



Legislative Update

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Number 10
March 11, 2021
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HOUSE AND SENATE LEAVE FOR SPRING BREAK

The House and Senate moved quickly to pass many bills this week before leaving for a one week spring break. Several bills were delayed due to technical errors during this hectic activity. HB 738 (Rone) regarding elections and HB 543 (Pollitt) were both reconsidered and sent to the Committee on Legislative Review to have corrective language drafted before a final passage vote by the House.

OPEN ENROLLMENT BILL

The House debated HCS/HB 543 (Pollitt) on March 10 and gave the bill first round approval after adopting several amendments. A technical error was later discovered in an adopted amendment. The bill was reconsidered on March 11 and sent to the Committee on Legislative Review to correct the error. The bill will likely be brought up for final passage soon after the House returns from spring break.

House amendments addressed many of the concerns brought forward on the bill. The House voted to remove the transfer of local funds from the sending district. Amended language also moved the deadlines for applications earlier each year to give districts more time to plan for any changes in enrollment. Students applying for a transfer must commit to attend in the receiving district for a full academic year. New language also clarifies that the bill does not authorize transfers to charter schools or to full-time virtual schools. MSHSAA will be allowed to establish penalties relating to interference in the open enrollment process based on athletic participation.

HCS/HB 543 resembles the public school open enrollment statute in the state of Iowa. The bill allows students to request a transfer to attend another public school district. School districts would have the option to specify the number of transfer students they are willing to receive, but there would be no general limitation on the number of students who chose to leave the district. HB 543 also includes the option for a district to adopt a diversity plan that could limit student transfers out of the district for transfers that would work against the diversity plan. The House also approved language to limit student transfers out of a district to five percent of enrollment for the first two years of the program.

HB 543 represents a significant change in enrollment policy. The Association remains concerned that some students may be left behind in such a transfer plan, particularly if funding is not provided to support participation of students with special needs and at-risk students. Ongoing appropriations to the state fund created to support those transportation and special education expenses will be needed to implement the bill. The sponsor acknowledged that issues will likely arise regarding equitable access as the bill is implemented. The Association will continue to work to address these issues if the bill is passed by the House and taken up by the Senate.

SENATE PASSES SMALLER EDUCATION BILL

The Senate gave final approval to a Senate Substitute version for SB 152 (Hoskins) on March 11. The original bill renames the state's 529 education savings program to be the Missouri Education Program and includes all eligible educational institutions allowed under federal law.

The Senate Substitute also adds the provisions of SB 151 (Hoskins) to require districts and charter schools to identify and provide services and programs for gifted children. The bill would require a district to establish a gifted education program if three percent or more are identified as gifted. Districts with an average daily attendance of 350 students or less will not be required to provide services by a teacher certified to teach gifted education. The Association believes that gifted and talented students need a challenging curriculum and a program that identifies and supports their unique needs. The Association supports this portion of the bill.

The Senate also approved several amendments to the bill that would:

- 1) include Sen. Luetkemeyer's SB 219 to revise the membership of the board of governors of Missouri Western State University.
- 2) revise the process by which a community college board of trustees places an annexation proposal before voters in a district. The amendment requires the county commission where the district is located to approve the ballot language for the annexation.
- 3) include Sen. Arthur's SB 33 and SB 34 pertaining to competency-based education and alternative graduation pathways for high school students. The Senate approved an amendment that would sunset the program after seven years.
- 4) include Sen. Rizzo's SB 457 to amend the definition of a Montessori school in the childcare statutes.
- 5) require DESE to publish on its website any data or report sent to the Department from any federal agency within thirty days.
- 6) include Sen. Beck's SB 187 to require school district nurses to develop individualized healthcare plans for students with epilepsy or seizure disorders.

HOUSE PASSES SUPERINTENDENT SHARING BILL

The House gave final round approval to HCS/HB 151 (Shields) on March 11. The bill now moves to the Senate for consideration. The bill will likely be brought up for final passage on March 11. The House adopted an amendment to include an innovation waiver program for one or more schools or districts to seek waivers of certain school requirements to improve educational outcomes. Waivers can affect most basic school laws, but would not affect teacher tenure, salary schedules or retirement.

