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# Missouri National Education Association

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## For Children and Public Education

# Legislative Platform 2019

## Appendix 1: Platform Rationales

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*New to the platform for 2019 is a shift to place the “rationale” language in a separate appendix, so that this history and explanation remains available as a resource document maintained by staff, and allowing the Association to focus the Platform on core beliefs and corresponding legislative actions.*

### L-A1 SAFE SCHOOLS \*

**Rationale:** House Bill 1301 (1996), known as the Safe Schools Act, was a laudable achievement for the citizens of Missouri. The bill addressed most of the recommendations from MNEA’s 1996 Legislative Platform. In 1999, the Missouri legislature addressed hate crimes by providing enhanced penalties based on motive. In 2000, the legislature updated and clarified the portion of the law dealing with legal and behavioral concerns to schools and education employees and created a funding stream for programs to prevent violence. However, some districts are not fully complying with the requirements of The Safe Schools Act, including providing educators with timely transfer of student records and discipline information.

H.B. 1543 (2010) enacted numerous changes relating to school safety, including a requirement to notify all instructional staff in a building regarding the enrollment of students with a history of acts of school violence, additional requirements regarding transfer of school safety information between schools and the authority for school districts to adopt dress codes. S.B. 523 (2014) prevents schools from requiring students to wear identification containing a radio frequency identification device (RFID). H.B. 242 (2015) would have required school districts to report terrorist threats under the Safe Schools Act, but the bill did not pass.

### L-A2 GUN-FREE SCHOOLS \*

**Rationale:** S.B. 656 (2014) included language from S.B. 613 and H.B. 1439 which would have allowed school boards to designate staff to carry concealed weapons and detain persons for one hour on school grounds. The legislature overrode Governor Nixon’s veto and enacted the bill into law.

In H.B. 349 (2003), the General Assembly overruled the governor and a prior statewide referendum and passed legislation allowing carrying concealed weapons. This legislation has weakened existing prohibitions on possession of weapons on school property. S.B. 291 (2009) authorized the Blue Springs School District to commission school officers if all overlapping local law enforcement agencies sign an agreement to allow such officers. H.B. 152 (2013) allows any school district to commission school officers. H.B. 1936 (2018) would have allowed concealed weapons on college campuses, but the bill did not pass. S.B. 75 (2013)

1 allowed school districts and charter schools to annually train teachers and other school employees on how to  
2 respond to threatening situations on school property. The bill also stated that all school personnel shall  
3 participate in a simulated active shooter and intruder drill. Additionally, the bill allowed school districts to  
4 teach the Eddie Eagle Gun Safety program to first graders. S.B. 266 (2013) would have prevented school  
5 employees and health care professionals from asking about gun ownership at a student's home, but the bill  
6 did not pass.

### 7 8 **L-A3 IMMUNITY FROM LIABILITY \***

9  
10 **Rationale:** Education employees trying to make best use of school time and resources for the benefit of  
11 students continually encounter difficulties. Situations exist that, in the education employee's professional  
12 judgment, are disruptive or dangerous, but are allowed to continue despite the employee's protest. Such  
13 instances may include the denial of administrative assistance, the refusal of parents to administer prescribed  
14 medication, the lack of trained staff to perform medical services or the lack of other necessary support  
15 services. House Bill 1543 (2010) extends the existing liability protection for teachers and other school  
16 personnel from matters of school discipline to include other issues handled in conformity with the  
17 established policies of the school board. H.B. 1543 (2010) also authorizes school personnel to use reasonable  
18 force to protect persons or property.

### 19 20 **L-A4 BAN ON CORPORAL PUNISHMENT IN THE SCHOOLS \***

21  
22 **Rationale:** Missouri is one of 23 states that allow corporal punishment in public schools. Other methods of  
23 discipline exist and are effective. The Safe Schools Act requires districts to have a written policy on corporal  
24 punishment. S.B. 241 (2015) would have prohibited the use of corporal punishment and the use of spanking  
25 to discipline students in public schools, but the bill did not pass.

### 26 27 **L-A5 SAFETY STANDARDS \***

28  
29 **Rationale:** Currently, school districts across the state have allowed conditions of buildings, equipment, and  
30 vehicles to deteriorate to potentially dangerous levels. At present, many school facilities cannot meet  
31 applicable minimum safety standards. Districts also are using a variety of possibly harmful chemical agents  
32 in the schools and should be required to provide for the safety of the students, employees and the  
33 environment. H.B. 224 (2013) would have required the Department of Elementary and Secondary  
34 Education (DESE) to create rules allowing for advertising on school buses, but the bill did not pass.

### 35 36 **L-A6 MANDATED SEAT BELTS FOR SCHOOL BUSES**

37  
38 **Rationale:** School buses are now the safest transportation from home to school and back. National statistics  
39 show that less than one percent of injuries and deaths for those trips are on school buses. Research shows  
40 that the use of seat belts without shoulder harnesses could lead to additional injuries. Mandating safety belts  
41 require districts to purchase additional buses and will cost many millions of dollars each year. Supervision of  
42 students to make sure they are using the belts will either require an additional person on the bus or require  
43 much more time of the bus driver. Lawsuits could result if schools do not make sure everyone is belted in.  
44 House Bill 1356 (2008) would have required shoulder and lap belts in new school buses, but the bill did not  
45 pass.

### 46 47 **L-A7 CLIMATE CONTROLLED LEARNING ENVIRONMENT \***

48  
49 **Rationale:** Currently, districts across the state fail to provide protection for its students and employees  
50 against extremes of temperatures within their buildings. Temperatures in classrooms and workspaces are  
51 disregarded, as are the discomfort and health risks experienced by students and employees.

### 52 53 **L-A8 ENERGY ALTERNATIVES FOR SCHOOLS**

54  
55 **Rationale:** School district operating budgets are being negatively impacted by rising utility costs.  
56 Appropriate application of alternative measures and renewable energy resources can result in the reduction  
57 of tax dollars expended on operating costs and a reduction of the negative impact on our environment.

1 Proposition C (2008) was approved by the voters and will require investor-owned utilities to use a  
 2 progressively greater fraction of energy generated from renewable resources. This may generate  
 3 opportunities for schools to generate revenues by selling excess energy generated on the electrical grid.

#### 4 **L-A9 TECHNOLOGY IN EDUCATION \***

5  
 6  
 7 **Rationale:** Educators face increased pressure to improve students' performance. A lack of technology,  
 8 appropriate training and technological support in public schools hampers student progress. Equipment is  
 9 often limited, out of date and inaccessible.

#### 10 **L-A10 PROTECTION OF STUDENT INFORMATION TRANSMITTED ELECTRONICALLY \***

11  
 12  
 13 **Rationale:** Currently, parents and students feel safe to call the school to ask about personal matters.  
 14 However, court decisions have held that an employer need not have the permission of the employee to  
 15 monitor phone, e-mail or fax communications. Some workplaces have adopted the practice of listening in on  
 16 phone conversations. Companies are being created to provide the service of monitoring employees and their  
 17 communications. Until confidentiality is assured in their district, parents should be informed by the central  
 18 office within a district that e-mail, fax and telephone communication to all district employees may be legally  
 19 monitored and are not confidential and private.

#### 20 **L-A11 POSTING STUDENT WORK ON TEACHER WEBSITES**

21  
 22 **Rationale:** Many educators are requested or required to design and work online (e.g.: website, Moodle,  
 23 Blackboard, various blog-sites, etc.). Educators are often encouraged to publish student work on electronic  
 24 networks.

#### 25 **L-A12 EMPLOYEE-STUDENT COMMUNICATIONS POLICY\***

26  
 27  
 28 **Rationale:** S.B. 54 (2011) requires school boards to adopt a policy regarding employee-student  
 29 communications, including use of various forms of electronic communication. The bill specifically forbade  
 30 teachers from granting exclusive access to their non-school social networking sites to current or former  
 31 students under the age of 18 years. This specific provision was written without the flexibility to grant  
 32 reasonable exceptions for communications based on non-school relationships, such as between family  
 33 members or members of social groups. The provision was enjoined from effectiveness by court order in  
 34 August 2011. The legislature approved S.B. 1 in the First Extraordinary Session of 2011 in September 2011,  
 35 and Governor Jay Nixon signed the bill into law in October 2011. S.B. 1 repeals the specific ban on teacher-  
 36 student communication via non-school websites and retains the broad mandate that school boards address  
 37 the issue in some manner in board policy.

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### 38 ***Fulfill Missouri's Financial Obligation to Provide Great Public Schools and Public Colleges 39 and Universities***

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#### 40 **L-B1 CONSTITUTIONAL RIGHT TO A FREE PUBLIC EDUCATION**

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 42  
 43  
 44 **Rationale:** In 2009, the Missouri Supreme Court declared that access to an equitably funded public  
 45 education is not a fundamental right in Missouri (*Committee for Educational Equality, et al. vs. State of Missouri*).  
 46 In part, the court looked to the United States Constitution to determine whether access to public education  
 47 should be defined as a fundamental right in Missouri. Since there is no fundamental right to a free public  
 48 education in the U.S. Constitution, the court declined to find such a right in the Missouri Constitution. The  
 49 court's approach is insufficient because providing public education is a traditional role of state government,  
 50 while no parallel right exists in the U.S. Constitution. By establishing education as a fundamental right, the  
 51 legislature will have to determine and justify its standard of adequacy to meet a stronger level of scrutiny.  
 52 The legislature typically appropriates far less than the amount indicated by the Augenblick adequacy study  
 53 from 2001.

#### 54 **L-B2 ADEQUATE AND EQUITABLE FUNDING FOR GREAT PUBLIC SCHOOLS FOR 55 EVERY CHILD**

56

1  
2 **Rationale:** The Augenblick adequacy study, funded in part by Missouri NEA, released its conclusion that  
3 Missouri’s school funding, in 2001, was at least \$900 million short of the amount needed to meet state and  
4 federal accountability measures. Senate Bill 894 (2006) requires all school districts with a tax rate below  
5 \$3.43 to certify to the state whether the district provides an “adequate” education and, if not, the bill states  
6 that the reason is presumed to be lack of local funding. On Jan. 6, 2004, the Committee for Educational  
7 Equality filed suit in circuit court, alleging the State of Missouri is again in violation of constitutional  
8 requirements to provide equitable and adequate funding for Missouri’s public schools. On Aug. 29, 2007,  
9 Cole County Judge Richard Callahan ruled against the CEE plaintiffs. Callahan’s ruling upheld the current  
10 formula, ruling that the legislature need only fund public education by appropriating at least 25 percent of  
11 state revenues to the schools and that anything beyond that amount is “discretionary.” The ruling was  
12 appealed to the Missouri Supreme Court and, in a 2009 ruling, the Supreme Court upheld the current  
13 formula and declared that access to an equitably funded public education is not a fundamental right in  
14 Missouri.

15  
16 The current formula was enacted in Senate Bill 287 (2005). The formula determines an “adequate” amount  
17 of money per pupil, provides some weight for at-risk, disabled and English as a Second Language students,  
18 allows a 15 percent regional cost of education factor and deducts local property revenues based on a  
19 presumed tax rate of \$3.43, even if a district levies a lower or higher amount. S.B. 287 locked in roughly  
20 \$800 million in underfunding of the S.B. 380 (1993) formula in 2005 and took seven years to phase in. The  
21 bill provides no extra funding to encourage at-risk students to attend summer school. The base amount and  
22 the additional funding for at-risk and special education students are all significantly less than the levels  
23 determined in the Missouri adequacy study.

24  
25 H.B. 1689 (2014) provides that any underfunding below full funding of the 2012 adequacy target must be  
26 made by reducing payments to districts paid on the formula, with no reductions to nonformula districts paid  
27 under some special provision providing a higher per pupil amount. H.B. 476 (2015) would have delayed  
28 changes in school funding to districts crossing the 350-pupil threshold for Small Schools grants until the  
29 status is maintained for two years, but the bill did not pass.

30  
31 The legislature overrode the Governor's veto of S.B. 586 (2016) and enacted the bill into law over his  
32 objection. The bill revises the definitions used in calculating state aid for schools. The bill reinstates the 5%  
33 cap on annual growth of the per pupil base amount known as the State Adequacy Target. Subsequent “full  
34 funding” of the formula triggered additional funding eligibility for early childhood education programs in all  
35 school districts in the state. S.B. 586 also provides that charter schools become eligible to receive state  
36 funding for early childhood education at the same time as the district in which they are located becomes  
37 eligible.

38  
39 In 2016, the formula was about \$500 million short of full funding. The S.B. 586 (2016) formula revision  
40 reduced the cost of the formula. H.B. 2002 (2018) is the K-12 budget bill for the 2019 fiscal year, and the bill  
41 is estimated to provide full funding of the revised school formula. H.B. 1689 (2014) allows state aid for at-  
42 risk students in pre-K. H.J.R. 72 (2014) was approved by voters as Amendment 10 in November 2014 and  
43 creates a process for the legislature to reconsider withholding of funds by the Governor during a fiscal year.

44  
45 H.B. 2002 (2018) language bans use of state assessment funds to pay either license fees or membership dues  
46 for the Smarter Balanced Assessment Consortium (SBAC).

