



Legislative Update

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SENATE APPROPRIATIONS COMMITTEE REJECTS FUNDING FOR MEDICAID EXPANSION

The Senate Appropriations Committee defeated Sen. Hough's proposal to provide approximately \$60 million in general revenue to fund Medicaid expansion. The House version does not fund Medicaid expansion. Sen. Hough's proposal used approximately half of the \$120 million in general revenue funding originally proposed in the Governor's budget. The proposal was defeated on a tie vote of 7-7 with Senators Arthur, Brown, Cierpiot, Hough, May, Washington, and Williams voting in favor. The Association supports funding to expand this important program of health services approved last year by Missouri voters and urges the Senate to support efforts to restore this funding when the bill is debated next week.

The committee completed action on House Bills 1-13 (Smith) on April 22. These are the operating budget bills for next fiscal year. Final action on the budget bills, including Senate floor action, conference committee discussion and final approval, must be completed by May 7th.

The Association is concerned that HCS/HB 2 regarding K-12 funding contains \$2M in new funding for a non-profit entity in St. Louis school district, which appears to be available for the pro-charter Opportunity Trust. That organization has been advancing legislation that seeks to change school accreditation in radical ways that would expand charter schools by labeling more districts unaccredited. The Senate Committee reduced the amount of funding to \$500K and also revised the language to allow participation by the district and remove language regarding "district redesign". The Association supports these changes in the Senate committee version.

The House position on HB 2 also provides \$5M in state funding for charter school maintenance. The Senate committee reduced this amount to \$1M and expanded the language to include career and technical education centers as well as charter schools. The Association supports these changes in the Senate committee version.

The Senate committee included a funding increase for pupil transportation to \$20 million from the budget stabilization fund. The Senate committee also removed House language to require half of the Governor's Emergency Education Relief (GEER) funds to be used for voucher-like "microgrants".

SENATE MAY RETURN TO NEW SUBSTITUTE VERSION OF SB 55 ON VOUCHERS, CHARTERS AND VIRTUAL SCHOOLS

The Senate may return to debate on SB 55 (O'Laughlin) next week. The adoption of SS#2 for SCS/SBs 55, 23 and 25 (O'Laughlin) was reconsidered back on March 1. Some Senators expected the bill to be brought up on the evening April 21, but an anticipated new substitute version of the bill was not ready to be offered. If the bill is taken up, Sen. Rowden is expected to withdraw SS#2 and offer a new substitute. The Association opposes the bill.

Senate Substitute #2 removed the provisions relating to full-time virtual schools but added several other provisions, including the "back door" charter expansion language of HB 942 (Haffner). SS#2 also contains tax credit style vouchers, charter school expansion, requirements for gifted education programs, revised provisions for reading interventions, increased diversion of district funds to charter schools and home school student participation in MSHSAA activities.

HOUSE COMMITTEE CREATES LARGE OMNIBUS EDUCATION BILL

The House Elementary and Secondary Education Committee approved an immense omnibus education bill in the form of an HCS version for SCS/SB 152 (Hoskins) on April 20. The HCS has not been reported to the floor. The bill is scheduled again for executive session for April 27 to address technical issues with the procedure by which the substitute and amendments were considered. The committee may also address concerns raised regarding some of the added provisions.

The Association supports several portions of the HCS, including the portions relating to competency-based education, early learning quality assurance, gifted education, working after retirement, career-technical education, suspension of higher education tuition caps, high needs funding, suicide prevention, inclement weather makeup days, and accommodations for breast-feeding mothers.

The HCS/SCS/SB 152 contains language taken from the following bills:

SB 34 (Arthur) regarding alternative pathways to graduation and competency-based education.

SB 55 (O'Laughlin) to require DESE to maintain and publish any data or report received from a federal agency.

SB 151 (Hoskins) to require gifted education programs to meet student needs.

SB 152 (Hoskins) to revise ballot language for community college annexations.

SB 187 (Beck) to require school nurses to develop healthcare plans for students with epilepsy or seizure disorders.

SB 219 (Luetkemeyer) to revise the membership of the governing board of Missouri Western State University.

SB 390 (Luetkemeyer) to revise the boundaries of certain community college districts.

SB 400 (Onder) to create a panel to review school accountability under MSIP.

SB 457 (Rizzo) regarding childcare licensing requirements for Montessori schools.

HB 64 (Pike) to revise the per pupil figure used to calculate state funding for high needs students.

HB 101 (Pollitt) to add numerous provisions relating to workforce development in K-12 education, including working after retirement provisions.

HB 108 (Bangert) to require students to receive instruction in cursive handwriting.

HB 228 (Basye) to allow parents to record special education or Section 504 meetings with prior notice.

