

SECOND REGULAR SESSION

# HOUSE BILL NO. 1925

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROEBER.

5097H.011

D. ADAM CRUMBLISS, Chief Clerk

## AN ACT

To repeal sections 168.104, 168.110, 168.124, 168.128, 168.221, and 168.410, RSMo, and to enact in lieu thereof seven new sections relating to elementary and secondary education.

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

Section A. Sections 168.104, 168.110, 168.124, 168.128, 168.221, and 168.410, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 168.104, 168.110, 168.125, 168.128, 168.221, 168.225, and 168.410, to read as follows: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 is first hired by a district before August 28, 2018**, 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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

31 (6) "School district", every school district in this state, except a metropolitan school  
32 district as defined in section ~~[162.571]~~ **160.011**;

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

168.110. The board of education of a school district may modify an indefinite contract  
2 annually 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 as provided  
5 by ~~[the salary schedule adopted by the board of education applicable to all teachers]~~ **section**  
6 **168.225**. The modifications shall be effective at the beginning of the next school year. All  
7 teachers affected by the modification shall be furnished written copies of the modifications  
8 within thirty days after their adoption by the board of education.

**168.125. No teacher first employed by a district on or after August 28, 2018, shall  
2 be eligible to receive an indefinite contract. Any teacher first employed by a district on or  
3 after August 28, 2018, shall receive a contract on an annual basis.**

168.128. The board of education of each school district shall maintain records showing  
2 periods of service, dates of appointment, and other necessary information for the enforcement  
3 of sections 168.102 to 168.130. In addition, the board of education of each school district shall  
4 cause **[a] an annual**, comprehensive, performance-based evaluation for each teacher employed

5 by the district]. ~~Such evaluations shall be ongoing and of sufficient specificity and frequency to~~  
6 ~~provide for demonstrated standards of competency and academic ability] using the annual~~  
7 **evaluation system developed by the department of elementary and secondary education or**  
8 **a district evaluation that utilizes the standards and indicators in the department's**  
9 **evaluation system.** All evaluations shall be maintained in the teacher's personnel file at the  
10 office of the board of education. A copy of each evaluation shall be provided to the teacher and  
11 appropriate administrator. The state department of elementary and secondary education shall  
12 provide suggested procedures for such an evaluation.

168.221. 1. The first five years of employment of all teachers ~~[entering the employment~~  
2 ~~of]~~ **employed before August 28, 2018, in** the metropolitan school district shall be deemed a  
3 period of probation during which period all appointments of teachers shall expire at the end of  
4 each school year. During the probationary period any probationary teacher whose work is  
5 unsatisfactory shall be furnished by the superintendent of schools with a written statement setting  
6 forth the nature of his or her incompetency. If improvement satisfactory to the superintendent  
7 is not made within one semester after the receipt of the statement, the probationary teacher shall  
8 be dismissed. The semester granted the probationary teacher in which to improve shall not in  
9 any case be a means of prolonging the probationary period beyond five years and six months  
10 from the date on which the teacher entered the employ of the board of education. The  
11 superintendent of schools on or before the fifteenth day of April in each year shall notify  
12 probationary teachers who will not be retained by the school district of the termination of their  
13 services. Any probationary teacher who is not so notified shall be deemed to have been  
14 appointed for the next school year. Any principal who prior to becoming a principal had attained  
15 permanent employee status as a teacher shall upon ceasing to be a principal have a right to  
16 resume his or her permanent teacher position with the time served as a principal being treated  
17 as if such time had been served as a teacher for the purpose of calculating seniority and pay scale.  
18 The rights and duties and remuneration of a teacher who was formerly a principal shall be the  
19 same as any other teacher with the same level of qualifications and time of service.

20 2. After completion of satisfactory probationary services **of any teacher employed**  
21 **before August 28, 2018,** appointments of teachers shall become permanent, subject to removal  
22 for any one or more causes herein described and to the right of the board to terminate the services  
23 of all who attain the age of compulsory retirement fixed by the retirement system. In determining  
24 the duration of the probationary period of employment in this section specified, the time of  
25 service rendered as a substitute teacher shall not be included. **Any teacher first employed by**  
26 **the district on or after August 28, 2018, shall not be eligible to have his or her appointment**  
27 **become permanent. Instead, the appointment of any teacher first employed by the district**  
28 **on or after August 28, 2018, shall expire at the end of each school year.**

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

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

65 instruction, if positions are available for the teachers in the other subjects or courses of  
66 instruction].