### 47 48 **L-B3 PROTECTING STUDENTS FROM IMPACTS OF ATTACKS ON SCHOOL REVENUES**

49  
50 **Rationale:** Missouri currently faces a structural budget deficit of at least \$1 billion. The legislature failed to  
51 act to improve state revenue problems in the 2011 Regular Session and passed legislation making the  
52 problem worse by eliminating the corporate franchise tax with the passage of S.B. 19 (2011).

53  
54 Missouri ranked 47th in state share of the revenues for public schools in FY 2011 and depended  
55 disproportionately on local levies (59 percent) to sustain our schools. S.B. 509 (2014) creates deductions for  
56 business income and reduces individual and corporate income taxes. The bill was vetoed by Governor  
57 Nixon, but enacted into law over the Governor’s objections. S.B. 509 will continue to restrict state general

1 revenues for many years, as additional income tax cuts will offset revenue growth in future years. H.B. 2540  
 2 (2018) makes changes to the state individual income tax. S.B. 509 provides for a reduction in the top rate of  
 3 income tax over a period of years from 6% to 5.5%, with each cut becoming effective if net general revenue  
 4 collections meet a certain trigger. Beginning in 2019, H.B. 2540 provides that the top rate of tax shall be  
 5 reduced by an additional 0.4%. The bill also eliminates personal and dependent deductions and deduction  
 6 of federal income tax liability.

7  
 8 Rex Sinquefield continues to be the single largest threat and aggressor to public education and other services  
 9 in Missouri by pushing a regressive tax reform agenda and seeking ballot initiatives that will starve public  
 10 schools of state revenue. Sinquefield single-handedly funded and passed a 2010 statewide ballot initiative  
 11 petition to ban local earnings taxes and to require local referenda to repeal the existing earnings taxes in St.  
 12 Louis and Kansas City. St. Louis and Kansas City voters overwhelmingly supported their earnings taxes in  
 13 municipal elections in 2011, but will have to vote again in 2016, 2021 and so on to maintain this crucial  
 14 source of local revenue. S.B. 575 (2016) would have phased out the St. Louis City earnings tax over a ten-  
 15 year period, but would not have affected the Kansas City earnings tax. However, the bill did not pass.

16  
 17 Sinquefield has spent over \$20 million of his personal fortune to support candidates and causes that would  
 18 fundamentally change the way we fund public education by reducing sources of revenue. Missouri NEA is  
 19 leading efforts to defend against this dangerous agenda by working with the Coalition for Missouri's Future.  
 20 This coalition is a nonpartisan group of concerned citizens from around the state who are working to  
 21 develop consensus on a path to defeat Sinquefield's anti-revenue, anti-public education agenda in 2012 and  
 22 beyond. Missouri NEA continues to facilitate discussions among coalition partners for an initiative petition  
 23 campaign that would seek a positive proposal on state revenues, one that will make state revenues more  
 24 adequate and sustainable while also making state taxes more fair (based on the ability to pay). Senate Joint  
 25 Resolution 11 (2015) would have placed an "Everything Tax" style tax change on the statewide ballot, but  
 26 the resolution did not pass.

27  
 28 The American Legislative Exchange Council (ALEC) is instrumental in prohibiting legislation to increase  
 29 funding for public education along with supporting efforts to decrease funding for education.

30  
 31 If unchecked, the current situation will lead to a two-class educational system in Missouri, one class in  
 32 which affluent citizens retain their right to elect school board members and another class in which the state  
 33 dissolves and outsources minority and impoverished districts to entities with an unproven ability to  
 34 effectively educate students. This will jeopardize the state's ability to meet its obligation to provide a quality,  
 35 free public education for every student.

## 36 37 **L-B4 HIGHER EDUCATION OPPORTUNITIES**

38  
 39 **Rationale:** Recent state budget cuts in state higher education spending have forced many Missouri  
 40 institutions to raise tuition, and Missouri now has been given failing marks in affordability of state colleges  
 41 and universities in national rankings. The state of Louisiana adopted a scholarship known as the Taylor  
 42 Plan, named after the bill's sponsor, that guarantees funding for college education will be available to any at-  
 43 risk youth who makes a commitment, while still in early elementary grade levels, to work diligently in  
 44 school and graduate from high school. S.B. 733 (2010) revises the Access Missouri scholarship program to  
 45 equalize maximum annual awards for recipients attending both public and private four-year institutions at  
 46 \$2850 and increases maximum awards for recipients attending community colleges to \$1250. S.B. 638  
 47 (2016) allows nonpublic high schools to apply and be designated as A+ Schools upon meeting all program  
 48 requirements applicable to public high schools. Qualifying students graduating from designated nonpublic  
 49 A+ schools will be eligible to receive reimbursement of higher education costs through the A+ schools  
 50 program. S.B. 71 (2015) would have allowed A+ scholarship grants to reimburse for dual credit courses,  
 51 but the bill did not pass. H.B. 1744 (2018) and S.B.s 807 and 577 (2018) allow students enrolled in virtual  
 52 institutions such as Western Governors' University to participate in the Access Missouri Financial  
 53 Assistance Program. H.B. 1744 (2018) modifies the A+ Schools Program by removing the requirement that  
 54 the student's attendance of public high school occur in the three years immediately prior to graduation.  
 55 H.B. 1610 (2016) would have allowed two-year colleges to participate in postsecondary course options for  
 56 high school students, but the bill did not pass.

57

1 The federal Public Service Loan Forgiveness Program (PSLF) provides loan forgiveness for educators who  
 2 make ten years of on-time payments on federally administered student loans. The legislature passed S.B. 997  
 3 (2016), enacting into law Missouri NEA's suggested language to ensure all public employees are notified of  
 4 their eligibility for participation in the PSLF program. The bill requires the Department of Higher Education  
 5 to maintain current information regarding public employee eligibility for participation in the PSLF program.  
 6 The bill also requires public employers, including school districts, to provide notice to all new employees,  
 7 and one-time notice to current employees, of their eligibility to participate in the PSLF program if they have  
 8 qualifying student loan debt. S.B. 997 also requires the DHE website to maintain and publish a list of post-  
 9 secondary educational institutions meeting certain requirements, creates a statewide student portal directing  
 10 students to resources including academic programs, financial aid, and transferability of coursework for  
 11 participating institutions and allows public colleges and universities to choose to join the Missouri  
 12 Consolidated Health Care Plan.

13  
 14 S.B. 990 (2018) adds an additional process by which a school district may be added to the territory of a  
 15 community college district. The bill allows the community college board of trustees to propose attaching the  
 16 school district to the community college district, levy the tax rate of the community college district in the  
 17 attached district and call an election on the proposal. Election costs under this process are borne by the  
 18 community college.

## 20 **L-B5 FAIR FUNDING FOR QUALITY PUBLIC HIGHER EDUCATION**

21  
 22 **Rationale:** Senate Bill 389 (2007) imposes tuition caps on state colleges and universities. S.B. 389 also  
 23 authorized the sale of assets of the Missouri Higher Education Loan Authority (MOHELA) to fund a short-  
 24 term boost to capital spending for Missouri public higher education institutions. H.B. 1731 (2012) required  
 25 the Joint Committee on Education to develop a comprehensive funding formula for Missouri public  
 26 institutions of higher education by the end of 2013, and requires the General Assembly to implement a  
 27 funding formula for higher education. S.B. 492 (2014) enacts a higher education funding formula with  
 28 consideration of various performance factors. SCS/S.B.s 807 and 577 (2018) permits public colleges and  
 29 universities to increase their tuition to compensate for the amount by which state operating support was  
 30 reduced in the previous fiscal year.

31  
 32 H.B. 2003 (2018) is the higher education budget bill for the 2019 fiscal year and maintains 2018 funding  
 33 levels for institutions. S.B. 492 also requires the Department of Higher Education (DHE) to develop a  
 34 program to offer information technology certification through technical course work. S.C.R. 66 (2016)  
 35 convened an independent review commission appointed by the Speaker of the House and the Senate  
 36 President Pro Tempore to review the University of Missouri System, with future System appropriations tied  
 37 to implementation of the review's recommendations.

## 39 **L-B6 PUBLIC DOLLARS FOR PUBLIC SCHOOLS**

40  
 41 **Rationale:** Currently, there are groups in Missouri that are advocating legislation that would give tax credits  
 42 or tax deductions for tuition to private and religious schools, voucher plans, opportunity scholarships and  
 43 privatization which would divert public funds to pay for private and religious school costs. [Out-of-state  
 44 interest groups, such as All Children Matter began massive campaign funding in 2004 to support election of  
 45 pro-voucher candidates in Missouri and billionaire extremist Rex Sinquefeld has continued that funding.  
 46 S.B. 17 (2013) allows special education scholarship donations without tax credits that would reduce state  
 47 revenues. H.B. 1614 (2014) includes dyslexia as a condition covered by such scholarships. The Senate  
 48 debated SS/S.B. 612 (2018), but the bill was not brought to a vote. S.B. 612 would have created a new  
 49 100% state tax credit capped at \$25 million per year for taxpayer contributions to third-party organizations  
 50 that will use some of the proceeds to fund accounts that parents can use to pay private school tuition and  
 51 other expenses for certain students, including students with disabilities and students in the custody of the  
 52 juvenile courts.

53  
 54 S.B. 882 (2018) revises the Missouri Higher Education Savings (MOST) Program to allow MOST funds to  
 55 be moved to Missouri ABLE savings accounts. S.B. 882 also clarifies that MOST accounts may be used as  
 56 provided under the new federal tax law to fund tuition payments to qualified private K-12 institutions as

1 well as higher education institutions. The State Treasurer administers the MOST program and has already  
 2 interpreted the MOST law as allowing such payments under authorization from the federal law.  
 3

4 **L-B7 MAINTAINING AND INCREASING INVESTMENT IN PUBLIC EDUCATION TO PROVIDE**  
 5 **GREAT PUBLIC SCHOOLS FOR EVERY CHILD AND PROMOTE ECONOMIC SUCCESS FOR**  
 6 **ALL MISSOURIANS**  
 7

8 **Rationale:** The Hancock revenue limit's calculation caps state revenues to a fixed percentage of Missouri  
 9 total personal income for a base year and requires the state to immediately refund all revenues that exceeded  
 10 one percent above the threshold back to income taxpayers. During the growth of the 1990s, when state  
 11 revenues exceeded the limits, the state legislature not only refunded the excess totaling \$973 million, it  
 12 enacted roughly \$800 million in permanent tax cuts to annual general revenues along with new and  
 13 increased tax credits. The tax cuts, coupled with the economic slowdown in 2000 and 2001, combined to  
 14 cause state general revenue to stop growing and actually decline for several years. This revenue decline has  
 15 had disastrous consequences for Missourians: the K-12 formula became so underfunded that it precipitated a  
 16 lawsuit by students, parents and over 200 school districts. Funding for higher education scholarships has  
 17 been held flat, while funding for public colleges and universities has actually gone down significantly,  
 18 leading to massive increases in tuition to those institutions. Total state revenues are far below the limit and  
 19 Missouri is not likely to ever approach the limit again, since significant tax increases now must be voted on  
 20 by the entire state and any such increase will not count toward the revenue limit. Legislation was filed  
 21 during the 2010 session to enact a progressive income tax, reform and limit state tax credits and collect state  
 22 sales tax on more online and mail-order sales, but none of the legislation passed. S.B. 884 (2018) requires  
 23 corporations to use a single-sales factor corporate income allocation method and disallows other corporate  
 24 income allocation methods. S.B. 884 also lowers the corporate income tax rate from 6.25 percent to 4.0  
 25 percent. S.B. 884 is projected to have little net effect on state revenues.  
 26

27 TABOR is a proposed limit on year-to-year growth in state appropriations according to a formula that uses  
 28 Consumer Price Index plus population growth. This limit is more severe than the Hancock revenue limit  
 29 based on growth in total personal income. Colorado is the only state that has TABOR and enacted it in 1992  
 30 with the promise that people would get to vote on every tax increase. The real consequence in Colorado was  
 31 an ever-widening gap between the real needs for public sector investment and the state's ever more  
 32 insufficient ability to make that investment. In 2005, Colorado voted to suspend TABOR for a five-year  
 33 period. Maine, Nebraska and Oregon defeated referenda to install TABOR in 2006. TABOR initiatives in  
 34 Maine and Washington were defeated in 2009. Senate Joint Resolution 31 (2018) would have placed a  
 35 TABOR-like provision before statewide vote, but the SJR was not approved. Senate Joint Resolution 15  
 36 (2009) would have placed before statewide vote a proposal to prevent enforcement or limit the ability of the  
 37 Missouri Supreme Court to enforce the state constitutional requirement for the General Assembly to  
 38 adequately and equitably fund public schools, but the resolution did not pass.  
 39

40 **L-B8 FAIR, ADEQUATE AND SUSTAINABLE TAXATION TO SUPPORT PUBLIC EDUCATION**  
 41

42 **Rationale:** State and local taxes on the 20 percent of Missouri's families with the lowest income are about  
 43 10 percent of total income, roughly twice the net percentage paid by the Missouri families in the top one  
 44 percent of income, due to our heavy reliance on regressive sales taxes on goods and our essentially flat state  
 45 income tax. Following the permanent state tax cuts enacted in the 1990s, Missouri has struggled to provide  
 46 the essential services funded by state general revenues. The state's K-12 education formula became so  
 47 underfunded that it precipitated a lawsuit in 2004, funding for college scholarships has stagnated while  
 48 funding for public colleges and universities has suffered real declines and Medicaid cuts have hurt thousands  
 49 of Missourians, especially the working poor.  
 50

51 Our heavy reliance on sales taxes on goods is a throwback to the early 20<sup>th</sup> century, when goods made up  
 52 most of the state's economic output. Now, services are the larger and faster growing share of output, but  
 53 Missouri leaves most services untaxed. Internet and mail order sales continue to make sales taxes on goods  
 54 more difficult to collect, while taxes on services can be connected to the locality. House Bill 444 (2007) will  
 55 eliminate all state income tax on Social Security income along with certain other investment income and  
 56 will eventually reduce state revenues by about \$150 million per year. H.B. 1 (2007 Extraordinary Session)  
 57 includes increased business tax credits that will reduce state revenues by about \$70 million per year. H.B.