HB 254 (Paula Brown) to require districts to provide accommodations for breast-feeding mothers.
HB 355 (Baker) to require institutions of higher education to provide outcomes information to incoming freshmen.
HB 368 (Gregory) regarding reading instruction and interventions.
HB 387 (Bailey) regarding policies on seclusion and restraint.
HB 454 (Mackey) to add bankruptcy protections for educational savings assets.
HB 465 (Pike) to include stress management content in professional development for suicide prevention.
HB 478 (Christofanelli) to rename the state's 529 education savings program.
HB 608 (Lewis) to enact provisions regarding substitute teacher certificates.
HB 856 (Richey) to suspend tuition caps at public higher education institutions.
HB 872 (Pike) to allow half-day programs to have proportional requirements for inclement weather makeup days.
HB 896 (Rusty Black) to require DESE to create a statewide plan for career and technical education programs.
HB 1071 (Shields) to extend the early learning quality assurance program.
HB 1133 (Rusty Black) to revise provisions relating to the Career Ladder Program.

The bill also creates a new provision to allow students to earn graduation credit for participating in extended learning opportunities outside the regular school day.

PAYCHECK DECEPTION LANGUAGE OFFERED AND WITHDRAWN

The Senate debated SB 45 (Hough) on April 20. The bill pertains to cancer treatment for firefighters. Sen Onder offered an amendment to add his SB 244 to impose onerous paycheck mandates on public union members to the bill. The Association opposes SB 244. Sen. Onder's amendment was later withdrawn before the bill was perfected.

A point of order was raised when the amendment was offered, and the Senate was at ease for over an hour. During that time, negotiations were said to be underway between the bill's sponsor and the amendment sponsor, but on an entirely different issue relating to restrictions on public health orders.

SCHOOL BOARD SUBDISTRICT ELECTIONS

The House approved HB 253 (Fishel) on April 22. The bill changes school board elections for Springfield school district from seven at-large board members to two at-large members and five subdistrict members. The House approved an amendment to add HB 164 (Veit) to allow school districts to change from at-large to subdistrict school board elections. Rep. Fishel stated that he plans to ask the bill to be revised in the Senate to remove the mandated change for Springfield school district. Fishel's new proposal would only create a local option for any district to vote to approve a change to elect some or all board members from subdistricts.

SCHOOL BOARD AND MUNICIPAL ELECTION DATE

The House Legislative Review Committee approved HB 920 (Baker) on April 22. The bill can now be taken up by the House for final approval. The bill changes the general municipal election for schools and local governments from April to November. This change would likely make it harder for school

board candidates and school issues to receive as much attention during the November election cycle when attention will be taken up by partisan contests for federal, statewide, and legislative offices and statewide ballot issues.

HOUSE PERFECTS HOME SCHOOL ACTIVITIES BILL

The House perfected HB 494 (Hurlbert) on April 20. The bill would allow home school student participation in MSHSAA activities. Public school state aid would be withheld from any school not complying with the bill. The Association believes that educators should continue to establish the policies governing student activities in public schools.

ELECTIVE COURSE IN HEBREW AND CHRISTIAN SCRIPTURES

The Senate perfected SB 323 (May) on April 20. This largely symbolic legislation states that public schools may offer elective courses in the Hebrew and Christian scriptures. Existing state law already provides that books of a religious nature may be used in public schools as part of instruction in elective courses in literature and history, if such books are used in a manner consistent with the Establishment Clause of the First Amendment to the United States Constitution.

HOUSE APPROVES TRANSGENDER ATHLETE PARTICIPATION AMENDMENT

The House again debated HCS/HB 1141 & 1067 (Buchheit-Courtway) on April 21 but did not vote on the bill. The bill would protect the A+ scholarship eligibility of students in the case that their grade point average is reduced because of the COVID-19 pandemic.

Rep. Basye offered HA 2 to restrict interscholastic and intermural athletic participation in single gender sports for girls, women, or females. The amendment would ban any athlete if they have begun gender or sex transitioning from such participation. The Association opposes this amendment. The House voted 100-51 to approve the amendment. The bill was laid over with other amendments pending as noted below.

The amendment would effectively overrule the current MSHSAA Board Policy on Transgender Participation as taken from existing NCAA policy. The Association believes that educators should continue to establish the policies and procedures that govern the activities of Missouri students who participate in high school activities.

HOUSE DEBATES SCHOOL BOARD AND CURRICULUM ISSUES

Further discussion on HCS/HB 1141 & 1067 (Buchheit-Courtway) on April 21 included two other amendments. The bill was laid over with the amendments pending. HA 3 (Fishel) would allow five percent of the voters of a school district to sign and file a petition to require the school board to address a requested issue within three board meetings of the filing of the petition.

Rep. Schroer offered HA 1/HA 3 to preclude the instructional use of a broad range of content referred to as "critical race theory" that would include the 1619 Project initiative of the New York Times, the

Learning for Justice Curriculum, Teaching Tolerance, We Stories, programs of Educational Equity Consultants, and similar and successor curricula. The bill was laid over with HA 1/HA 3 pending. The Association opposes the amendment.

The House General Laws Committee heard HB 952 (Seitz) on April 19. Similar to Rep. Schroer's amendment, the bill would prohibit the use of the 1619 Project initiative of the New York Times in the public schools of the state. The Association opposes the bill.

