IN THE MISSOURI COURT OF APPEALS
WESTERN DISTRICT

COMPLETE TITLE OF CASE

MICHAEL WELSH,

Respondent,

v.

KANSAS CITY PUBLIC SCHOOLS,

Appellant.

DOCKET NUMBER WD83337

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

DATE: July 28, 2020

APPEAL FROM

The Circuit Court of Jackson County, Missouri
The Honorable Justine E. Del Muro, Judge

JUDGES

Division Two: Mitchell, P.J., and Gabbert and Thomson, JJ. CONCURRING.

ATTORNEYS

William E. Quirk and Elizabeth Marden, Kansas City, MO, Attorneys for Respondent.

Jeff Klusmeier and Shana Long, Kansas City, MO, Attorneys for Appellant.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

MICHAEL WELSH, Respondent,
v.
KANSAS CITY PUBLIC SCHOOLS, Appellant.

WD83337 **Jackson County**

Before Division Two Judges: Karen King Mitchell, Presiding Judge, and Anthony Rex Gabbert and W. Douglas Thomson, Judges

The School District of Kansas City 33 d/b/a Kansas City Public Schools (KCPS) appeals from the grant of summary judgment in favor of its former employee, Michael Welsh, on his claim that KCPS violated Missouri's Teacher Tenure Act when it failed to renew his teaching contract for the 2018-2019 school year without providing him the protections afforded to permanent teachers under the Act. KCPS raises two points on appeal. First, it argues that the trial court erred in denying its motion to dismiss Welsh's petition for failure to state a claim. And, second, it argues that the trial court erred in granting summary judgment in favor of Welsh because he was not entitled to judgment as a matter of law. Because Welsh's petition failed to state a claim upon which relief could be granted, we reverse the trial court's grant of summary judgment and remand with directions to dismiss Welsh's petition.

REVERSED AND REMANDED WITH DIRECTIONS.

Division Two holds:

1. To be a "permanent teacher" under the Teacher Tenure Act, a teacher must be employed at a public school for five successive years *and* renewed for the following year.

2. To be considered a teacher under section 168.104(7), RSMo, one must: (1) teach in a public school, (2) in grades kindergarten through twelve, and (3) have a valid teaching certificate.

3. To be entitled to the one-year waiver provided in the Teacher Tenure Act, a teacher's prior instructional experience must have been (1) in public schools, containing grades kindergarten through twelve, or in a prekindergarten program in which no fees are charged to parents or guardians; (2) pursuant to the authority of a valid teaching certificate; and (3) of at least a two-year duration.

4. Welsh failed to allege sufficient facts in his petition to demonstrate that he was a "permanent teacher" under the Teacher Tenure Act; therefore, he failed to allege sufficient facts to state a claim for violation of the Teacher Tenure Act's provisions regarding due process afforded to permanent teachers.

Opinion by: Karen King Mitchell, Presiding Judge July 28, 2020

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THIS SUMMARY IS **UNOFFICIAL** AND SHOULD NOT BE QUOTED OR CITED.