

## Administrative Memo

**Date:** April 9, 2020  
**To:** School Administrators  
**From:** Dr. Margie Vandeven, Commissioner of Education  
**Subject:** COM-20-003 – More Missouri Statutes Waived Due to COVID-19

Due to extended school closures during the COVID-19 pandemic, the Missouri Department of Elementary and Secondary Education (DESE) requested the waivers of several additional state statutes.

### STATUTES IMPACTING TEACHER EMPLOYMENT CONTRACTS

In addition to the waiver granted on April 2, 2020, regarding [Section 168.101.3, RSMo](#), to extend contract deadlines, Governor Mike Parson has approved DESE's request to extend the deadlines in the following three statutes for an additional 30 days each.

#### **Contract Modification for Indefinite Teacher Contracts**

##### [Section 168.110, RSMo:](#)

“The board of education of a school district may modify an indefinite contract annually on or before the **fifteenth day of May** in the following particulars:

- (1) Determination of the date of beginning and length of the next school year;
- (2) Fixing the amount of annual compensation for the following school year as provided by the salary schedule adopted by the board of education applicable to all teachers. The modifications shall be effective at the beginning of the next school year. All teachers affected by the modification shall be furnished written copies of the modifications within thirty days after their adoption by the board of education [emphasis added].”

#### **Contract Notification for Probationary Teachers**

##### [Section 168.126.2 and .3, RSMo:](#)

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

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

3. Any probationary teacher who is not notified of the termination of his employment shall be deemed to have been appointed for the next school year, under the terms of the contract for the preceding year. **A probationary teacher who is informed of reemployment by written notice shall be tendered a contract on or before the fifteenth day of May. . .[emphasis added].**”

### **Contract Notification for Probationary Teachers – Metropolitan School Districts**

#### Section 168.221.1, RSMo:

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

#### **OTHER WAIVED STATUTE**

The End-of-Year Dyslexia screening requirement is waived through the end of the 2019-20 school year.

#### **Dyslexia Screenings**

#### Section 167.950.1(2), RSMo:

- “1. (1) By December 31, 2017, the department of elementary and secondary education shall develop guidelines for the appropriate screening of students for dyslexia and related disorders and the necessary classroom support for students with dyslexia and related disorders. Such guidelines shall be consistent with the findings and recommendations of the task force created under section 633.420.
- (2) In the 2018-19 school year and subsequent years, each public school, including each charter school, shall conduct dyslexia screenings for students in the appropriate year consistent with the guidelines developed by the department of elementary and secondary education.

- (3) In the 2018-19 school year and subsequent years, the school board of each district and the governing board of each charter school shall provide reasonable classroom support consistent with the guidelines developed by the department of elementary and secondary education.

2. In the 2018-19 school year and subsequent years, the practicing teacher assistance programs established under section 168.400 shall offer and include two hours of in-service training provided by each local school district for all practicing teachers in such district regarding dyslexia and related disorders. Each charter school shall also offer all of its teachers two hours of training on dyslexia and related disorders. Districts and charter schools may seek assistance from the department of elementary and secondary education in developing and providing such training. Completion of such training shall count as two contact hours of professional development under section 168.021.

3. For purposes of this section, the following terms mean:

- (1) **‘Dyslexia’**, a disorder that is neurological in origin, characterized by difficulties with accurate and fluent word recognition and poor spelling and decoding abilities that typically result from a deficit in the phonological component of language, often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction, and of which secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge. Nothing in this definition shall require a student with dyslexia to obtain an individualized education program (IEP) unless the student has otherwise met the federal conditions necessary;
- (2) **‘Dyslexia screening’**, a short test conducted by a teacher or school counselor to determine whether a student likely has dyslexia or a related disorder in which a positive result does not represent a medical diagnosis but indicates that the student could benefit from approved support;
- (3) **‘Related disorders’**, disorders similar to or related to dyslexia, such as developmental auditory imperception, dysphasia, specific developmental dyslexia, developmental dysgraphia, and developmental spelling disability;
- (4) **‘Support’**, low-cost and effective best practices, such as oral examinations and extended test-taking periods, used to support students who have dyslexia or any related disorder.

4. The state board of education shall promulgate rules and regulations for each public school to screen students for dyslexia and related disorders and to provide the necessary classroom support for students with dyslexia and related disorders. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.

5. Nothing in this section shall require the MO HealthNet program to expand the services that it provides.”