

SECOND REGULAR SESSION

HOUSE BILL NO. 1893

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES CARTER (Sponsor), WEBB AND NASHEED (Co-sponsors).
4262L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 168.221 and 168.291, RSMo, and to enact in lieu thereof one new section relating to teacher tenure.

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

Section A. Sections 168.221 and 168.291, RSMo, are repealed and one new section
2 enacted in lieu thereof, to be known as section 168.221, to read as follows:

168.221. 1. The first five years of employment of all teachers entering the 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 **or her**
6 incompetency. If improvement satisfactory to the superintendent is not made within one
7 semester after the receipt of the statement, the probationary teacher shall be dismissed. The
8 semester granted the probationary teacher in which to improve shall not in any case be a means
9 of prolonging the probationary period beyond five years and six months from the date on which
10 the teacher entered the employ of the board of education. The superintendent of schools on or
11 before the fifteenth day of April in each year shall notify probationary teachers who will not be
12 retained by the school district of the termination of their services. Any probationary teacher who
13 is not so notified shall be deemed to have been appointed for the next school year. Any principal
14 who prior to becoming a principal had attained permanent employee status as a teacher shall
15 upon ceasing to be a principal have a right to resume his or her permanent teacher position with
16 the 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

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.

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, **incompetency or** inefficiency in line of duty,
28 violation of the published regulations of the school district, violation of the laws of Missouri
29 governing the public schools of the state, or physical or mental condition which incapacitates
30 him for instructing or associating with children, and then only by a vote of not less than a
31 majority of all the members of the board, upon written charges presented by the superintendent
32 of schools, to be heard by the board after thirty days' notice, with copy of the charges served upon
33 the person against whom they are preferred, who shall have the privilege of being present at the
34 hearing, together with counsel, offering evidence and making defense thereto. [Notifications
35 received by an employee during a vacation period shall be considered as received on the first day
36 of the school term following.] At the request of any person so charged the hearing shall be
37 public. During any time in which powers granted to the district's board of education are vested
38 in a special administrative board, the special administrative board may appoint a hearing officer
39 to 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. **Incompetency or**
47 **inefficiency in line of duty is cause for dismissal only after the teacher has been notified in**
48 **writing at least [one semester] thirty days prior to the presentment of charges against him by the**
49 **superintendent. The notification shall specify the nature of the incompetency or** inefficiency
50 **with such particularity as to enable the teacher to be informed of the nature of his or her**
51 **incompetency or** inefficiency. **Thereafter, both the superintendent, or his or her designated**
52 **representative, and the teacher shall meet and confer in an effort to resolve the matter.**

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

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

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

88 7. A teacher whose appointment has become permanent may give up the right to a
89 permanent appointment to participate in the teacher choice compensation package under sections
90 168.745 to 168.750.

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

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