

FIRST REGULAR SESSION

HOUSE BILL NO. 251

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CUNNINGHAM (86).

Read 1st time January 18, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0695L>011

AN ACT

To repeal sections 168.104 and 168.114, RSMo, and to enact in lieu thereof four new sections relating to teachers in Missouri school districts.

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

Section A. Sections 168.104 and 168.114, RSMo, are repealed and four new sections
2 enacted in lieu thereof, to be known as sections 168.104, 168.114, 168.135, and 168.138, to read
3 as follows:

168.104. The following words and phrases when used in sections 168.102 to 168.130
2 **and sections 168.135 to 168.138**, except in those instances where the context indicates
3 otherwise, mean:

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

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

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

11 (4) "Permanent teacher", any teacher who has been employed or who is hereafter
12 employed as a teacher in the same school district for five successive years and who has continued
13 or who thereafter continues to be employed as a teacher by the school district or any supervisor
14 of teachers who was employed as a teacher in the same school district for at least five successive
15 years prior to becoming a supervisor of teachers and who continues thereafter to be employed

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

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

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.

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 to instruct or associate with children;

4 (2) Immoral conduct;

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

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

8 (5) Excessive or unreasonable absence from performance of duties; [or]

9 (6) Conviction of a felony or a crime involving moral turpitude; **or**

10 (7) **Participation in a strike including picketing on school district property or**
11 **facilities.**

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

168.135. 1. In the event that a school district remains operational during a strike,
2 any teacher that participates in the strike shall forfeit a day's pay for each day he or she
3 participates in the strike and shall not be eligible to count as sick leave, vacation, or any
4 other paid leave, those days which the teacher participated in the strike.

5 2. In the event that a school district does not remain operational during a strike,
6 any teacher that participates in the strike shall, once the school district becomes
7 operational, work without additional pay for any additional days the school district
8 determines are needed to make up for days the school district was not operational during
9 the strike and shall not be eligible to count as sick leave, vacation, or any other paid leave,
10 those days which the teacher participated in the strike.

168.138. Any labor organization having as a member any teacher shall notify the
2 teacher of any vote by the labor organization that will determine whether the organization
3 will strike. Such notification, which may be electronic, shall contain a proof of receipt such
4 as a return receipt letter or email address that the teacher may use to acknowledge receipt
5 of the notification. In addition, the notification shall contain a conspicuous statement of
6 the purpose of the vote, the time of the vote, and the location where the vote will be held
7 including a street address. Such notification shall be made no later than three days prior
8 to the date of the vote.