1 191 (2009) will increase business tax credits that will reduce state revenues by as much as to \$60 million per  
 2 year. Senate Bill 19 (2011) phases out the corporate franchise tax over five years and will ultimately reduce  
 3 state revenues by about \$87 million per year. H.B. 1479 (2018) and H.B. 1699 (2018) would have enacted  
 4 the Streamlined Sales and Use Tax Agreement in Missouri, but the bills did not pass. S.B. 884 (2018)  
 5 requires corporations to use a single-sales factor corporate income allocation method and disallows other  
 6 corporate income allocation methods. S.B. 884 also lowers the corporate income tax rate from 6.25 percent  
 7 to 4.0 percent. S.B. 884 is projected to have little net effect on state revenues.

## 10 **L-B9 FAIR AND ADEQUATE LOCAL FUNDING FOR GREAT PUBLIC SCHOOLS**

11  
 12 **Rationale:** Roughly 60 percent of Missouri school revenues come from local sources and most of that comes  
 13 from property taxes. Property taxes tend to be a flat or proportional tax across income groups from low to  
 14 high and tend to grow gradually and steadily over time. Studies by the University of Missouri St Louis  
 15 Public Policy Research Center show a wide variation from county to county in accuracy of assessments.  
 16 However, districts do not have a right to challenge the assessment methods used. Those few counties that  
 17 have been disciplined by the state tax commission have responded with much more accurate assessments.

18  
 19 Currently, school district bonds must receive at least a four-sevenths majority approval. H.J.R. 6 (2015)  
 20 would have allowed districts to approve debt up to 25% of district assessed value, but the joint resolution did  
 21 not pass. H.B. 1478 (2016) requires school districts to have a single surety bond, rather than at least two.  
 22 Districts only receive Consumer Price Index growth on assessments for one of the two years of each  
 23 assessment cycle. Senate Bill 711 (2008) requires taxing entities other than school districts to roll back their  
 24 tax rates, upon reassessment, from their current tax rate, rather than from their maximum authorized rate,  
 25 known as a “tax rate ceiling.” H.B. 1513 (2018) would have limited residential property assessment  
 26 increases for the elderly and disabled persons who own and live in their principal residence to be  
 27 proportional to the increase of their Social Security benefit. However, the bill did not pass. S.B. 634 (2016)  
 28 would have reauthorized the Missouri Homestead Preservation tax credit program. The bill did not pass.  
 29 The program, subject to appropriation, provides a property tax credit to qualifying seniors and persons with  
 30 a disability to compensate for property tax increases of greater than five percent in a single year.

31  
 32 S.B. 569 (2012) eliminated the June election date for school districts and other political subdivisions and  
 33 limits the February election date to bond elections. H.B. 1434 (2016) will limit the options for municipalities  
 34 in first class charter counties in the St. Louis area (St. Louis, St. Charles and Jefferson Counties) to disregard  
 35 the objections of the local TIF commission and approve a TIF project. If the local TIF commission, which  
 36 includes school district representation, does not approve the project, the TIF may not exceed the cost of  
 37 demolition of buildings and clearing and grading the land. H.B. 1236 (2018) and H.B. 1847 (2018) would  
 38 allow a school board to vote to exempt revenues from its operating levy from reductions by tax increment  
 39 financing for redevelopment projects, but neither bill passed.

## 41 **L-B10 INCREASED FUNDING FOR SPECIAL EDUCATION**

42  
 43 **Rationale:** As a result of new services mandated by the federal Individuals with Disabilities Education Act  
 44 (IDEA), costs will continue to escalate. In 2006, state special education funding was estimated to provide  
 45 only 21.6 percent of districts’ special education funding needs and has fallen from about 30.3 percent in  
 46 2001.

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### 48 ***Ensure Children are in School, Ready to Learn***

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#### 50 **L-C1 STUDENT ATTENDANCE DAYS \***

51  
 52 **Rationale:** Many individuals are calling for additional school attendance days in an effort to improve the  
 53 quality of education. Some districts already have extended the school year without appropriate increases in  
 54 compensation to the education employees.

#### 56 **L-C2 FOUR-DAY SCHOOL WEEK \***



1  
2 **Rationale:** Senate Bill 291 (2009) allows districts to move from a five-day school week to a four-day school  
3 week. Financially-stressed districts should consider the following prior to implementing a four-day school  
4 week: 1) research shows the positive impact of uninterrupted learning; 2) student attention will suffer during  
5 the longer days; 3) many families will now need a full day of child care; 4) students on free and reduced  
6 breakfasts and lunches will be short those meals on the extra day off; 5) students will not have access to a  
7 safe school environment on the extra day off; and, 6) staff, such as bus drivers, will be short one-fifth of their  
8 routes and consequently could see a loss in wages, triggering financial stress for those families.  
9

### 10 **L-C3 EDUCATION OF FOSTER AND HOMELESS STUDENTS**

11  
12 **Rationale:** Many foster and homeless students face additional obstacles in pursuing their goal of graduating  
13 from high school and, consequently, in pursuing higher education. Senate Bill 291 (2009) includes  
14 provisions to help foster students, including educational liaisons, placements to promote educational  
15 stability, greater transferability of coursework and a diploma for students completing graduation  
16 requirements while under the jurisdiction of the juvenile court. Each foster student placed in a licensed  
17 residential facility is entitled to a full day of school unless a local district determines that fewer hours are  
18 warranted. House Bill 1577 (2012) strengthens the law to ensure foster students remain on track for on time  
19 graduation despite frequent moves. The bill requires receiving schools to waive course requirements if  
20 similar course work has been completed in another school or provide another means of meeting  
21 requirements for graduation on time and accept sending district or alternative testing or ensure the student  
22 receives a diploma from the sending school, if the student meets the graduation requirements of the sending  
23 school. S.B. 205 (2013) requires the state to ensure that every foster student 15 years or older receives a visit  
24 to a state university, community or technical college, or an armed services recruiter before leaving the state's  
25 custody or training. S.B. 208 (2013) allows re-entry in the foster care system up to age 21 years.  
26

### 27 **L-C4 HIGH SCHOOL COURSE REQUIREMENTS**

28  
29 **Rationale:** Currently, high school graduation requirements are established by the State Board of Education.  
30 Required courses may reduce student participation in important elective subject areas and, coupled with the  
31 federally-mandated testing focus on reading and mathematics, further reduce the incentive for schools to  
32 provide resources to maintain quality and diversity of course offerings in elective areas. S.B. 17 (2013) re-  
33 establishes the Advisory Council for Career and Technical Education. H.B. 1415 (2018) requires the  
34 Advisory Council to review, update and maintain a list of offerings, including industry certifications,  
35 professional licenses and competency assessments. S.B. 381 (2013) creates recognition and funding for  
36 innovative partnerships between districts, four-year institutions, two-year public institutions and businesses  
37 to lower student cost, shorten time to graduate, provide applied and project-based learning experiences and  
38 access to Missouri-based employment options with partner businesses. S.B. 894 (2018) would allow  
39 computer science to count as a science course for the purpose of meeting high school graduation  
40 requirements, but the bill was vetoed by Governor Parson due to problematic, special language to fund a  
41 particular STEM career awareness program.  
42

### 43 **L-C5 COLLEGE REQUIRED CURRICULUM FOR THE PUBLIC SCHOOLS**

44  
45 **Rationale:** About one-third of high school graduates are now required to take remedial courses. Math is the  
46 most common course needed, although English and reading are also mentioned. House Bill 861 (2007)  
47 would have forced school districts to reimburse students for the costs of remedial courses they are required  
48 to take in Missouri higher education institutions, but the bill did not pass.  
49

### 50 **L-C6 PARENTAL INVOLVEMENT IN STUDENT SUCCESS**

51  
52 **Rationale:** Most parents take the responsibility of their children's success in school seriously. Unfortunately,  
53 parents are not held accountable for the unexcused absences of their children nor for a lack of commitment  
54 to educational success on the part of their children. Senate Bill 480 (2005) requires the State Board of  
55 Education to adopt a policy that encourages effective involvement by parents and families in support of the  
56 education of their children and requires each school board to adopt policies that encourage effective

1 involvement by parents and families in support of their children and the education of their children. S.B. 291  
 2 (2009) creates the Volunteer and Parents Incentive Program to encourage additional support for students  
 3 and schools. H.B. 2315 (2016) would have allowed parents to opt their children out of participating in  
 4 standardized MAP testing. However, the bill did not pass. The Senate debated SCS/S.J.R. 12 (2015), but  
 5 the bill did not come to a vote. S.J.R. 12 proposes a constitutional amendment granting parents the  
 6 fundamental right to control the education of their minor children and would place existing law protections  
 7 of home school curriculum in the Missouri Constitution. The House passed H.B. 557 (2015), but the bill did  
 8 not pass the Senate. The bill contains similar language to S.J.R. 12 to grant parents the fundamental right to  
 9 control the education of their minor children.

10  
 11 Missouri was the first state in the nation to establish a Parents as Teachers program, and the program serves  
 12 as a national model. Recent state revenue declines have led to reduction in state funding for Parents as  
 13 Teachers. House Bill 1543 (2010) allows districts to charge a means-tested fee for Parents as Teachers  
 14 services.

### 15 16 **L-C7 ALTERNATIVE SCHOOLS**

17  
 18 **Rationale:** Missouri law provides that a suspension or expulsion does not relieve the state or a student's  
 19 parent or other guardian of their respective educational responsibilities. Senate Bill 740 (1990) established a  
 20 program of alternative education in Missouri. Some school districts have established alternative schools,  
 21 either individually or in cooperation with other districts or education agencies. The Safe Schools Act added  
 22 grant funding to support the establishment of alternative schools. This grant funding was eliminated from  
 23 the budget in fiscal year 2010. The lack of funding for these programs and the rigid structure of regulation  
 24 makes it difficult to try new approaches and serve these students' needs. There is little funding for alternative  
 25 schools serving students who are considered at-risk due to having a nontraditional learning style, have a  
 26 disaffected family or need a fresh start, but are not considered disruptive to a regular classroom  
 27 environment. High school equivalency program status is not recognized by the Department of Elementary  
 28 and Secondary Education as an alternative education program. Students who drop out of a traditional high  
 29 school program and pursue a high school equivalency credential are still categorized as dropouts.

### 30 31 **L-C8 COMPULSORY SCHOOL ATTENDANCE-BEGINNING**

32  
 33 **Rationale:** Currently, the State of Missouri sets the start age for mandatory student attendance at age seven.  
 34 Kindergarten attendance is left to parental option and school districts are not required to offer full-day  
 35 kindergarten. Research has shown that the brain is at its optimum for learning between the ages of three and  
 36 eight.

### 37 38 **L-C9 COMPULSORY SCHOOL ATTENDANCE-COMPLETION**

39  
 40 **Rationale:** Current state dropout and graduation rate definitions do not reliably verify whether a student  
 41 who leaves a district has transferred to another district or has dropped out. A recent national study indicates  
 42 that Missouri, like many other states, underreports dropouts and overestimates graduation rates since many  
 43 students who have dropped out are not included in the calculations because they are erroneously regarded as  
 44 having transferred. Senate Bill 291 (2009) requires school attendance until age 17 or successful completion of  
 45 16 credits. S.B. 638 (2016) requires districts to implement a program to identify students who are at risk of  
 46 not being ready for college-level work or entry-level career positions. S.B. 638 also ensures that students  
 47 may create plans of study for high school and post-graduation plans. H.B. 1606 (2018) provides financial  
 48 support to compensate first time test takers of the high school equivalency exam.

### 49 50 **L-C10 DROP-IN SCHOOLING AND SCHOOL FLEX PROGRAMS**

51  
 52 **Rationale:** Current law allows students to satisfy the compulsory attendance requirement with part-time  
 53 attendance at both public and nonpublic schools, and such public school attendance is known as "drop-in"  
 54 schooling. Drop-in students should take classes when available, and school district schedules should not be  
 55 revised or re-arranged to accommodate the drop-in student. Efforts should be made on both the part of the  
 56 district and the parent to encourage participation at the public school for social activities to help drop in

1 students benefit from not only curricular opportunities, but the social ones as well. Also, the Department of  
 2 Elementary and Secondary Education should be a clearinghouse for all drop-in and home schooled students.  
 3 Parents of drop-in and home-schooled students would authorize DESE to release the digital records to the  
 4 public school where a drop-in student is enrolling.

