked and the teacher shall be placed on probationary teacher status, receive**
99 **additional professional development, and shall be eligible for dismissal or demotion.**

100 **6.** Whenever it is necessary to decrease the number of teachers because of insufficient
101 funds or a substantial decrease of pupil population within the school district, the board of
102 education upon recommendation of the superintendent of schools may cause the necessary
103 number of teachers beginning with those [serving probationary periods to be placed on leave of
104 absence without pay, but only in the inverse order of their appointment] **with the lowest annual**
105 **evaluation results to be placed on leave of absence without pay.** Nothing herein stated shall
106 prevent a readjustment by the board of education of existing salary schedules. No teacher placed
107 on a leave of absence shall be precluded from securing other employment during the period of
108 the leave of absence. [Each teacher placed on leave of absence shall be reinstated in inverse
109 order of his placement on leave of absence.] **The superintendent shall not use differentiation**
110 **in seniority, degrees, or credentials as a basis for determining which teacher shall be placed**
111 **on leave of absence.** Such reemployment shall not result in a loss of status or credit for previous
112 years of service. No new appointments shall be made while there are available teachers on leave
113 of absence who are seventy years of age or less and who are adequately qualified to fill the
114 vacancy unless the teachers fail to advise the superintendent of schools within thirty days from
115 the date of notification by the superintendent of schools that positions are available to them that
116 they will return to employment and will assume the duties of the position to which appointed not
117 later than the beginning of the school year next following the date of the notice by the
118 superintendent of schools. **The board of education shall be governed by the following**
119 **provisions when placing teachers on leave and when using the educator evaluations of**
120 **section 168.128 to inform all staffing decisions:**

121 **(1) It shall base decisions regarding significant differentiation in retention,**
122 **promotion, dismissals, and other staffing decisions, including transfers, placements, and**
123 **preferences in the event of reductions in force, primarily on the results of annual**
124 **performance evaluations for teachers and principals;**

125 **(2) The board's reduction in force policy shall not use differentiation in**
126 **compensation levels, seniority, degrees, or credentials as a basis for determining pay or pay**
127 **increases, or making the retention, promotion, dismissal, and staffing decisions described**
128 **in this section; provided, that nothing in this subsection shall prohibit a cost of living**
129 **adjustment tied in whole or in part to prior compensation levels;**

130 **(3) Notwithstanding any provision of law to the contrary, a district shall not adopt**
131 **or implement policies that permit length of service to serve as the primary factor when**
132 **conducting layoffs or a reduction in force. A district instead shall utilize the results of**
133 **annual evaluations, as prescribed in section 168.128, as the primary factor when**
134 **conducting a reduction in force;**

135 **(4) Unless otherwise prohibited by law, these provisions are effective immediately**
136 **and any contrary provisions of collective bargaining agreements, regulations, or policies**
137 **are voided;**

138 **(5) In the case where teachers have equal performance scores as determined by the**
139 **required evaluations in section 168.128, the board shall consider the following factors when**
140 **determining which teachers to place on leave or when making staffing decisions:**

141 **(a) Significant relevant contributions, accomplishments, or performance;**

142 **(b) Relevant supplemental professional experiences as demonstrated on the job;**

143 **(c) Length of service.**

144 [6.] **7.** If any regulation which deals with the promotion of teachers is amended by
145 increasing the qualifications necessary to be met before a teacher is eligible for promotion, the
146 amendment shall fix an effective date which shall allow a reasonable length of time within which
147 teachers may become qualified for promotion under the regulations.

148 [7.] **8.** A teacher whose appointment has become permanent may give up the right to a
149 permanent appointment to participate in the teacher choice compensation package under sections
150 168.745 to 168.750.