The Association believes that teachers and students should be able to explore, present and discuss divergent points of view. Controversial issues should be a part of instructional programs when the issues are appropriate to the curriculum and the maturity level of the students. The work of social studies teachers involves engaging students in uncovering sources and evidence and then challenging and weighing that evidence. HA 1/HA 3 would interfere with high quality social studies instruction.

HOUSE ELEMENTARY AND SECONDARY EDUCATION COMMITTEE

In addition to approving the omnibus education bill, the committee heard two bills on April 20:

HB 480 (Christofanelli) to grant greater freedom for student journalists. The bill includes anti-retaliation provisions to protect student communications sponsors and other staff from possible retaliation by boards or administration for granting students greater editorial latitude as provided by the bill. The Association supports the bill.

HB 528 (Haffner) to authorize a tax deduction for up to \$1000 of expenses for children attending a private school or a home school. The fiscal note indicates that the bill would likely reduce state revenues by roughly \$3 million to \$6 million per year.

The committee hearing scheduled for HB 496 (Schroer) was postponed. The bill would provide a tax credit for tuition paid to private schools or tuition paid to public schools outside the district of residence. The Association opposes the bill. The fiscal note indicates that the bill could reduce state general revenues by more than \$1.2 billion. This enormous tax expenditure could seriously weaken the state's ability to invest in public education and other vital public services.

SENATE EDUCATION COMMITTEE

The committee heard four bills on April 20:

HB 228 (Basye) to allow parents of special education students to make audio recordings of IEP meetings and 504 plan meetings with prior notice.

HB 297 (Wallingford) regarding higher education. The bill would create a statewide mission for Southeast Missouri State University, allow Northwest Missouri State University to develop a statewide mission, provide information to students on the costs of four-year college and alternative career paths, rename the Missouri MOST 529 education savings plan, create a children's savings account program for children born in 2022 and thereafter, suspend the caps on tuition increases at public institutions of higher education and require Missouri public educational institutions to grant

undergraduate course credit for students who score 3 or higher on advance placement examinations. The Association supports the portion of the bill to suspend tuition caps for public institutions.

HB 306 (Griesheimer) to require a district to establish a gifted education program if three percent or more are identified as gifted. 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 bill would also protect A+ scholarship eligibility for students who have a negative change to their GPA from 2019-20 or 2020-21 due to the impact of COVID-19. The bill also renames the state's 529 education savings program to be the Missouri Education Program and includes all eligible educational institutions allowed under federal law.

HB 387 (Bailey) to revise the requirements for seclusion and restraint policies in public schools. The bill defines seclusion and restraint, requires parental notice if either seclusion or restraint is used on a student and contains reporting requirements on the incident. The Association will continue to monitor legislation on this issue to ensure that it allows school boards to maintain a policy that respects the safety and dignity of both students and staff.

In addition to hearing bills, the committee voted to approve seven bills on April 20:

SCS/HB 543 (Pollitt) to create a public school open enrollment program. The House voted to remove the transfer of local funds from the sending district and clarify that the bill does not authorize transfers to charter schools or to full-time virtual schools. School districts would have the option to specify the number of transfer students they are willing to receive. A district may adopt a diversity plan that could limit student transfers out of the district for transfers that would work against the diversity plan. 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 SCS includes a revised version of SB 352 (Koenig) to create a grievance process for parents and guardians of elementary and secondary school students. The Association is concerned that the bill would undermine local school governance and create an appeal process to DESE with no standard for consideration of such an appeal.

SCS/HB 627 (Patterson) to create a children's savings account program for children born in 2022 and thereafter. The SCS includes a revised version of SB 352 (Koenig) to create a grievance process for parents and guardians of elementary and secondary school students. The Association is concerned that the bill would undermine local school governance and create an appeal process to DESE with no standard for consideration of such an appeal.

HB 624 (Richey) relating to proficiency-based learning and alternative graduation pathways for high school students. The Association supports the portion of the bill to create a task force on proficiency-based learning. The bill also renames the state's 529 education savings program to be the Missouri Education Program and includes all eligible educational institutions allowed under federal law.

SB 166 (Arthur) to allow students to attend multiple public summer school programs non-concurrently. The Association supports the bill.

SB 386 (Eslinger) to require the State Board of Education to develop a statewide plan for minimum requirements for career and technical education certificates. The Association supports the bill.

SB 448 (Rowden) to revise the requirements for a visiting scholar's certificate of license to teach. The bill would allow the visiting scholar structure to be used for hard-to-staff schools and hard-to-fill positions.

SCS/SB 515 (Gannon) to modify provisions relating to continuing education in youth suicide awareness and prevention for teachers. The bill provides that the optional, professional development training in youth suicide awareness and prevention shall contain a unit relating to stress management strategies for students and faculty. The SCS version also requires that student IDs shall contain contact information for suicide prevention hotlines. The Association supports the bill.

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