WORKING AFTER RETIREMENT

The House gave final round approval to HB 811 (Rusty Black) on March 11. The bill would increase the earnings limit for PSRS retirees working in PEERS covered employment from the current value of \$15,000 to the Social Security earnings limit. That earnings limit will be \$18,960 for 2021. The House

also adopted an amendment to extend the critical shortage working after retirement option for teachers from two years to four years. The Association supports the bill.

ALTERNATE DIPLOMA BILL

The House gave final round approval to HB 624 (Richey) on March 11. The bill pertains to competency-based education and alternative graduation pathways for high school students. The House also approved an amendment to rename the state's 529 education savings program to be the Missouri Education Program and Include all eligible educational institutions allowed under federal law.

SENATE RECONSIDERS DEFEAT OF BILL TO REPEAL PERSONAL PROPERTY TAX

The Senate debated SB 24 (Eigel) for several hours on March 8. The Senate adopted SS#2 and then voted to defeat the bill on perfection vote. The Senate reconsidered that vote on March 11 and laid the bill over, so the bill is likely to be taken back up for perfection at some point after the legislature returns from spring break.

SS#2 contained several provisions, but the main portion of the bill would permanently eliminate 99.997% of the taxes on personal property. The SS#2 changed the timing from a five year period to an unspecified period determined by reducing the personal property assessment ratios as real property tax revenues increase. Based on the official fiscal note for the bill, this change is expected to ultimately reduce local school revenues by roughly \$1 billion per year. The Association opposes the bill.

LOCAL CONTROL OF PUBLIC HEALTH MEASURES

The House gave final approval to HCS/HB (Murphy) on March 11. The bill could be taken up next week for final passage by the House. The bill pertains to local control of public health measures by city and county health agencies and limits the period that public health agencies may issue emergency orders without approval by the city or county governing body. The Association believes that every child should have a safe place to learn. The Association urges the General Assembly to ensure that any such legislation maintain a structure where local and state public health officials can take appropriate and timely action to adopt and enforce provisions to help ensure students have safe schools.

SALES AND INCOME TAX BILLS

The Senate gave final approval to SS/SCS/SB 153 (Koenig) on March 11. The bill would allow state and local taxation of online and remote sales as allowed under the recent Wayfair decision by the U.S. Supreme Court. However, the bill also includes additional income tax cuts to reduce state revenues and offset the possible increase of funds from the sales tax changes. The SS would add three more 0.1% reductions to the top income tax rate that would be implemented after the remaining cuts from SB 509 in 2014. The House also passed HB 554 (Eggleston) on March 11. That bill also allows state and local taxation of online and remote sales under the Wayfair decision and also includes an additional income tax cut. The Association urges the legislature to address the online sales tax provision without further cuts to the income tax.

INITIATIVE PETITIONS

The House gave final approval to HCS/HJRs 20, 2, 9 & 27 (Henderson) on March 11. The HJR would revise initiative petitions and amending the constitution. The HJR increases the initiative petition signature percentage for constitutional amendments from 8% to 10% of the legal voters in each Congressional district, requires collection of the required percentage of signatures in all eight Congressional districts, rather than the current requirement of six districts, and requires a two-thirds majority for the approval of any future constitutional amendment, regardless of whether submitted by the legislature or the initiative petition. The Association opposes the HJR.

VOTER ACCESSIBILITY

The House gave first round approval to HCS/HB 738 (Rone) on March 10. A technical error in language was later discovered. The bill was reconsidered on March 11 and sent to the Committee on Legislative Review to correct the error. The bill will likely be brought up for final passage soon after the House returns from spring break.

The bill would change the law to disallow electronic voting machines and other emerging technologies that can help disabled and visually impaired voters. HB 738 would also eliminate non-photo ID options currently allowed for registered voters. The Association believes that the human and civil rights of individuals with disabilities must be protected. Missouri NEA also opposes barriers that keep eligible citizens from voting and being politically active and opposes the bill.

