



MISSOURI TEACHER TENURE ACT

Statutes & Recent Case Law

March 2015

Missouri Department
of Elementary and Secondary Education

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Teacher Tenure Act

Section 168.102 RSMo

Section 168.104

Definitions:

- (3) Indefinite contract
- (4) Permanent teacher
- (5) Probationary teacher
- (7) Teacher

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Indefinite contract

Section 168.106

The contract between a school district and a permanent teacher shall continue in effect for an indefinite period, subject to:

Section 168.106.(1)-(6)

- (1) Compulsory or optional retirement
- (2) Modification by a succeeding indefinite contract
- (3) Death
- (4) Resignation with written consent
- (5) Termination after a hearing
- (6) Revocation of certificate

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Section 1681108.1

Indefinite contract - requirements

Homa v. Carthage R-IX Sch. Dist., 345 S.W.3d 266 (Mo. App. S.D. 2011)

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- Tenured teacher directed the district's Parents-as-Teachers (PAT) program and authorized a parent educator to go to a jail to meet a former PAT participant and an undocumented immigrant, to solicit the adoption of the woman's child.
- Termination was upheld based on the misappropriation of school funds, falsification of records, and the failure to comply with PAT guidelines.
- Court stated the conduct violated the very purpose of the program and broke the trust between the PAT program and the community.

Hilfiker v. Gideon Sch. Dist. #37 (Mo. App. W.D. 2012)

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- Teacher was employed sporadically over the course of thirty years.
- Teacher taught a total of seven years for the district, but never two successive years in a row.
- The Court of Appeals found that a tenured teacher must be employed five successive years. § 168.104(4)
- “Successive,” which the TTA does not define, means “consecutive” or “following each other without interruption.”