

SECOND REGULAR SESSION

# HOUSE BILL NO. 1248

## 97TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVES WOOD (Sponsor) AND MILLER (Co-sponsor).

4051L.011

D. ADAM CRUMBLISS, Chief Clerk

---

### AN ACT

To amend chapter 168, RSMo, by adding thereto one new section relating to teacher tenure.

---

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

Section A. Chapter 168, RSMo, is amended by adding thereto one new section, to be  
2 known as section 168.770, to read as follows:

**168.770. 1. Notwithstanding any other law, the provisions of this section shall only  
2 apply to certificated staff hired on or after July 1, 2015. Provisions contained in sections  
3 168.101 to 168.221 and sections 168.251 to 168.291 shall apply to tenured certificated staff  
4 hired prior to July 1, 2015. For purposes of this section, "certificated staff" means  
5 employees of a school district who hold a valid certificate to teach in the state of Missouri.**

**6 2. All certificated staff hired on or after July 1, 2015, shall be at-will employees  
7 unless a contract for employment is entered into which meets the requirements of this  
8 section.**

**9 3. Any school district receiving state funding or local tax revenue shall develop and  
10 implement a standards-based performance evaluation system approved by the Missouri  
11 department of elementary and secondary education. A certain percentage, as determined  
12 by each school district, shall be based upon quantifiable student performance data as  
13 measured by objective criteria and such evaluation system shall be used in:**

**14 (1) Retaining, promoting, demoting, dismissing, removing, discharging, and setting  
15 compensation for certificated staff;**

**16 (2) Modifying or terminating any contracts with certificated staff; and**

**17 (3) Placing on leave of absence any certificated staff because of a decrease in pupil  
18 enrollment, school district reorganization, or the financial condition of the school district.**

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.

19           **4. Nothing in subsection 3 of this section shall prevent a school district from**  
20 **demoting, removing, discharging, or modifying or terminating a contract based on any**  
21 **valid legal ground, including but not limited to the following causes:**

22           **(1) Physical or mental condition unfitting the certificated staff to instruct or**  
23 **associate with children;**

24           **(2) Immoral conduct;**

25           **(3) Incompetency, inefficiency, or insubordination in the line of duty;**

26           **(4) Willful or persistent violation of, or failure to obey, state laws, regulations, or**  
27 **district policy;**

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

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

30           **5. In any suit to challenge a school district's decision regarding retention,**  
31 **promotion, demotion, dismissal, removal, discharge, modification or termination of**  
32 **contracts, or setting compensation of certificated staff, except for decisions made for any**  
33 **of the causes listed in subsection 4 of this section, the person bringing such suit shall**  
34 **establish that the school district failed to properly utilize the standards-based performance**  
35 **evaluation required under subsection 3 of this section.**

36           **6. Certificated staff shall retain the right to organize and to bargain collectively,**  
37 **except with respect to the design and implementation of the performance-based evaluation**  
38 **system established in this section.**

39           **7. Each school district shall develop an appeals process for certificated staff**  
40 **evaluations.**

41           **8. Each certificated staff person who receives an evaluation of effective or highly**  
42 **effective shall be offered a contract unless the provisions of subsection 4 of this section**  
43 **apply, or a reduction in force applies. Certificated staff not receiving an evaluation of**  
44 **effective or highly effective shall become at-will employees and the decision to offer a**  
45 **contract shall be at the school district's discretion.**

46           **9. A certificated staff person who receives an evaluation of effective or highly**  
47 **effective for five consecutive years shall be awarded a three-year contract; however, if a**  
48 **certificated staff person receives an evaluation of below effective during the three-year**  
49 **contract, the length-of-contract requirement is waived until the certificated staff person**  
50 **completes another five consecutive years of effective or highly effective evaluations.**

✓