

SCHOOLS: Employment "in any other school system,"  
TEACHERS: as that phrase is used in Section 168.  
104(5), RSMo 1969, includes any full-time  
teaching position, whether inside or outside of Missouri and whether  
in public or private schools. It includes teaching service in a ju-  
nior college, four-year college, or university and in a bona fide  
early childhood or preschool program.

OPINION NO. 116

May 28, 1975

Dr. Arthur L. Mallory  
Commissioner of Education  
Department of Elementary and  
Secondary Education  
Jefferson State Office Building  
Jefferson City, Missouri 65101



Dear Dr. Mallory:

This official opinion is in response to your request for a  
ruling on the following questions:

- "Section 168.104, Subsection 5 of the Re-  
vised Statutes of Missouri provides in part  
that 'in the case of any probationary teach-  
er who has been employed in any other school  
system as a full-time teacher for two or  
more years, the board of education shall  
waive one year of his probationary period.'
- "1. Shall the board of education waive one  
year of a teacher's probationary period  
for being employed as a full-time teach-  
er for two or more years in another  
school system outside the state of Mis-  
souri?
  - "2. Shall the board of education waive one  
year of a teacher's probationary period  
for being employed as a full-time teach-  
er for two or more years in nonpublic  
elementary and secondary schools?
  - "3. Shall the board of education waive one  
year of a teacher's probationary period  
for being employed as a full-time teach-  
er for two or more years in a junior col-  
lege or a four-year college or university?

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"4. Shall the board of education waive one year of a teacher's probationary period for being employed as a full-time teacher for two or more years in a school offering only an early childhood or pre-school program?"

At the outset, we note that the Teacher Tenure Act, Sections 168.102 through 168.130, RSMo 1969, provides for "probationary" and "permanent" teachers, the difference between them being the length of service in the district. A permanent teacher is defined as:

". . . any teacher who has been employed or who is hereafter employed as a teacher in the same school district for five successive years and who has continued or who thereafter continues to be employed as a full-time teacher by the school district; . . ." (Section 168.104(4))

However, Section 168.104(5), the section with which your opinion request deals, provides that:

". . . In the case of any probationary teacher who has been employed in any other school system as a full-time teacher for two or more years, the board of education shall waive one year of his probationary period;"

The answer to your question depends on the definition of the phrase "employed in any other school system as a full-time teacher." The phrase is not defined in the Teacher Tenure Act, and we are unable to find any judicial definition of that phrase either from Missouri or elsewhere. In order to ascertain its meaning, therefore, we must try to determine the context in which it was used.

The status of "probationary teacher" was established so that a school district could evaluate the performance of a teacher over a period of years before that teacher became eligible for permanent status. A teacher who has had prior teaching experience, however, is not required to wait the full five years before acquiring permanent status. This is so both because the school district can obtain an evaluation of that teacher's earlier work from his previous employer and because that earlier work has provided experience which presumably makes the teacher more valuable to the school district.

Your opinion request asks whether the prior teaching experience is limited to particular schools or particular age groups. We do not

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believe it is. So long as a person has been employed as a full-time teacher for two years, it should not matter whether the school system was public or private and in Missouri or not. Further, we believe that this statute includes bona fide early childhood or pre-school teaching experience and teaching in a college or junior college. Employment in any of these situations allows evaluation of the teacher's earlier work and gives the teacher experience which makes the teacher more valuable to the district.

#### CONCLUSION

It is, therefore, the opinion of this office that employment "in any other school system," as that phrase is used in Section 168.104(5), RSMo 1969, includes any full-time teaching position, whether inside or outside of Missouri and whether in public or private schools. It includes teaching service in a junior college, four-year college, or university and in a bona fide early childhood or preschool program.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Richard E. Vodra.

Yours very truly,



JOHN C. DANFORTH  
Attorney General