

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1151
93RD GENERAL ASSEMBLY

Reported from the Committee on Elementary and Secondary Education, February 23, 2006 with recommendation that House Committee Substitute for House Bill No. 1151 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

3607L.02C

AN ACT

To repeal sections 168.110 and 168.126, RSMo, and to enact in lieu thereof two new sections relating to teacher salary incentives.

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

Section A. Sections 168.110 and 168.126, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 168.110 and 168.126, to read as follows:

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. **Districts**
6 **may provide a salary that includes hiring incentives or salary schedule modifications,**
7 **which may include but are not limited to credit for all prior years of service in another**
8 **district, to attract and retain teachers based upon demonstrated need for teachers certified**
9 **in shortage areas. Districts may also provide such incentives or schedule modifications to**
10 **attract and retain teachers with demonstrable or measurable qualities, experience, or**
11 **credentials that are exceptionally well suited to a district's needs for academic**
12 **improvement. In exchange for such incentives, teachers may be required to teach in the**
13 **district offering the incentive for a period of up to three school years. Districts shall have**
14 **the decision-making authority on whether to provide such incentives and modifications**

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.

15 **within the limits of this section.** The modifications shall be effective at the beginning of the
16 next school year. All teachers affected by the modification shall be furnished written copies of
17 the modifications within thirty days after their adoption by the board of education.

168.126. 1. A board of education at a regular or special meeting may contract with and
2 employ by a majority vote legally qualified probationary teachers for the school district. The
3 contract shall be made by order of the board; shall specify the number of months school is to be
4 taught and the wages per month to be paid; shall be signed by the probationary teacher and the
5 president of the board, or a facsimile signature of the president may be affixed at his discretion;
6 and the contract shall be attested by the secretary of the board by signature or facsimile.
7 **Districts may provide a salary that includes hiring incentives or salary schedule**
8 **modifications, which may include but are not limited to credit for all prior years of service**
9 **in another district, to attract and retain teachers based upon demonstrated need for**
10 **teachers certified in shortage areas. Districts may also provide such incentives or schedule**
11 **modifications to attract and retain teachers with demonstrable or measurable qualities,**
12 **experience, or credentials that are exceptionally well suited to a district's needs for**
13 **academic improvement. In exchange for such incentives, teachers may be required to teach**
14 **in the district offering the incentive for a period of up to three school years. Districts shall**
15 **have the decision-making authority on whether to provide such incentives and**
16 **modifications within the limits of this section.** The board shall not employ one of its members
17 as a teacher; nor shall any person be employed as a teacher who is related within the fourth
18 degree to any board member, either by consanguinity or affinity, where the vote of the board
19 member is necessary to the selection of the person.

20 2. If in the opinion of the board of education any probationary teacher has been doing
21 unsatisfactory work, the board of education, through its authorized administrative representative,
22 shall provide the teacher with a written statement definitely setting forth his alleged
23 incompetency and specifying the nature thereof, in order to furnish the teacher an opportunity
24 to correct his fault and overcome his incompetency. If improvement satisfactory to the board of
25 education has not been made within ninety days of the receipt of the notification, the board of
26 education may terminate the employment of the probationary teacher immediately or at the end
27 of the school year. Any motion to terminate the employment of a probationary teacher shall
28 include only one person and must be approved by a majority of the members of the board of
29 education. A tie vote thereon constitutes termination. On or before the fifteenth day of April in
30 each school year, the board of education shall notify in writing a probationary teacher who will
31 not be retained by the school district of the termination of his employment. Upon request, the
32 notice shall contain a concise statement of the reason or reasons the employment of the
33 probationary teacher is being terminated. If the reason for the termination is due to a decrease

34 in pupil enrollment, school district reorganization, or the financial condition of the school
35 district, then the district shall in all cases issue notice to the teacher expressly declaring such as
36 the reason for such termination. Nothing contained in this section shall give rise to a cause of
37 action not currently cognizant at law by a probationary teacher for any reason given in said
38 writing so long as the board issues the letter in good faith without malice, but an action for actual
39 damages may be maintained by any person for the deprivation of a right conferred by this act.

40 3. Any probationary teacher who is not notified of the termination of his employment
41 shall be deemed to have been appointed for the next school year, under the terms of the contract
42 for the preceding year. A probationary teacher who is informed of reemployment by written
43 notice shall be tendered a contract on or before the fifteenth day of May, and shall within fifteen
44 days thereafter present to the employing board of education a written acceptance or rejection of
45 the employment tendered, and failure of such teachers to present the acceptance within such time
46 constitutes a rejection of the board's offer. A contract between a probationary teacher and a
47 board of education may be terminated or modified at any time by the mutual consent of the
48 parties thereto.

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