151 **9. The contract of any probationary teacher who has been rated "ineffective", as**
152 **defined by the required evaluations of section 168.128, for two consecutive school years**
153 **shall not be renewed.**

168.310. 1. Each local school district shall develop guidelines for professional
2 **improvement plans for teachers, principals, and administrators no later than the beginning**
3 **of the 2014-15 school year. The guidelines shall be developed to promote the ongoing**
4 **development of knowledge and skills of teachers and principals. In developing such**
5 **guidelines, the districts shall involve teachers chosen by the district teaching staff,**
6 **administrators, and others.**

7 **2. The purpose of the professional improvement plan shall be to assist teachers in**
8 **obtaining a satisfactory level of performance on any criterion as identified in subdivision**
9 **(1) of subsection 3 of this section.**

10 **3. The process for development and implementation of improvement plans shall**
11 **include, but not be limited to, the following:**

12 **(1) Identification of the performance-based teacher evaluation standard that needs**
13 **improvement. Evaluation guidelines shall include, but not be limited to, the following**
14 **criteria:**

15 **(a) Students of the teacher demonstrate appropriate progress that results in**
16 **increased achievement;**

17 **(b) The teacher delivers the district curriculum utilizing effective instructional**
18 **strategies;**

19 **(c) The teacher creates an effective learning environment that results in student**
20 **engagement; and**

21 **(d) The teacher demonstrates reflective and positive collaborative practices;**

22 **(2) Selection of specific criteria that the teacher needs to improve. These criteria**
23 **shall be taken from the locally developed performance-based teacher evaluation required**
24 **under section 168.128;**

25 **(3) Clearly defined obtainable goals and objectives, and procedures with target**
26 **dates for achieving the objectives. The procedures for obtaining objectives shall include**
27 **a plan to expand the teacher's knowledge base a plan for implementation, and an analysis**
28 **of the plan's impact on the teacher's performance and student success.**

29

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

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

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

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

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

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

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

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

18 3. The department may provide assistance to public schools in
19 developing these standards upon request.]
20

2 [168.126. 1. A board of education at a regular or special meeting may
3 contract with and employ by a majority vote legally qualified probationary
4 teachers for the school district. The contract shall be made by order of the board;
5 shall specify the number of months school is to be taught and the wages per
6 month to be paid; shall be signed by the probationary teacher and the president
7 of the board, or a facsimile signature of the president may be affixed at his
8 discretion; and the contract shall be attested by the secretary of the board by
9 signature or facsimile. The board shall not employ one of its members as a
10 teacher; nor shall any person be employed as a teacher who is related within the
11 fourth degree to any board member, either by consanguinity or affinity, where the
12 vote of the board member is necessary to the selection of the person.

13 2. If in the opinion of the board of education any probationary teacher has
14 been doing unsatisfactory work, the board of education, through its authorized
15 administrative representative, shall provide the teacher with a written statement
16 definitely setting forth his alleged incompetency and specifying the nature
17 thereof, in order to furnish the teacher an opportunity to correct his fault and
18 overcome his incompetency. If improvement satisfactory to the board of
19 education has not been made within ninety days of the receipt of the notification,
20 the board of education may terminate the employment of the probationary teacher
21 immediately or at the end of the school year. Any motion to terminate the
22 employment of a probationary teacher shall include only one person and must be
23 approved by a majority of the members of the board of education. A tie vote
24 thereon constitutes termination. On or before the fifteenth day of April in each
25 school year, the board of education shall notify in writing a probationary teacher
26 who will not be retained by the school district of the termination of his
27 employment. Upon request, the notice shall contain a concise statement of the
28 reason or reasons the employment of the probationary teacher is being
29 terminated. If the reason for the termination is due to a decrease in pupil
30 enrollment, school district reorganization, or the financial condition of the school
31 district, then the district shall in all cases issue notice to the teacher expressly
32 declaring such as the reason for such termination. Nothing contained in this
33 section shall give rise to a cause of action not currently cognizant at law by a
34 probationary teacher for any reason given in said writing so long as the board
35 issues the letter in good faith without malice, but an action for actual damages
36 may be maintained by any person for the deprivation of a right conferred by this
37 act.

38 3. Any probationary teacher who is not notified of the termination of his
employment shall be deemed to have been appointed for the next school year,

39 under the terms of the contract for the preceding year. A probationary teacher
40 who is informed of reemployment by written notice shall be tendered a contract
41 on or before the fifteenth day of May, and shall within fifteen days thereafter
42 present to the employing board of education a written acceptance or rejection of
43 the employment tendered, and failure of such teachers to present the acceptance
44 within such time constitutes a rejection of the board's offer. A contract between
45 a probationary teacher and a board of education may be terminated or modified
46 at any time by the mutual consent of the parties thereto.]
47

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

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

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

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