5 Current state dropout and graduation rate definitions do not reliably verify whether a student who leaves a  
 6 district has transferred to another district or has dropped out. If a student enrolls in a class to participate in a  
 7 school musical or play, or play on a sports team, they should be required to finish the term and the transcript  
 8 should reflect that.

9  
 10 Current law, Senate Bill 291 (2009) establishes the School Flex Program to allow eligible students to pursue  
 11 a timely graduation from high school. The program is available for 11<sup>th</sup> and 12<sup>th</sup> graders who have been  
 12 identified by their principal and parent or guardian. Students must attend school a minimum of two  
 13 instructional hours per school day within their school district of residence; pursue a timely graduation;  
 14 provide evidence of college or technical career education enrollment and attendance, or proof of  
 15 employment and labor that is aligned with the student's career academic plan; refrain from being expelled or  
 16 suspended; pursue course and credit requirements for a diploma; and, maintain a 95 percent attendance rate.  
 17 Students participating in the program will be considered full-time students of the school district and be  
 18 counted in the school's average daily attendance for state aid purposes.

19  
 20 S.B. 620 (2016) requires the State Board of Education to establish minimum graduation requirements for a  
 21 career and technical education high school certificate, which may be earned in addition to a regular  
 22 diploma. S.B. 894 (2018) would establish a statewide, online STEM career awareness program for middle  
 23 school students, but the bill was vetoed by Governor Parson due to problematic, special language to fund a  
 24 particular STEM career awareness program. H.B. 1415 (2018) requires DESE to convene a task force to  
 25 create a career readiness course for 8th and 9th grade students. H.B. 1606 (2018) specifies that DESE shall  
 26 administer funds from career and technical student organizations.

## 27 28 **L-C11 ACADEMIC PROGRESS AND GRADUATION**

29  
 30 **Rationale:** Many programs to address the needs of students at risk for dropping out are costly. Senate Bill  
 31 291 creates a Persistence to Graduate Fund in which the Department of Elementary and Secondary  
 32 Education will establish a procedure for school districts to apply for grants to implement drop-out  
 33 prevention strategies. Grants may be available, subject to appropriation, to school districts that have at least  
 34 60 percent of students eligible for a free or reduced-price lunch.

35  
 36 Equitable assessments allow for review and revision of curricula and lesson plans based on student  
 37 performance. A consortium of several New England states, the Great Schools Partnership, has been working  
 38 on state and local policies to support proficiency-based learning. These policies address four main areas:  
 39 graduation requirements, learning standards, proficiency-based learning and multiple/personalized  
 40 pathways to graduation.

41  
 42 H.B. 365 (2015) would have created high-stakes testing to determine whether a student receives a “state”  
 43 diploma, but the bill did not pass. H.B. 1189 (2014) allows agriculture or career and technical education  
 44 courses to satisfy certain graduation requirements. S.B. 93 (2017) establishes a program to create adult high  
 45 schools to be operated by a Missouri nonprofit organization. S.B. 949 (2018) would repeal existing reading  
 46 intervention programs and establish a new reading intervention program for students in kindergarten to third  
 47 grade, but the bill did not pass.

## 48 49 **L-C12 ACCESS TO PUBLIC EDUCATION FOR RESIDENT STUDENTS**

50  
 51 **Rationale:** House Bill 1549 (2008) provides that undocumented persons are banned from most state or local  
 52 public benefits, but current federal case law guarantees K-12 education to all residents, regardless of  
 53 immigration status and the Department of Elementary and Secondary Education interprets this to include  
 54 all services provided to students by public schools.

55  
 56 Senate Bill 291 (2009) ensures that school districts will receive state aid for providing educational services to  
 57 nonresident pupils staying temporarily in hospitals in the district. Senate Bill 590 (2012) would have

1 required school districts to determine the immigration status of every enrolling student and report the data to  
 2 DESE, but the bill did not pass. S.B. 117 (2013) allows any person leaving the U.S. military with an  
 3 honorable or general discharge to be considered a resident student for admission and in-state tuition  
 4 purposes at a Missouri public college or university.

### 6 **L-C13 IN-STATE TUITION FOR UNDOCUMENTED STUDENTS**

8 **Rationale:** The U.S. Supreme Court has ruled that students, regardless of immigration status, may enroll in  
 9 elementary and secondary public schools and that a state university may not set different tuition rates for  
 10 students who are not legal residents of the United States but do reside in the state. Several states, including  
 11 Kansas, have granted these students the opportunity to attend state universities with guidelines. Other states  
 12 have passed legislation to allow undocumented students to pay in-state tuition. Currently, undocumented  
 13 students who are attending Missouri public higher education institutions are paying at the highest tuition  
 14 rate. Many students have come to the United States with their undocumented parents and have attended  
 15 elementary and secondary public schools, and like their classmates have dreams of attaining higher  
 16 education. S.B. 224 (2015) requires that a student be a U.S. citizen or permanent resident in order to be  
 17 eligible to receive reimbursements from the A+ Schools Program. Gov. Nixon vetoed the bill, but the  
 18 legislature overrode the veto and enacted the bill into law.

### 23 **L-C14 EARLY CHILDHOOD EDUCATION**

25 **Rationale:** Thirty years ago, Missouri was a leader in Early Childhood Education. The Parents as  
 26 Teachers (PAT) program began in the Ferguson-Florissant School District in St. Louis County and became  
 27 an international model. Early childhood programs, in conjunction with PAT, worked to develop skills and  
 28 abilities, making the transition to kindergarten easier for students, parents, and teachers. Today, many  
 29 districts want to offer full-time pre-kindergarten for all students but are unable to afford such programs. In  
 30 addition, although the parent educator program is required throughout Missouri, the funding has not been  
 31 adequate to provide appropriate programs, meet the needs of all families and adequately compensate  
 32 personnel. As a result, Missouri is no longer a leader in Early Childhood Education. Instead, Missouri lags  
 33 behind other states in providing these vital services.

34 Legislative action in this area has been inconsistent and inadequate. Funding has been limited, as have been  
 35 policies that support access to early childhood education and that support educators in these programs.  
 36 Efforts to create standards for programs have also had limited success. The legislature committed a portion  
 37 of the tobacco settlement funds to Early Childhood Education in 2001. Constitutional Amendment 3 (the  
 38 so-called “Raise Your Hand For Kids” or RYH4K proposal), would have increased the state sales tax on  
 39 cigarettes, dedicated the tax proceeds primarily to early childhood education, placed distribution of the  
 40 funds and oversight of the programs in the charge of an unelected, state-level commission, rather than local  
 41 school boards, and allowed distribution of the funding to private and religious schools, but voters defeated  
 42 the measure in the November 2016 election. Senate Bill 266 (2005) removes access to tenure for pre-  
 43 kindergarten teachers teaching in programs where a certificate is not required due to the requirements of  
 44 state or federal funding and where fees are charged for attendance in the program. House Bill 1511 (2006)  
 45 requires the State Board of Education to establish high standards for early childhood education services  
 46 provided by school districts.

48 S.B. 4 and H.B. 387 (2009) would have established a quality rating system for early childhood programs and  
 49 S.B. 94 (2009) would have enhanced eligibility for child care assistance for low-income working parents, but  
 50 these bills did not pass. S.B. 291 (2009) creates the Missouri Preschool Plus Program to provide early  
 51 childhood education to students in unaccredited school districts. S.B. 1007 (2010) allows the legislature to  
 52 eliminate the sudden and complete loss of eligibility for state child-care subsidy through the appropriations  
 53 process, to allow low-income parents to retain partial child-care support as their income surpasses the  
 54 threshold for full benefits. H.B. 1311 (2010) requires private insurance providers to provide autism health  
 55 benefits for covered children under the age of 18 years who have autism spectrum disorder. These bills  
 56 passed and helped Missouri to meet the goal of providing quality education to many pre-K students. H.B.  
 57 1689 (2014) allows state aid for at-risk students in pre-K.

1  
2 S.B. 638 (2016) establishes an early learning quality assurance pilot program. S.B. 743 (2018) extends the  
3 sunset date of the pre-K quality assurance report.  
4

5 H.B. 254 (2017) would exclude local early childhood education funds from the local tax revenue calculation  
6 used to provide funding to charter schools, but the bill did not pass. H.B. 1664 (2018) would include at-risk  
7 students who attend early childhood education programs that are under contracts with districts or charter  
8 schools to be included for school formula aid, but the bill did not pass.  
9

## 10 **L-C15 DEVELOPMENT OF LEARNING STANDARDS AND CURRICULUM**

11  
12 **Rationale:** In S.B. 380 (Outstanding Schools Act of 1993), as part of education reform, educators were  
13 required to provide leadership in the development of the learning standards and model curricula that would  
14 be measured by the new Missouri Assessment Program (MAP). In 2001, the federal Elementary and  
15 Secondary Education Act (ESEA), also known as the No Child Left Behind (NCLB) act, was passed and  
16 required all students to take state-mandated tests to assess school performance. This act required testing  
17 third-grade to eighth grade students annually in math and English language arts and high school students  
18 once in both subjects. In 2009, state leaders, through their efforts, began to develop the Common Core State  
19 Standards (CCSS). In 2011, states began their own processes for reviewing, adopting and ratifying the  
20 adoption of CCSS. In H.B. 1490 (2014), the legislature, in reaction to the movement to create national  
21 standards via Common Core State Standards, passed into law a requirement to establish new work groups,  
22 including educators, to make recommendations on new standards in four core subject areas  
23 (Communication Arts, Mathematics, Science, and Social Studies) within two years and granted a one-year  
24 moratorium on using pilot year assessment data to adversely affect teacher evaluations or district  
25 accreditation. H.B. 742 (2015) would have revised provisions relating to learning standards work groups,  
26 provided reimbursement to participating teachers and parents and extended, by one year, the moratorium on  
27 use of assessment scores to reduce district accreditation status or teacher evaluations, but the bill did not  
28 pass.  
29

## 30 **L-C16 TEACHER ACCOUNTABILITY FOR STUDENT PERFORMANCE**

31  
32 **Rationale:** Student preparation and student performance are cumulative and not directly indicative of  
33 individual teacher performance. While research shows many factors affect student achievement, some local  
34 school districts still consider classroom teachers solely responsible for student learning in Missouri schools.  
35 Congress approved the Every Student Succeeds Act (ESSA) in December 2015. The bill revises federal law  
36 regarding K-12 education and repeals the “test, blame and punish” structure of the No Child Left Behind  
37 (NCLB) Act from 2001. The bill also eliminates federal waivers approved by the Obama Administration  
38 from some of those NCLB requirements. DESE applied for and received a “waiver” from many NCLB  
39 provisions under the flexibility plan. The application includes a model teacher and administrator evaluation  
40 plan and requires all districts to make sure their evaluation systems meet the state requirements. The model  
41 evaluation system meets most of the principles of the NEA Policy Statement on Teacher Evaluation and  
42 Accountability. The model evaluation system requires that student performance be considered as a factor in  
43 teacher evaluations, but leaves that, along with many other decisions, to local control. The ESSA offers  
44 more state flexibility in the use of standardized test scores in educator evaluations, district accreditation and  
45 accountability.  
46

## 47 **L-C17 HIGH STAKES TESTING**

48  
49 **Rationale:** The Missouri School Improvement Program relies significantly on pupil testing on state  
50 assessments to evaluate and accredit school districts. The state does not provide full funding for staff  
51 training for implementation of the state-mandated and state-created tests under the Missouri Assessment  
52 Program (MAP). Student test scores do not affect state funding for school districts. While Missouri  
53 Assessment Program assessments are created under sections of law first enacted by SB 380 (1993), a bill  
54 known as the Outstanding Schools Act, section 160.257, RSMo., from HB 463 (1985), a bill known as the  
55 Excellence In Education Act, is still in effect. This section requires all districts to have a local pupil testing  
56 program in the subjects of English, reading, language arts, science, mathematics, social studies and civics.  
57

1 Standardized tests cannot adequately measure Missouri’s process standards and have been overused in some  
 2 disciplines. Assessment of student learning can include multiple measures, including but not limited to:  
 3 achievement tests, portfolios, grades, teacher recommendations, attendance, extracurricular activities,  
 4 community involvement, 504 plans and IEP goals.

5  
 6 Equitable assessments allow for review and revision of curricula and lesson plans based on student  
 7 performance. A consortium of several New England states, the Great Schools Partnership, has been working  
 8 on state and local policies to support proficiency-based learning. These policies address four main areas:  
 9 graduation requirements, learning standards, proficiency-based learning and multiple/personalized  
 10 pathways to graduation.