BALLOT LANGUAGE

The House gave first round approval to HB 850 (Wiemann) on March 10. The bill would prohibit a court from changing a summary statement or ballot language approved by the General Assembly for a Constitutional amendment or a bill that is referred to voters by referendum clause. The Association is concerned that this bill attempts to violate the Constitutional separation of powers by prohibiting judicial review on ballot language. The Association opposes the bill.

HOUSE ELEMENTARY AND SECONDARY EDUCATION COMMITTEE

The committee heard three bills on March 9:

HB 37 (Pollock) relating to immunizations. The bill exempts private schools from immunization requirements applicable to public schools and creates an exemption for students providing a written religious or conscientious belief statement regarding immunizations. The Association believes that waivers should minimize the numbers of unvaccinated students to those necessary due to documented medical conditions.

HB 108 (Bangert) to require schools to offer students instruction in cursive writing.

HB 639(Morse) to designate May 10 as School Bus Drivers' Appreciation Day in Missouri.

HB 1314 (Bosley) to prohibit certain discriminatory practices based on hair texture and protective hairstyles.

The committee cancelled the scheduled hearings on two bills:

HB 442 (Basye) to authorize a tax credit for expenses for certain children receiving virtual or remote education.

HB 496 (Schroer) to authorize a tax credit for expenses of students attending school outside of their school district.

The committee also voted to approve several bills:

HCS/HB 1133 (Rusty Black) to change the Career Ladder law by adding plan recognition for certain additional responsibilities and volunteer activities, such as coaching and mentoring. The bill also allows teachers to qualify after two years. This program is not currently being funded by the state.

HCS/HB 320 (Fitzwater) to require computer science courses in elementary and secondary schools.

HCS/HB 494 (Hurlbert) to allow home school student participation in MSHSAA activities.

HCS/HB 541 (Lewis) to mandate closure, charter conversion or transfer for district schools that are identified by DESE in the bottom 5% of schools for more than three years. The Association believes that any intervention in these schools should focus on positive steps to identify and remedy issues of achievement and equity of opportunity and opposes the bill as filed. The HCS allows an identified school to use the school turnaround program created in HB 604 in 2019.

HCS/HB 1071 (Shields) to revise the early learning quality assurance report program within DESE by extending the sunset for four years.

SENATE EDUCATION COMMITTEE

The committee heard four bills on March 9:

SB 54 (O'Laughlin) regarding reading intervention in schools. The Association believes that reading instruction, with appropriate evidence-based reading intervention, especially in the early grades, is essential for learning and achieving high standards in all content areas. The Association also believes that key decisions regarding assessment, placement, additional instruction and advancement should be made at the local level with district, employee, parent and student input.

SB 76 (Beck) to require school districts to adopt policies providing for accommodations for nursing mothers.

SB 323 (May) to allow school districts to offer elective social studies courses on the Hebrew Scriptures and the New Testament.

SB 390 (Luetkemeyer) to specify that school districts in Buchanan County shall be in the same community college district as school districts in Grundy County.

The committee also voted to approve several bills:

SCS/SB 204 (Cierpiot) to require computer science courses in elementary and secondary schools.

SB 219 (Luetkemeyer) to modify the board of governors for Missouri Western State University.

SCS/SB 400 (Onder) to create the same "back door" charter expansion contained in HB 942 (Haffner). The bill requires accreditation to be based at least 70% on state tests. The bill mandates a minimum percentage of both districts and schools to annually be labeled at the lower two levels of unaccredited and provisionally accredited and thus eventually subject to charter schools approved by outside entities. This bill harkens back to the now-abandoned "test, blame and punish" mindset of the former, federal NCLB Act. The Association opposes the bill.

SB 33 (Arthur) regarding competency based education. The bill creates a task force to study and develop competency-based education programs in public schools and a grant program to fund to school districts for the purpose of providing competency-based education programs. The Association supports the bill.

HOUSE HIGHER EDUCATION COMMITTEE

The committee heard HB 682 (Chipman) on March 8. The bill this bill prohibits any public institution of higher education in Missouri from requiring students to live in campus housing except for first-time freshman.

The committee also voted to approve HCS/HB 355 (Baker). The bill requires institutions of higher education to provide additional career and cost-related information to incoming students.

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