

SECOND REGULAR SESSION

# HOUSE BILL NO. 1151

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES ICET (Sponsor), CUNNINGHAM (86),  
BIVINS AND BEARDEN (Co-sponsors).

Pre-filed December 19, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3607L.01I

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### 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.

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*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Section A. Sections 168.110 and 168.126, RSMo, are repealed and two new sections  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 qualities, experience, or credentials that are exceptionally**  
11 **well suited to a district's needs for academic improvement. In exchange for such**  
12 **incentives, teachers may be required to teach in the district offering the incentive for a**  
13 **period of up to three school years. Districts shall have the decision-making authority on**  
14 **whether to provide such incentives and modifications within the limits of this section. The**

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 modifications shall be effective at the beginning of the next school year. All teachers affected  
16 by the modification shall be furnished written copies of the modifications within thirty days after  
17 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 qualities, experience, or credentials that**  
12 **are exceptionally well suited to a district's needs for academic improvement. In exchange**  
13 **for such incentives, teachers may be required to teach in the district offering the incentive**  
14 **for a period of up to three school years. Districts shall have the decision-making authority**  
15 **on whether to provide such incentives and modifications within the limits of this section.**  
16 The board shall not employ one of its members as a teacher; nor shall any person be employed  
17 as a teacher who is related within the fourth degree to any board member, either by consanguinity  
18 or affinity, where the vote of the board member is necessary to the selection of the person.

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

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

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

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