11  
 12 The State Board of Education has revised the high school assessment to allow the ACT test and include end  
 13 of course exams, but rejected a requirement for a high stakes exit exam as a condition for high school  
 14 graduation. The state currently provides funding for juniors in Missouri public high schools to take the ACT  
 15 test one time. Gov. Greitens withheld funding for ACT testing for F.Y. 2018. H.B. 1415 (2018) will allow  
 16 students to choose to take either the ACT or ACT WorkKeys test for their state-funded ACT test. H.B. 1646  
 17 and S.B. 638 (2016) change the currently required test over U.S. and Missouri Constitutions and American  
 18 history to be a local option and require each student to pass a test based on the questions used for becoming  
 19 an American citizen. H.B. 1528 (2018) will require any student attending a public college or university to  
 20 score at least 70% on the Missouri Higher Education Civics Achievement Examination as a condition of  
 21 graduation.

## 22 23 **L-C18 ACCESS TO APPROPRIATE SPECIAL EDUCATION SERVICES**

24  
 25 **Rationale:** The federal IDEA establishes the right of every student with a disability to receive free and  
 26 appropriate public education as determined by a legally constituted IEP team. State law must remain in  
 27 compliance with federal law and allow for effective operation of IEP teams at the local level. S.B. 365  
 28 (2015) would have made several changes to special education procedures and due process requirements, but  
 29 the bill did not pass. H.B. 2379 and S.B. 638 (2016) create a task force on dyslexia and also establish a  
 30 schedule by which district and charter schools will conduct screenings and provide support. H.B. 1606  
 31 (2018) and S.B. 743 (2018) will provide that a student receive instruction in Braille reading and writing as  
 32 part of his or her individualized education plan unless instruction in Braille is determined not appropriate for  
 33 the child.

## 34 35 **L-C19 ASSESSMENT OF STUDENTS WITH SPECIAL NEEDS**

36  
 37 **Rationale:** The Missouri Assessment Program is not a valid measurement for some students with special  
 38 needs. The alternative is Missouri Assessment Program-Alternative. The Association commends the  
 39 Department of Elementary and Secondary Education and the state for the attempt to address problems with  
 40 developing an appropriate instrument to measure progress for students with severe impairments. The state  
 41 has contracted with Measured Progress to accomplish this task. Measured Progress provides a program for  
 42 measuring progress on Alternative Grade Level Equivalents (ALTGLLES). Measured Progress’ method has  
 43 three major flaws that need to be addressed. First, the process for constructing and writing the test items is  
 44 placed on the special educator. Experts in the field have difficulty getting agreement 50 percent of the time  
 45 on whether a test item is valid or not. Second, it has been reported that identical items and results are scored  
 46 differently, thus producing inconsistent results. The inconsistencies raise serious questions about the validity  
 47 and usefulness of test results. Third, the amount of time taken away from instruction and the associated  
 48 paperwork required to complete the MAP-A are counterproductive to achieving Adequate Yearly Progress.  
 49 Also, school districts that use MAP-A are penalized by the state as the student is rated at a “level not  
 50 determined.” House Bill 1711 (2002) requires the State Board of Education to use a teacher panel and to  
 51 determine if appropriate alternate assessments exist for students who receive special education services. If no  
 52 appropriate instrument exists, then the panel is charged with creating such an assessment. If it is determined  
 53 by the student’s Individualized Education Plan team that the alternative assessment is more appropriate for  
 54 the student, the student will take the alternative assessment. Accountability requirements under No Child  
 55 Left Behind will require restructuring and rewriting of MAP-A to include grade-level equivalents.

## 56 57 **L-C20 PLACEMENT OF EARLY CHILDHOOD STUDENTS IN SPECIAL EDUCATION PROGRAMS**

1  
2 **Rationale:** Senate Bill 874 (2002) establishes a preference when developing an IEP for a student who had  
3 received services pursuant to Part C of the Individuals with Disabilities Education Act, to continue services  
4 with the student’s Part C provider, unless this would result in a cost that exceeds the district’s average cost  
5 per student in Early Childhood Special Education. This arbitrary preference can cause school district ECSE  
6 programs to suffer financial hardship if private providers carefully adjust their operating cost to be lower  
7 than the school district’s cost by a small amount. Removing students from school district placement further  
8 exacerbates the financial hardship by leaving fewer students served in the district and no corresponding  
9 reduction in the district’s fixed cost to provide service. S.B. 42 (2005) attempted to correct the placement  
10 preference enacted by S.B. 874, and the language was passed in S.B. 500 (2005), and the sunset placed on  
11 the language was repealed by S.B. 112 in 2007.

## 12 13 **L-C21 EDUCATION FOR GIFTED AND TALENTED STUDENTS**

14  
15 **Rationale:** For many years, funding for gifted education was a dedicated item in the state budget; requiring  
16 school districts to comply with DESE regulations in offering locally designed programs for gifted and  
17 talented students. In 2005, when the foundation formula was re-written by S.B. 287, dedicated funding for  
18 gifted programs was included in the general funds with no specific requirements or guidelines for how those  
19 funds were to be spent, but with a penalty clause that withholds funds from school districts whose gifted  
20 services are reduced by more than twenty percent of the 2005 level. In the 2011-12 school year, 255  
21 Missouri districts had a gifted program, while 69 districts received a penalty and another 40 had no gifted  
22 program. About \$1.0 million was withheld from districts during the 2011-12 school year due to the formula  
23 penalty. S.B. 599 (2012) requires school districts to include reporting of gifted education programs in their  
24 district report cards, but does not include any funding for these programs.

25  
26 S.B. 17 (2013) enacted the provisions from S.B. 193 (2013) to create the Advisory Council on the Education  
27 of Gifted and Talented Children and require DESE to provide a staff person for educational programs for  
28 gifted and talented children. S.B. 638 (2016) restores the financial penalty for reductions in district gifted  
29 education programs. S.B. 743 (2018) will require any district with a state-approved gifted education  
30 program to have a process that allows parents or guardians to appeal a determination that their child does  
31 not qualify for gifted services. H.B. 1606 (2018) will require each school district to establish a policy  
32 allowing acceleration for certain students.

## 33 34 **L-C22 HEALTHCARE FOR ALL CHILDREN**

35  
36 **Rationale:** Thousands of Missouri children live in poverty and many live in substandard conditions and  
37 without the benefit of proper healthcare services. Children who suffer from undiagnosed or untreated  
38 medical conditions are generally less able to learn than children who have access to adequate medical,  
39 mental, dental and vision health care. Students do not check their poverty-related problems at the  
40 schoolhouse door before entering the classroom.

## 41 42 **L-C23 COORDINATED SCHOOL HEALTH AND WELLNESS PROGRAMS**

43  
44 **Rationale:** Currently, the state does not require school health services for students. Senate Bill 291 (2009)  
45 imposes additional requirements for physical activity for elementary students. Previous law required all  
46 children entering public school in either kindergarten or first grade to have a comprehensive vision exam,  
47 but that law expired on June 30, 2012. Senate Bill 649 (2012) and House Bill 1333 (2012) would have  
48 followed the recommendations of the Children’s Vision Commission to make vision screenings mandatory  
49 in kindergarten, first and third grade, but the bills did not pass. H.B. 675 (2013) creates guidelines for serving  
50 students requiring diabetes care or self-care. S.B. 711 and S.B.638 (2016) require CPR instruction for all high  
51 school students as a requirement for graduation.

52  
53 H.B. 1583 and H.B. 2379 (2016) require school districts to adopt a policy on youth suicide awareness and  
54 prevention and allow teachers to take training on suicide awareness as a part of professional development.  
55 H.B. 1606 (2018) provides that human sexuality instruction shall include instruction regarding sexual  
56 harassment and sexual violence. S.B. 52 (2017) requires colleges and universities to have suicide prevention  
57 policies and programs and address the problem of depression in medical school students. S.B.s 807 and 577

1 (2018) require each public institution of higher education to measure and report its compliance with  
 2 recognized counseling services standards relating to mental health services provided on campus. H.B. 2129  
 3 (2018) requires school boards to allow qualified national organizations to present information to the board  
 4 regarding organ, eye and tissue donation education. The board shall consider the information and decide  
 5 whether to present the information to students and parents. Students will not be required to participate in  
 6 such instruction.

#### 8 **L-C24 TRAUMA-SENSITIVE SCHOOLS**

9  
 10 **Rationale:** Schools can help children reach their potential by partnering with families and strengthening  
 11 traumatized children’s relationships with adults in and out of school, helping children to modulate and self-  
 12 regulate their emotions and behaviors; and enabling children to develop their academic potential. S.B. 638  
 13 (2016) requires DESE to establish a trauma-informed schools initiative and pilot program.

#### 15 **L-C25 SOFT DRINK AND SNACK CONSUMPTION**

16  
 17 **Rationale:** Currently, our country is experiencing a dramatic rise in children’s obesity. Contributing to this  
 18 problem is the consumption by children of soft drinks and snacks with poor nutritional value. Recent  
 19 medical evidence suggests that an extra soft drink a day gives children a 60 percent greater chance of  
 20 becoming obese. The acid and sugar in these drinks can lead to tooth decay. In the Child Nutrition and WIC  
 21 Reauthorization Act of 2004, the U.S. Congress established a new requirement that all school districts with  
 22 a federally funded school meals program develop and implement wellness policies that address nutrition and  
 23 physical activity by the start of the 2006-2007 school year.

#### 25 **L-C26 NUTRITION OF SCHOOL MEALS**

26  
 27 **Rationale:** Currently, studies linking good nutrition and improved learning are well documented. Healthy  
 28 eating patterns are essential for students to achieve their full academic potential, physical and mental  
 29 growth, and lifelong health and well-being. Since so many children receive meals at school, it is vital that  
 30 schools provide them with healthy choices. Many schools educate their students about healthy lifestyles  
 31 through adequate exercise and nutritious eating habits. However, these same schools are not providing their  
 32 students with adequate portions of well-balanced meals. Their meal programs consist of foods such as pizza,  
 33 French fries, and ice cream, and sometimes even in the same sitting. Many school food programs contribute  
 34 to this statistic by serving fattening and unhealthy foods.

#### 36 **L-C27 PUBLIC SCHOOL ATTENDANCE OPTIONS**

37  
 38 **Rationale:** Currently, most children attending public school attend a school in their district of residence.  
 39 However, several forms of public school attendance options exist in Missouri. Some districts operate magnet  
 40 schools with a specific subject matter or educational approach emphasis that are available through a lottery,  
 41 and some districts offer a broad intra-district enrollment option that usually includes a requirement that  
 42 parents provide for transportation to a school outside of the regular attendance zone. Other forms of public  
 43 school attendance options include voluntary inter-district transfer options for school districts, charter schools  
 44 in St. Louis and Kansas City, school employee enrollment options and the Missouri virtual public school.  
 45 Some of these public school attendance options are created by legislation, while others are in response to  
 46 various school or community needs. Senate Bill 291 (2009) requires the Joint Committee on Education to  
 47 conduct a study of open enrollment programs in other states and report to the legislature. The committee  
 48 report shows Missouri ranks below nearly all the states with statewide open enrollment in terms of state  
 49 education funding.

50  
 51 S.B. 603 (2010) and House Bill 2462 (2010) would have established a public school open enrollment law that  
 52 would allow public school students to leave the district in which they reside and enroll in any other public  
 53 school district if space is available and the pupil’s parent or guardian provides transportation to the district.  
 54 The bills were not enacted. Proponents argue that the most common situation aided by open enrollment is a  
 55 parent who works in another district and wishes to have their student attend public school in the district  
 56 where they work. However, children may be left behind in such a transfer plan. Usually, the students with  
 57 some means or with parental and family support will be the most likely to take advantage of such an option.



1 Those likely to be left behind are the most needy, most at-risk and usually most in need of special support  
2 services. Because Missouri relies heavily on local funding for public schools, issues will inevitably arise  
3 regarding equitable access to at-risk students, childcare, health problems, transportation, student athletics  
4 and activities recruitment, low incidence special education needs and other relevant factors. H.B. 1606  
5 (2018) requires the Commissioner to approve transportation hardship waivers for students living in certain  
6 school districts based on long travel routes.

7  
8 In *Turner v. Clayton*, the Missouri Supreme Court ruled that accredited school districts must allow students  
9 from other, unaccredited school districts to enroll in their district. The court remanded the case back to  
10 district court, and a trial court judge ruled in May 2012 that the transfer law was an unworkable and  
11 unfunded mandate and therefore void in regard to students transferring from St. Louis City. In June of  
12 2013, the Missouri Supreme Court reversed the decision, now named *Breitenfeld v. Clayton*, declaring that the  
13 transfer law is valid and enforceable. In the 2013-14 school year, more than 25% of students in Normandy  
14 and Riverview Gardens School Districts transferred to other districts under this provision, primarily to the  
15 districts designated for both tuition and transportation: Francis-Howell, Kirkwood, and Mehlville. The high  
16 tuition cost to these sending districts creates a severe drain on district resources. The legislature made a  
17 special one-time appropriation to ensure Normandy School District could complete the 2013-2014 school  
18 year.

