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## EXPLANATION: RENEWAL OF PROFESSIONAL STAFF MEMBERS

This policy was amended for clarity and legal compliance.

MSBA has changed the name of this policy from "Nonrenewal of Professional Staff Members" to "Renewal of Professional Staff Members" because staff are renewed much more frequently than they are nonrenewed.

MSBA has also revised this policy to reflect provisions of the Missouri Constitution that prohibit the district from increasing an employee's salary after a contract has begun. It has been relatively common for districts to enter into multi-year contracts with some administrators; however, the trade-off for this type of job security is that the salary cannot be renegotiated during the term of the contract.

MSBA has added a section regarding tenured teachers. Tenured teachers have an indefinite contract with the district and therefore the Board does not vote to renew a tenured teacher's contract. That said, many districts still do so. This addition explains the law in more detail.

MSBA has added language under "Noncertificated Professional Staff" to make it clear that these employees will not receive employment contracts. MSBA does not recommend that districts issue employment contracts to any employee unless required by law to do so. The law has never required districts to contract with professional staff who are not required to be certificated.

MSBA has amended the section titled "Allegations of Sexual Misconduct with a Student." In 2013 the legislature amended the Amy Hestir Student Protection Act to require districts to share information with not only other public schools, but also charter schools, regarding employees who have resigned from the district due to allegations of sexual misconduct.

*MSBA recommends that copies of this document be routed to the following areas because the content is of particular importance to them. The titles on this list may not match those used by the district. Please forward copies to the district equivalent of the title indicated.*

	Board Secretary		Business Office		Coaches/Sponsors
	Facility Maintenance		Food Service		Gifted
X	Human Resources	X	Principals		Library/Media Center
	Health Services		Counselor		Special Education
	Transportation		Public Info/Communications		Technology

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## NONRENEWAL OF PROFESSIONAL STAFF MEMBERS

The Camdenton R-III School District will consider professional staff performance and the district's future staffing needs at least annually and make decisions regarding the continued employment of professional staff members for the next school year.

### Employment Contracts

Certificated employees whose employment has been renewed will receive contracts no later than May 15.

When the district issues an employment contract to an employee, the district may notify the employee of the date the signed contract must be returned to the district. Failure to return the contract by that date will be considered a rejection of the district's offer of employment. Unless notified otherwise, a re-employed, certificated staff member (other than the superintendent) has 15 calendar days to sign and return a contract to the designated person in the district, or the district, in its discretion, may consider the employment offer revoked.

In accordance with law, if an employee has a multi-year contract in which the employee's salary is set in the contract for the next fiscal year, the Board cannot take action to increase the salary in the existing contract unless the employee's duties are increased.

### Tenured Teachers

By law tenured teachers have an indefinite contract with the district and are therefore automatically considered employed for the next school year without Board action. In accordance with law, the district will notify these teachers on or before May 15 of their compensation for the next school year in accordance with the salary schedule and the school calendar.

### Probationary Teachers

On or before April 15 of 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 nonrenewal of his or her contract.—

If the teacher was nonrenewed due to a decrease in student enrollment, school district reorganization or the financial condition of the school district, the written notice will include the reason for nonrenewal. Otherwise, upon request, the district will provide a concise written statement of the reason or reasons the contract was not renewed.

### **Certificated Administrative Staff Ineligible for Tenure**

The following rules apply to the employment renewal of all certificated administrative staff, other than the superintendent. On or before April 15 of the year in which a contract expires, the Board of Education shall notify the administrator in writing an administrator ineligible for tenure (other than the superintendent) concerning his or her re-employment. Any motion regarding re-employment of such certificated employee shall include only one person and shall be made in the positive. A majority of the elected members voting in the affirmative shall constitute re-employment.

Nonrenewed administrators who have tenure as a teacher in the district will be offered a teaching position in accordance with law and must provide written notice to the district by June 1 if they do not intend to accept the position.

If an administrator is nonrenewed or demoted, and if the employee has been re-employed five times by the district, the employee may, within ten days following receipt of the notice, request a written statement of reasons. The statement shall be provided within ten days of receipt of the request. The employee shall be granted a hearing, if requested in writing within ten days after receipt of the statement of reasons. The hearing shall be held within ten days of the receipt of the request, and shall be open at the employee's request. The employee may have counsel, testify, offer evidence and cross-examine witnesses. After the hearing, no further action by the Board shall be required.

### **Noncertificated Professional Staff**

~~Unless otherwise required by law, the district may nonrenew the contract of a noncertificated professional staff member by notifying the employee prior to entering into a new contract with the employee that his or her contract will not be renewed.~~ In general, the district does not enter into employment contracts with noncertificated professional staff. Noncertificated professional staff employees are considered at-will employees and will continue to be employed with the district from year to year unless notified otherwise. When applicable, the district will provide reasonable assurance of continued employment status to employees prior to the summer break.

### **Allegations of Sexual Misconduct with a Student**

If a former district employee whose job involved contact with children was terminated, nonrenewed or allowed to resign in lieu of termination as a result of an allegation of sexual misconduct with a student, or as a result of such allegations being substantiated by the Children's Division (CD) of the Department of Social Services' child abuse and neglect review board, the district is required by law to release information regarding the sexual misconduct to a potential public school or charter school employer who contacts the district regarding the former employee. In addition, if the CD substantiates a complaint of sexual misconduct with a student against a former employee of the

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district, the law requires the district to release the results of the CD investigation to any potential public school **or charter school** employer who contacts the district.

When employment ends as a result of an allegation of sexual misconduct with a student, the district will provide appropriate due process prior to the release of information regarding the sexual misconduct to a potential public school **or charter school** employer, if feasible. The superintendent or designee is authorized to consult with the district's attorney to determine the appropriate level of due process to provide.

For the purposes of this policy, employees are considered "former employees" if they have resigned, been terminated, had their contracts nonrenewed, or been notified that their contracts with the district will not be renewed or that the district is pursuing termination, even if the process has not been completed.

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***Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.***

Adopted: 12/12/2005

Revised: 06/28/2012;

Cross Refs: AC, Prohibition against Discrimination, Harassment and Retaliation  
BDDF, Voting Method  
**CBC, Superintendent's Contract/Compensation and Benefits**  
JHG, Reporting and Investigating Child Abuse/Neglect

Legal Refs: **Mo. Const. art. III, §§ 38(a), 39(3)**  
§§ 162.068, 168.101, .126, RSMo.  
U.S. Const. amend. XIV

Camdenton R-III School District, Camdenton, Missouri