67 5. ~~[Whenever it is necessary to decrease the number of teachers because of insufficient~~  
68 ~~funds or a substantial decrease of pupil population within the school district, the board of~~  
69 ~~education upon recommendation of the superintendent of schools may cause the necessary~~  
70 ~~number of teachers beginning with those serving probationary periods to be placed on leave of~~  
71 ~~absence without pay, but only in the inverse order of their appointment. Nothing herein stated~~  
72 ~~shall prevent a readjustment by the board of education of existing salary schedules. No teacher~~  
73 ~~placed on a leave of absence shall be precluded from securing other employment during the~~  
74 ~~period of the leave of absence. Each teacher placed on leave of absence shall be reinstated in~~  
75 ~~inverse order of his or her placement on leave of absence. Such reemployment shall not result~~  
76 ~~in a loss of status or credit for previous years of service. No appointment of new teachers shall~~  
77 ~~be made while there are available teachers on unrequested leave of absence who are properly~~  
78 ~~qualified to fill such vacancies. Such leave of absence shall not impair the tenure of a teacher.~~  
79 ~~The leave of absence shall continue for a period of not more than three years unless extended by~~  
80 ~~the board.~~

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

85 ~~[7.]~~ **6.** A teacher whose appointment has become permanent may give up the right to a  
86 permanent appointment to participate in the teacher choice compensation package under sections  
87 168.745 to 168.750. **Any teacher first employed by the district on or after August 28, 2018,**  
88 **shall not be eligible to participate in the teacher choice compensation package under**  
89 **sections 168.745 to 168.750.**

90 ~~[8.]~~ **7.** Should the state mandate that professional development for teachers be provided  
91 in local school districts and any funds be utilized for such, a metropolitan school district shall  
92 be allowed to utilize a professional development plan for teachers which is known within the  
93 administration as the "St. Louis Plan", should the district and the teacher decide jointly to  
94 participate in such plan, **provided any use of the "St. Louis Plan" does not conflict with the**  
95 **provisions of subsection 8 of this section.**

96 **8.** The board of education of the metropolitan school district shall cause an annual,  
97 comprehensive, performance-based evaluation for each teacher employed by the district  
98 using the annual evaluation system developed by the department of elementary and  
99 secondary education or a district evaluation that utilizes the standards and indicators in  
100 the department's evaluation system. All evaluations shall be maintained in the teacher's

101 personnel file at the office of the board of education. A copy of each evaluation shall be  
102 provided to the teacher and appropriate administrator. The department of elementary and  
103 secondary education shall provide suggested procedures for such an evaluation.

168.225. 1. The school board of each district shall develop and adopt a  
2 performance salary schedule for all teachers and other instructional personnel by July 1,  
3 2019.

4 2. The performance salary schedule shall incorporate the following elements:

5 (1) The salary schedule shall review and may provide annual salary adjustments  
6 based upon performance determined by the annual evaluation system for teachers  
7 developed by the department of elementary and secondary education or the annual  
8 evaluation system developed by the district that utilizes the standards and indicators in the  
9 department's evaluation system. Teachers shall be evaluated using multiple, fair, rigorous,  
10 transparent, and valid measures, consistent with definitions of these terms by the  
11 department. A district may use the model evaluation form developed by the department  
12 or a district evaluation form that utilizes the standards and indicators in the department's  
13 evaluation system. Multiple measures of student achievement shall count for a minimum  
14 of thirty percent of the overall evaluation; and

15 (2) The performance salary schedule shall not use advanced degrees in setting a  
16 salary schedule for instructional personnel or school administrators unless the advanced  
17 degree is in the employee's area of certification or expertise.

18 3. The department of elementary and secondary education may provide technical  
19 assistance to district school boards in developing and implementing a local evaluation  
20 system under this section, including providing or helping to develop training for evaluators  
21 and a resource bank that identifies assessments, processes, tools, and policies that a district  
22 school board may use to develop its own evaluation system. The department shall develop  
23 a resource bank that shall include resources that are appropriate to districts of different  
24 sizes, demographics, and locations and shall update the resource bank periodically to  
25 reflect new research and experience in implementing an evaluation system.

26 4. The district may develop additional salary schedules differentiated based on  
27 assignment to a Title I school, based on teaching in a subject area for which there is a  
28 shortage of teachers as determined by the department of elementary and secondary  
29 education, or to reflect the supply and demand of the teacher labor market.

168.410. School administrators and school district superintendents shall be evaluated in  
2 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]~~ **done annually** to provide for  
6 demonstrated 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 (3) The state department of elementary and secondary education shall provide suggested  
11 procedures for the evaluations performed under this section.

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

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

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

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

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

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

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

22 ~~————— (7) The leave of absence shall continue for a period of not more than  
23 three years unless extended by the board.~~

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

29 ~~————— 3. If a school district has an unrestricted combined ending fund balance  
30 of more than ten percent of current expenditures in its teachers' and incidental  
31 funds, and in the subsequent fiscal year such district, because of state  
32 appropriations, places a contracted teacher on leave of absence after forty days  
33 subsequent to the governor signing the elementary and secondary education  
34 appropriation bill, the district shall pay the affected teacher the greater of his or~~

35 ~~her salary for any days worked under the contract, or a sum equal to three~~  
36 ~~thousand dollars.]~~

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