19  
20 The transfer provision has created another type of open enrollment for students to move to the unaccredited  
21 district for the purpose of attending another district. Students who can show sufficient connection to meet  
22 the standard for attendance in an unaccredited district can then require the district to pay tuition to another  
23 district, regardless of how high the tuition is in the receiving district. These decisions could have a profound  
24 and devastating impact on communities, their neighborhood schools and the students they serve.  
25 Communities will lose neighborhood schools, which serve as a central focus of activity and pride.  
26 Surrounding districts will be negatively impacted since they will be required to enroll students without  
27 regard to the receiving district's resources or capacity. Parents will enroll their students in districts in which  
28 they have no right to vote for school board members or even speak at the district's school board meetings.  
29 The legislature approved H.B. 42 (2015) which would have revised the accreditation process to include  
30 building level accreditation, allowed transfers from unaccredited schools as well as districts, and expanded  
31 charter and private virtual schools. Governor Nixon vetoed the bill, and the bill did not become law. S.B.  
32 559 and S.B. 587 (2018) would have addressed student transfers from unaccredited districts and included  
33 other provisions regarding school accreditation and school accountability, but neither bill passed.

## 34 35 **L-C28 ACCESS TO STUDENT INFORMATION**

36  
37 **Rationale:** Currently, the Missouri Student Information System (MOSIS) tracks information for each  
38 student enrolled in a Missouri public school, and uses a randomly generated number to identify each  
39 student, rather than using the student's Social Security number as the student identifier. The Social Security  
40 number may be included and used to eliminate duplicate entries, but is not publicly available within the  
41 system. Federal law allows school districts to ask for a student's Social Security number but requires the  
42 school official to disclose to the student that giving the Social Security number is completely voluntary and  
43 cannot be required for enrollment in school or participation in a school program. Currently, some schools  
44 are asking enrolling students for their Social Security number, but not informing students or their parents  
45 that giving the Social Security number is voluntary. This may serve as a barrier to enrollment for any student  
46 who resides in the district and is entitled to enroll, but is reluctant to reveal their Social Security number or  
47 for any resident student who does not have a Social Security number.

48  
49 Senate Bill 291 (2009) allows school districts to maintain permanent school records in digital and electronic  
50 formats. There is no common, required data format for student records. Schools are often unaware of  
51 important information when a student enrolls, such as safe school violations, suspensions, expulsions,  
52 attendance records, Individualized Education Plan status and any other pertinent information.

53  
54 H.B. 1490 (2014) requires DESE to create standards for student data accessibility, transparency, and  
55 accountability relating to the statewide longitudinal data system and strictly limits the conditions under  
56 which student data may be shared. S.B. 530 (2015) would have expanded provisions protecting student data

1 privacy, but the bill did not pass. H.B. 1606 (2018) requires school districts to report breaches of data  
2 containing personal information of students to parents, DESE, and the State Auditor.

### 3 4 **L-C29 BULLYING IN SCHOOLS**

5  
6 **Rationale:** Current state law requires school districts to adopt a board policy regarding bullying of students,  
7 but does not allow a district's policy to enumerate specific categories or attributes that may be related to  
8 bullying of students. House Bill 458 (2015) would have allowed districts to enumerate specific categories or  
9 attributes that may be related to bullying, but the bills did not pass. House Bill 1543 (2010) requires that a  
10 district's bullying policy must address cyber-bullying. H.B. 1583 (2016) revises the laws regarding bullying  
11 in schools and establishes specific components that a district must include in its anti-bullying policy. House  
12 Bill 2051 (2012) would have prevented school staff from discussing human sexuality outside of scientific  
13 instruction. However, this "Don't Say Gay" bill did not pass. House Bill 501 (2015) requires course  
14 materials relating to sexual education to contain information regarding sexual predators, online predators,  
15 and the consequences of inappropriate text messaging.

### 16 17 **L-C30 EQUAL OPPORTUNITY AND SAFETY FOR ALL**

18  
19 **Rationale:** House Bill 2051 (2012) is known as the "Don't Say Gay Bill." This bill would prohibit any  
20 "instruction, material, or extracurricular activity sponsored by a public school that discusses sexual  
21 orientation." The only discussion allowed would be in the context of scientific instruction concerning  
22 human reproduction. This bill did not pass. H.B. 2051 disrupts the core element critical to a successful  
23 school environment, which is to provide a safe place for all to learn. It infringes on the free speech rights of  
24 students and educators in Missouri schools. Further, the bill would prevent students from discussing issues  
25 regarding sexual orientation during an already vulnerable time with professional school personnel such as  
26 teachers, counselors or other students in an LGBTQ support group. S.B. 690 (2018) would require that all  
27 school restrooms, locker rooms, and shower rooms accessible for use by multiple students shall be  
28 designated for and use by male or female students only, but the bill did not pass.

### 29 30 **L-C31 CAMPUS SAFETY AND ACCOUNTABILITY**

31  
32 **Rationale:** S.B. 626 (2016) proposed requirements for colleges and universities to prepare an annual campus  
33 security report informing students and employees of affirmative consent standards and proposed annual  
34 awareness programming requirements on affirmative consent standards. S.B. 1085 (2016) proposed  
35 requirements that the governing board of each public institution of higher education in Missouri engage in  
36 discussions with law enforcement agencies and enter into a memorandum of understanding (MOU)  
37 concerning sexual assault, domestic violence, dating violence and stalking involving students on and off  
38 campus. The Association testified in support of S.B. 1085. Neither bill was passed into law.

### 39 40 **L-C32 PUPIL TRANSPORTATION**

41  
42 **Rationale:** Current law requires that districts provide transportation for pupils living more than three and  
43 one-half miles from school and for all special education pupils. Transportation to and from school can be a  
44 hardship or safety concern, or both, for pupils living closer than three and one-half miles, particularly for  
45 students living in families without a vehicle to provide transportation. S.B. 687 (2018) and H.B. 1606 (2018)  
46 allow Kansas City school district to pay for high school students to use city buses for transportation to  
47 extracurricular activities. State funding for pupil transportation for fiscal year 2019 totals \$102 million.

### 48 49 **L-C33 SUMMER SCHOOL**

50  
51 **Rationale:** In the Outstanding Schools Act of 1993, as part of education reform, districts were encouraged  
52 to provide students in Missouri with summer school opportunities. To encourage districts to do this, they  
53 allowed districts to count each student twice, making summer school a win-win situation for districts;  
54 students get access to the remedial or additional education opportunities and the district gets enough state  
55 funding to cover the cost of offering the programs. Due to the current financial situation in the state, many  
56 districts have had to eliminate summer school, offer minimal course offerings, or charge students to attend.  
57 Many students have also used summer school as a way to fulfill their physical education requirements,

1 making room in their schedules for other courses during the year; such as foreign languages, fine and  
 2 performing arts, advanced science and math courses. Summer school has become part of the culture in  
 3 Missouri. H.B. 1139 (2014) would have mandated school districts to require summer school for students  
 4 scoring below proficient on a statewide assessment, but the bill did not pass.

### 6 **L-C34 RELIGIOUS NONPARTICIPATION IN INSTRUCTION**

8 **Rationale:** The United States Constitution clearly provides religious freedom to all Americans.  
 9 Constitutional Amendment 2 passed in August 2012, added unnecessary provisions to the Missouri  
 10 Constitution. The amendment went further and added poorly defined provisions that will allow students to  
 11 opt out of learning, testing, and activities based on religious belief. From preschool to graduate school,  
 12 educators and public institutions held accountable for student learning are now faced with implementation  
 13 challenges. Frequent and long-term student opt outs can complicate required testing, school funding,  
 14 graduation requirements, and potentially evaluation and school accreditation. Students need a rigorous  
 15 broad based curriculum to compete in the 21st century global economy and this constitutional amendment  
 16 does not help meet that need. H.B. 1303 (2014) includes a requirement that a school district create a limited  
 17 forum for the purpose of religious discussions. This increases the likelihood that districts will be in conflict  
 18 with the First Amendment.

### 22 **L-C35 EXTENDED LEARNING TIME**

24 **Rationale:** Research has shown that providing additional learning time has proven to be effective in  
 25 advancing student achievement. In Massachusetts, participating schools received guidance and financial  
 26 support to increase learning time by over 300 hours per year. Student achievement gains were significant  
 27 and large. Over a three-year period, one school went from 23% student proficiency to 43% student  
 28 proficiency. However, the study identifies that it is not enough to simply lengthen the school day or year.  
 29 School schedules must be adjusted to use time well, increase time for core and enrichment, and allocate  
 30 enough time for teacher collaboration. Staff in that school identified, designed, and implemented solutions  
 31 affecting students in that school. H.B. 1145 (2017) would have created a grant program to provide extended  
 32 learning time, but the bill did not pass.

### 34 **L-C36 FAIR HOUSING POLICY AND INTEGRATION OF PUBLIC SCHOOLS**

36 **Rationale:** Living in poverty creates challenges for student success in school and in life. These challenges  
 37 affect the function and success of students and schools, particularly when school populations are  
 38 concentrated with students living in poverty. Public housing policy, including programs to provide access to  
 39 affordable public housing, can mitigate or compound the problems of segregation based upon poverty.  
 40 Housing policy can reduce segregation of society and improve student success when regional housing policy  
 41 requires inclusionary zones and affordable housing throughout a diverse region. Conversely, housing policy  
 42 that allows targeting of public housing subsidy solely in existing, high-poverty regions compounds the  
 43 problems created by concentration of poverty.

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## 46 ***Ensure Effective and Accountable School Governance***

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### 48 **L-D1 AUTONOMY OF THE STATE BOARD OF EDUCATION**

50 **Rationale:** Senate Joint Resolution 45 (2010) would have merged oversight of pre-K, elementary,  
 51 secondary, and higher education into a governing body of six members appointed for six-year terms and the  
 52 appointment of the commissioner of education at the advice and consent of the Senate. Not only would this  
 53 proposal politicize the commissioner position, but it would also reduce the number of current board  
 54 members for pre-K-12 and higher education by nearly one-third while at the same time doubling the number  
 55 of students the merged board would be responsible for educating. H.B. 383 (2015) would have established a  
 56 limit of two terms for State Board of Education members, but the bill did not pass. State Board of Education  
 57 terms are for eight years and until a successor is appointed and approved, and one member has served for

1 over 24 years. S.B. 743 (2018) and H.B. 1606 (2018) add an active teacher as a non-voting member of the  
 2 State Board of Education.

3  
 4 S.B. 794 (2018) would have enacted several provisions to clarify and stabilize the process for appointment of  
 5 members of the State Board of Education. The bill would have provided a much needed clarification of the  
 6 appointment process to ensure that appointees are not subject to manipulation and that the State Board of  
 7 Education can operate as contemplated in the Missouri Constitution. However, the bill did not pass.

## 8 9 **L-D2 NONPARTISAN COMMISSION FOR HIGHER EDUCATION BOARD APPOINTMENTS**

10  
 11 **Rationale:** Under current Missouri law, to be appointed to serve as a voting member on a governing board  
 12 of a public institution of higher education, one must be appointed by the governor, by and with the advice  
 13 and consent of the Senate. The qualifications for this position are limited to a geographic residence  
 14 requirement with a limitation on the number of members affiliated with one political party. House Bill 174  
 15 and Senate Bill 163 (2011) were both enacted to revise the regional residence requirements for Curators of  
 16 the governing boards of the University of Missouri and Lincoln University to accommodate the loss of one  
 17 Missouri seat in the 2011 reapportionment of the United States Congress. Although Missouri institutions of  
 18 higher education have benefited from the service of those members of individual governing boards, the  
 19 present climate of accountability in higher education, the present financial conditions for public higher  
 20 education in Missouri and the evolving nature of the tasks of these governing boards requires a selection  
 21 process that results in members on governing boards who have sufficient qualification and experience for  
 22 those tasks and that the members of these governing boards can be assured a selection process that provides  
 23 them an office that carries the sense of authenticity that their tasks demand.

24  
 25 The Missouri Nonpartisan Court Plan is an essential way to limit partisan politics in the selection process  
 26 for judicial appointments and is so effective that many states have adopted the “Missouri Plan.” Virginia  
 27 presently has legislation of this nature for the selection of governing board members for public colleges and  
 28 universities. The Virginia Commission on Higher Education Board Appointments consists of five non-  
 29 legislative citizen members appointed by the Governor plus the Commissioner of Higher Education and the  
 30 Secretary of State serving as nonvoting, ex officio members. The non-legislative citizen members consist of:  
 31 two non-legislative citizen members who are former members of governing bodies of Virginia’s public  
 32 institutions of higher education; one non-legislative citizen member who shall be either a former president,  
 33 provost, or executive vice-president of a public institution of higher education; and two non-legislative  
 34 citizen members who shall be citizens-at-large to be appointed by the Governor. The Commission maintains  
 35 and oversees a process for evaluating potential appointees to higher education governing boards, based on  
 36 substantive qualifications, including merit and experience and makes recommendations to the governor at  
 37 least 30 days prior to the expiration of terms to fill vacancies on higher education governing boards.  
 38 The National Governor’s Association (NGA) observed that establishing an advisory board or review  
 39 commission for certain high profile appointments could be of “particular benefit when the governor is  
 40 looking to involve key stakeholders, get outside input from a variety of sources, and also to depoliticize a  
 41 potentially difficult or highly visible appointment process.” The NGA found that the Virginia commission  
 42 has worked well to buffer the Governor from the nominating process and that less than a third of all higher  
 43 education appointees are financial contributors to the Governor. The Association of Governing Boards of  
 44 Universities and Colleges (AGB) observed that the Virginia legislation provides one of the clearest examples  
 45 of state leaders working together to support public higher education governance.

## 46 47 **L-D3 SCHOOL ACCOUNTABILITY**

48  
 49 **Rationale:** The federally mandated restrictions and punishment of standardized testing ended with the  
 50 passage of ESSA. A key component of ESSA is to reduce the burden of over-testing students, allowing for  
 51 local control of curriculum and authentic, developmentally appropriate and varied assessments.  
 52 However, current DESE accreditation standards under the Missouri School Improvement Program (MSIP)  
 53 V conflate accreditation and accountability, which have placed more high-poverty districts at risk of  
 54 provisional or unaccredited status and eventual dissolution of the district under current law. Most states  
 55 recognize the distinction between accreditation and accountability; both having their own independent place  
 56 in the educational process. Previous legislative efforts that have attempted to return local control of  
 57 education policy, which would benefit Missouri students and teachers, include the following. H.B. 1499

1 (2016) would have created a Community Schools Program in St. Louis City, but the bill did not pass. H.B.  
 2 1023 would have substantially revised state accreditation of school districts by giving local control of  
 3 assessment and reporting of school quality indicators designed to address community and student needs.  
 4 H.B. 1606 (2018) requires DESE to create a program for recognition of district guidance programs. S.B. 743  
 5 (2018) requires DESE to create a program for recognition of district library and media programs.  
 6

7 Previous legislative efforts have attempted to pass the following legislation, which would be harmful to  
 8 Missouri students and teachers, but failed. S.B. 643 (2018) would have required the State Board of  
 9 Education to develop an annual report card and a single letter grade for each school building, but the bill did  
 10 not pass. The legislature approved H.B. 42 (2015) which would have revised the accreditation process to  
 11 include building level accreditation, allowed transfers from unaccredited schools as well as districts, and  
 12 expanded charter and private virtual schools. Governor Nixon vetoed H.B. 42, and the bill did not become  
 13 law.  
 14

#### 15 **L-D4 SCHOOL BOARD MEMBER ACCOUNTABILITY**

16  
 17 **Rationale:** At present, recall of school board member is possible only after a school has been declared  
 18 academically deficient by an audit team. Some school districts within a city of 75,000 people or more are  
 19 hindered further by only being allowed to consider the reelection of board members every six years. There is  
 20 no requirement that board members continue to live in the school district after they are elected. S.B. 719  
 21 (2014) revises conflict of interest standards regarding sales to a school district by a school board member.  
 22

#### 23 **L-D5 SCHOOL BOARD MEMBER TRAINING**

24 **Rationale:** Presently the state requires that school board members complete 16 hours of training before they  
 25 run for re-election. Most districts insist that board members receive that training immediately. The training  
 26 is only provided by the Missouri School Board Association and the Missouri Association of Rural  
 27 Educators. Most of their instruction deals with their model and philosophy of how boards should conduct  
 28 themselves.  
 29

#### 30 **L-D6 SCHOOL BOARD ELECTIONS**

31  
 32 **Rationale:** Currently, in an uncontested school board race, no election is held, and the district is not  
 33 required to incur a cost for the election. In such a case, the filed candidates are assumed to be elected, their  
 34 names do not appear on the ballot and the citizens do not have the opportunity to express their support or  
 35 lack of support for such candidates. This situation also eliminates the possibility for a write-in candidate to  
 36 declare candidacy before the election. As an unintended consequence in some circumstances, prospective  
 37 school board candidates may be discouraged from filing, as this would cause the school district to be  
 38 required to share the cost for a contested election.  
 39

40 Senate Bill 291 (2009) requires the Joint Committee on Education to conduct a study of urban school  
 41 governance and allows the State Board of Education to provide for a transition from a special administrative  
 42 board to an elected school board, rather than requiring all members to be elected and begin at the same time.  
 43 Senate Bill 450 (2012) allowed Ft. Zumwalt School District to continue to elect school board members to  
 44 three-year terms, even though the district now qualifies under the law as an “urban” school district. S.B. 258  
 45 (2013) revises the Kansas City school board from nine members to seven members. H.B. 396 (2013) would  
 46 have required the St. Louis City school district’s Special Administrative Board to create and submit to voters  
 47 a plan to divide the district into four sub-districts, but the bill did not pass.  
 48

49 After a census or consolidation, larger districts may qualify as an urban district. This classification changes  
 50 school board terms to six years, limited to two terms and with elections held every other year. H.B. 63  
 51 maintains the current number, length of term and election process for the Springfield school board and  
 52 changes St. Joseph school board terms to three years and removes the signature requirement to file as a  
 53 candidate for that school board. H.B. 1602 (2016) would have revised the process for filling vacancies on  
 54 school boards, but the bill did not pass. A 2016 federal court ruling found that the at-large school board  
 55 member election required in the Ferguson-Florissant School District by Missouri law deprived black voters  
 56 of an equal opportunity to elect representatives of their choice. The district court judge ordered the  
 57 district to switch to cumulative voting, where voters cast as many votes as there are candidates and can use

1 all of their votes on one candidate but put the ruling on hold while the district appealed. In July 2018, the  
 2 federal appeals court upheld the district ruling. S.B. 283 (2017) revises and staggers the terms of board  
 3 members of the Kansas City school district.

#### 4 **L-D7 RIGHT TO LOCAL SCHOOL GOVERNANCE**

5  
 6  
 7 **Rationale:** Local school boards are responsible for the quality of education of a school district. Citizens elect  
 8 school boards and are responsible for holding the board of education accountable for the quality of  
 9 education in a district. When a local school board is replaced by a state-appointed Special Administrative  
 10 Board, the community is unable to impact the quality of education through their right to vote. S.B. 125  
 11 (2013) allows earlier State Board intervention upon loss of accreditation, requires more substantive state  
 12 engagement with local stakeholders prior to state takeover, allows additional interventions that do not  
 13 require lapse and allows up to three years of time for improvement for a district with unaccredited status  
 14 prior to lapse. House Bill 2050 (2012) would have required that school superintendents be elected, rather  
 15 than selected by and accountable to the school board, but the bill did not pass. S.B. 9 (2013) allows  
 16 University of Missouri extension councils, except for any council located in St. Louis County, to form  
 17 extension districts for funding purposes. S.B. 521 (2014) would have required DESE to give a single letter  
 18 grade for each public school building, but the bill did not pass. S.B. 701 (2014) allows school districts to  
 19 share a superintendent. The legislature adopted S.B. 104 (2015). The bill revises the process for determining  
 20 the governing board of St. Louis Community College and adds an appointed member to the board. The  
 21 Coordinating Board for Higher Education (CBHE) will select the appointed member to the board of St.  
 22 Louis Community College.

#### 23 24 **L-D8 ACCESS TO SCHOOL INFORMATION**

25  
 26 **Rationale:** Senate Bill 764 (2012) would have strengthened many aspects of the law by requiring the public  
 27 disclosure in an open meeting for certain legal matters upon final disposition, but the bill did not pass. The  
 28 act would have required custodians of records to maintain public records in a readily reproducible format. It  
 29 would also have removed the requirement that a violation must be a “knowing violation” to subject a  
 30 member or public body to a penalty. In return, the act would have reduced the penalty and permitted a  
 31 court to order the payment of costs and attorney’s fees to a party establishing a violation.

32  
 33 Additionally, under current practice, only certified staff compensation is reported in detail to the DESE. All  
 34 other compensation data is reported as a single line item and salary schedules, school calendars, school  
 35 district budgets and local school board policies are not required to be reported to DESE. House Bill 1140  
 36 (2012) would have created a central information repository, but the bill did not pass. In 2012, DESE  
 37 established the Missouri Comprehensive Data System (MCDS) Portal on the department’s website. The  
 38 Portal provides more convenient access to available school and education data. H.B. 1606 (2018) requires  
 39 public schools to post certain financial information online for public access. S.B. 743 (2018) and H.B. 1606  
 40 (2018) clarify that school districts are only required to use one financial surety bond company for school  
 41 bonds. The current law requires use of two surety companies.

#### 42 43 **L-D9 PROTECT MISSOURI ACT**

44  
 45 **Rationale:** Missouri’s Constitution allows proposed statutory or constitutional amendments to be submitted  
 46 by initiative petition. In 2006, over \$2.6 million in out-of-state money was spent in Missouri to hire signature  
 47 gatherers and place a harmful state spending cap similar to Colorado’s Taxpayer’s Bill of Rights on the  
 48 Missouri statewide ballot. The submission by the so-called Missourians in Charge was rejected by the  
 49 Missouri Secretary of State, and the ensuing litigation exposed evidence of fraudulent and deceitful signature  
 50 gathering practices and a massive effort to hire and import out-of-state signature gatherers to complete the  
 51 process. House Bill 117 (2013) enacted additional requirements for petition signature gatherers.

52  
 53 Petition signature challenges in 2012 kept the Minimum Wage issue off the ballot because there was  
 54 disagreement as to whether the SOS Voter File or the original voter registration card in each county clerk's  
 55 office would serve as the official record. Searching an antiquated card system is time consuming and  
 56 expensive when time and cost are a factor for a citizens’ initiative struggling to meet legal deadlines. In  
 57 addition, because signatures are often gathered over an extended period of time, people move after signing

1 the petition and their new address in the SOS file at the time of signature verification does not match the  
 2 address on the petition. This problem could be solved by allowing the address at the time of petition signing  
 3 to be used in the signature verification process, since the SOS voter file indicates the previous address.  
 4

#### 5 **L-D10 PROMOTING CITIZENSHIP AND PARTICIPATION IN ELECTIONS**

6  
 7 **Rationale:** The Missouri Supreme Court struck down the photo voter identification requirements enacted in  
 8 Senate Bill 1019 (2006) as an unconstitutional restriction on voter access and found that this measure would  
 9 have disproportionately suppressed voter turnout of the poor, minority and elderly voters. The secretary of  
 10 state's office has indicated to the legislature there have been no recent cases of voter misrepresentation in  
 11 Missouri. Additionally, proponents of voter photo identification have not provided evidence showing photo  
 12 identification would have prevented voter fraud. Senate Joint Resolution 2 (2011) would have placed voter  
 13 identification requirements on a statewide ballot, but the proposal was blocked from the ballot when the  
 14 ballot summary language was ruled inaccurate and voided by a court decision. The legislature approved  
 15 H.J.R. 53 (2016), a joint resolution containing similar authorization for photo voter identification  
 16 requirements. Voters approved the measure on the statewide ballot in November of 2016. The legislature  
 17 approved photo voter identification implementing language in H.B. 1631 (2016), and overrode Governor  
 18 Nixon's veto to enact the bill into law. This new law went into effect on June 1, 2017, since voters approved  
 19 the photo ID provisions from H.J.R. 53 in the November 2016 election. House Joint Resolution 90 (2014)  
 20 was approved by voters in November 2014 and creates a six-day early voting window. Expanded voting  
 21 options such as election day registration, election day holiday, and mail-in ballots would provide citizens  
 22 more opportunities to cast their vote. In addition, a process to automatically register voters when they turn  
 23 18 years of age could increase voter turnout.  
 24

#### 25 **L-D11 DEFENSE OF THE NONPARTISAN COURT PLAN**

26  
 27 **Rationale:** The Missouri Nonpartisan Court Plan provides for the selection of judges based on merit and not  
 28 on political affiliation. Currently, the Nonpartisan Court Plan is in use for the Missouri Supreme Court, the  
 29 Missouri Court of Appeals and the Circuit Courts in St. Louis City and St. Louis, Clay, Jackson and Platte  
 30 Counties. Other counties by local vote can participate in the plan.  
 31

32 The procedure is for a commission to be established for each jurisdiction or level of judges (except that the  
 33 same commission covers the Missouri Supreme Court and the Missouri Court of Appeals.) The commission  
 34 is composed of lawyers and citizens and the "head" judge of the jurisdiction being covered. The commission  
 35 submits three names to the governor who selects one individual to be judge. If the governor does not select  
 36 an individual from the three names submitted, the commission selects the judge.  
 37

38 The plan is referred to as the Missouri plan across the country and used as a model by other states that want  
 39 to reform their judiciary, as it is an improved system of selection, tenure and retirement of judges. Current  
 40 political attacks on the plan have brought the issue to the forefront. Senate Joint Resolution 51 (2012) placed  
 41 significant and undesirable changes to the plan on a statewide ballot in November 2012, but the proposal did  
 42 not pass.  
 43

#### 44 **L-D12 SCHOOL DISTRICTS ADJUSTING TO STUDENT TRANSFERS**

45  
 46 **Rationale:** The 2013-2014 school year began with two unaccredited school districts (Riverview Gardens  
 47 and Normandy) forced to pay for their students to attend other school districts, including the cost of  
 48 transportation. The cost of tuition and transportation may bankrupt these districts. In addition, the transfer  
 49 provision has created a type of open enrollment for students to move to the unaccredited district for the  
 50 purpose of attending another district. The legislature approved H.B. 42 (2015) which would have revised the  
 51 accreditation process to include building level accreditation, allowed transfers from unaccredited schools as  
 52 well as districts, and expanded charter and private virtual schools. Governor Nixon vetoed H.B. 42, and the  
 53 bill did not become law.  
 54

55 S.B. 559 and S.B. 587 (2018) would have addressed student transfers from unaccredited districts and  
 56 included other provisions, but neither bill passed.  
 57

## 1 **L-D13 ETHICS IN GOVERNMENT**

2  
3 **Rationale:** For the past two decades, the current redistricting system has resulted in the courts making the  
4 final decision because partisan bias has created deadlock in the Missouri reapportionment commissions.  
5 The use of statistical measurement and nonpartisan mapping have been successful in other states and have  
6 resulted in fair and competitive legislative districts without requiring court intervention. The Senate passed  
7 S.J.R. 27 (2018), but the House did not approve the bill. The bill bans most gifts from lobbyists and the  
8 entities they represent to legislators, legislative staff and other elected officials. The Clean Missouri  
9 initiative, approved by voters as Constitutional Amendment 1 in November 2018, will limit most gifts from  
10 lobbyists, restrict lobbying by legislators who leave the legislature, enact campaign finance reforms and  
11 create a more fair structure for redistricting.  
12

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## 13 ***Prepare and Evaluate Teachers and Provide Continuous Professional Development***

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### 14 15 **L-E1 PROFESSIONAL STANDARDS BOARD**

16  
17 **Rationale:** Unlike other professionals such as physicians, dentists, embalmers and cosmetologists, teachers  
18 currently have only limited advisory involvement in establishing standards for the teaching profession.  
19 Further, teachers are prohibited by the Missouri Constitution from serving on the State Board of Education.

### 20 **L-E2 PROFESSIONAL TEACHING STANDARDS**

21  
22 **Rationale:** Professional teaching standards clarify the expectations for teachers and define what teachers are  
23 supposed to know and be able to do, how those standards will be assessed, and how mentoring, beginning  
24 teacher assistance programs and other professional development will help teachers meet those teaching  
25 standards. Senate Bill 291 (2009) states: “each public school shall develop standards for teaching by June 30,  
26 2010. The standards shall be applicable to all public schools, including public charter schools operated by the  
27 board of a school district.” The teaching standards must include: having students actively participate and be  
28 successful in the learning process; forms of assessment to monitor and manage student learning; having the  
29 teacher be current on instructional knowledge and explore changes in teaching behavior; and having the  
30 teacher act as a responsible professional in the mission of the school.  
31

### 32 **L-E3 SUPPORT FOR TEACHERS IN NATIONAL BOARD CERTIFICATION PROCESS \***

33  
34 **Rationale:** The National Board for Professional Teaching Standards has established a National Board  
35 Certification process that requires rigorous preparation by teachers who seek national certification. National  
36 Board Certification lasts for 10 years and can be renewed by completing a substantive renewal process.  
37 Teachers who have worked through this process testify that it has made them more reflective, competent  
38 teachers. Prior to fiscal year 2010, Missouri was one of a number of states that provided financial support to  
39 help national board candidates pay for the application process. This funding was terminated for FY 2010.  
40 Several states have also enacted legislation providing financial incentives for achieving National Board  
41 Certification; however, Missouri has not done so.  
42

### 43 **L-E4 PROFESSIONAL DEVELOPMENT COMMITTEES \***

44  
45 **Rationale:** Presently, Missouri law requires that each district have a teacher-selected PDC. This committee  
46 is to spend one percent of state foundation formula funds on staff development annually. School districts  
47 that receive only a small percentage of their budget from the state do not receive adequate funds for  
48 professional development. H.B. 1606 (2018) allows externships to count as teacher professional development  
49 hours. No provisions are included in legislation to address the professional development needs of support  
50 personnel. Senate Bill 287 (2005) caps the state’s one percent funding for professional development at \$18  
51 million. Professional development funds grew to \$20 million in fiscal year 2008, but the funds were cut to  
52 \$15 million for FY 2009, and further cut to \$7 million for FY 2010. Professional development funding was  
53 eliminated in the FY 2012 budget, except for \$136,326 appropriated for school board member training.  
54

55 House Bill 1543 (2010) suspended the district requirement to spend one percent of state aid for professional  
56 development until FY 14, and many districts have responded by drastically reducing district attention and



1 funding for professional development for instructional staff or transferring control of such funds to  
 2 administrator-directed activities rather than those designated by the teacher-selected PDC. S.B. 687 (2018)  
 3 will allow school districts to allocate less than 1.0% but no less than 0.5% of moneys received under the  
 4 school foundation formula to the professional development committee of the district when state funding for  
 5 pupil transportation is below 25% of total allowable cost.

#### 7 **L-E5 PERFORMANCE OF MEDICAL PROCEDURES \***

8  
 9 **Rationale:** With the increasing number of students with specific medical needs, education employees are  
 10 being asked to perform medical procedures not related to their education. Education employees'  
 11 responsibility to perform medical procedures should be limited to ensuring student safety and well-being  
 12 until qualified medical professionals are able to address the situation. House Bill 1543 (2010) establishes new  
 13 protections for employees who administer medication and exempts employees who are not qualified to  
 14 administer medication and who refuse to administer it from liability for refusing.

#### 16 **L-E6 CERTIFICATION STANDARDS**

17  
 18 **Rationale:** Current practice allows temporary certification of teachers. Many Missouri higher education  
 19 institutions now offer alternative teacher certification programs. There is a discrepancy between the  
 20 relatively high rigor of traditional teacher training programs and the expectations of the various alternative  
 21 certification programs. The current alternative certification rule allows any person with a bachelor's degree  
 22 to teach their related content in the middle school and secondary levels without any prior teacher training  
 23 and requires those teachers to complete at least 24 credit hours of teaching course work within the first three  
 24 years of alternative certification. Recently enacted legislation establishes an alternative certification process  
 25 for principals. These actions have the potential to weaken and lower professional standards for educators.  
 26 Furthermore, Senate Bill 296 (2003) changed the three-tier certification system to a two-tier certification  
 27 system, reenacting the lifetime certificate. Conversely, other revisions have improved the ease of portability  
 28 of certification between other states and Missouri. Any person who has achieved certification through the  
 29 National Board for Professional Teaching Standards will now be eligible for a Missouri certificate in a  
 30 related field. National Board Certification sets the bar for the highest and most rigorous standards for  
 31 accomplished teachers.

32  
 33 S.B. 1066 (2008) mandates state certificate status for the American Board for Certification of Teacher  
 34 Excellence (ABCTE), a new entry-level certification established by a private entity that focuses on content  
 35 knowledge and lacks a substantial examination of teaching ability. The ABCTE certificate will function like  
 36 a regular professional certificate rather than an alternative certificate, and no additional course work in  
 37 teaching competencies is required once the candidate passes the ABCTE test. S.B. 17 (2013) enacted the  
 38 provisions of H.B. 808 (2013) to permanently extend the ABCTE certificate, which had an initial six-year  
 39 sunset. S.B. 782 (2014) authorizes an ABCTE certificate for elementary education. S.B. 291 (2009) requires  
 40 the State Board of Education to create a new, alternative certification for personal finance instructors, and  
 41 educators so certified will be banned from gaining tenure status within a school district. House Bill 1803  
 42 (2012) provides reciprocity for school social worker education programs at Missouri colleges and  
 43 universities, but does not create a Missouri certification for school social workers. S.B. 492 (2014) creates an  
 44 advisory panel on standards for teacher preparation programs. H.B. 1665 (2018) creates a visiting scholars  
 45 certificate of license to teach limited to school/business partnership programs such as Partners in Prosperity.

#### 47 **L-E7 PEER ASSISTANCE AND REVIEW \***

48  
 49 **Rationale:** Most public school districts do not have peer assistance and review programs.

#### 51 **L-E8 HIGH QUALITY EVALUATION SYSTEM FOR TEACHERS \***

52  
 53 **Rationale:** While state law requires districts to adopt teaching standards, the evaluation system for teaching  
 54 in a district is established by the district. Teaching evaluation systems too often leave teachers without the  
 55 feedback or support to enhance practice and advance student learning.

56

1 House Bill 1526 and Senate Bill 802 (2012)[7] sought to eliminate due process rights for teachers and  
 2 mandate that student test scores comprise at least 50 percent of a teacher’s evaluation, but neither bill  
 3 passed. H.B. 631 (2013) sought to impose numerous state mandates on local educator evaluations,  
 4 including a mandate that student test scores comprise at least 30 percent of a teacher’s evaluation, but the  
 5 bill did not pass. Similar mandates offered in the House Committee Substitute for S.B. 125 (2013) were also  
 6 defeated. S.B. 654 and H.B. 1366 (2012) would have required every district to establish a high quality  
 7 teacher evaluation system that provides regular, comprehensive, meaningful and fair evaluations for all  
 8 teachers, but the bills did not pass. S.B. 654 required that district evaluation systems be locally developed  
 9 with teacher input, use multiple indicators, such as teacher quality, performance and effectiveness, and  
 10 provide clear feedback to enhance practice.

11  
 12 The National Education Association adopted a Policy Statement on Teacher Evaluation and Accountability  
 13 at the 2011 NEA Representative Assembly. The NEA policy is substantially similar to the evaluation system  
 14 required under S.B. 654. DESE applied for and received a “waiver” from many NCLB provisions under the  
 15 flexibility plan. The application includes a model teacher and administrator evaluation plan and requires all  
 16 districts to make sure their evaluation systems meet the state requirements. The model evaluation system  
 17 meets most of the principles of the NEA Policy Statement on Teacher Evaluation and Accountability. The  
 18 model evaluation system requires that student performance be considered as a factor in teacher evaluations,  
 19 but leaves that, along with many other decisions, to local control. H.B. 1490 (2014) provides that teacher  
 20 and administrator evaluation information must be retained in the district personnel file and may not be  
 21 shared with any state or federal agency.

22 A teacher performance evaluation initiative, the Missouri Teacher Performance Evaluation, appeared on the  
 23 November 2014 ballot as Amendment 3. The proposal was overwhelmingly defeated by a vote of 76% in  
 24 opposition. The Association worked to defeat the measure as a core member of the Coalition to Protect  
 25 Local Schools. The ballot initiative would have mandated teacher performance evaluations dominated by  
 26 student scores on standardized tests, and these results would be used to determine whether a teacher should  
 27 be dismissed, rehired, demoted or promoted. It would also have prevented collective bargaining on these  
 28 evaluation tools and eliminated due process rights unless an existing contract was in effect.

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### 30 *Provide Teachers with Sufficient Time to Plan, Teach and Give Individual Attention*

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#### 31 32 **L-F1 CLASS SIZE \***

33  
 34 **Rationale:** Currently, class size and student-teacher ratios vary greatly in Missouri schools, often within the  
 35 same district. Currently, many teachers see over 500 students a week in their roles as librarians, counselors,  
 36 teachers of music, art, physical education, exploratory and elective classes and multiple sections of grade  
 37 levels per class meeting. Missouri classification standards currently deal only with the size of individual  
 38 classes and not with total student contacts, nor the number of sections per class meeting, nor with total  
 39 contacts with students with exceptional needs. Currently, school districts are only required to report the  
 40 district ratio of students to classroom teachers, not detailed data on actual class sizes in the various schools,  
 41 programs, grade levels and classes.

#### 42 43 **L-F2 SUPPORT SERVICES RATIOS \***

44  
 45 **Rationale:** Many support areas and programs are being implemented or are continuing without regard to  
 46 student enrollment. In addition, many students come to school with economic, environmental and social  
 47 problems that should be recognized when establishing staffing ratios.

#### 48 49 **L-F3 TEACHER PLANNING TIME \***

50  
 51 **Rationale:** Presently, many teachers do not have adequate planning time due to sharing classrooms, being  
 52 asked to substitute for another class or traveling to teach between buildings. In addition, planning time has  
 53 been shortened when districts have adopted new curriculum models and other programs in an effort to  
 54 increase student performance. In many instances, adequate planning time and space have not been allotted  
 55 during the contract day for effective implementation of these programs.

56

**L-F4 DUTY FREE LUNCH \***

**Rationale:** Currently, many education employees are given little or no free time to have lunch during the school day.

**L-F5 EDUCATION EMPLOYEES' LIABILITY INVOLVING STUDENT COMMUNICATIONS \***

**Rationale:** At present, in some Missouri schools, students are denied this basic right and education employees are reluctant to support such freedom of expression for fear of reprisal. In addition, many student communications sponsors are not adequately trained to deal with freedom of expression issues. H.B. 1940 (2018) would have expanded student journalists' freedom of expression, but the bill did not pass. The bill did not include provisions contained in similar laws enacted recently in other states, including civil immunity for districts and staff in implementing the law and anti-retaliation provisions to protect supervisory staff for respecting the greater latitude granted to student journalists under the bill.

**L-F6 SPECIAL EDUCATION INSTRUCTIONAL TIME \***

**Rationale:** An inordinate amount of instructional time is eaten away through legislated reports or meetings. Individualized Education Plans routinely exceed 20 pages in length. Each year, new forms are introduced as a result of new interpretations of law. The addition of transition documents, summary of performance, reviews of existing data and Missouri Assessment Program-Alternative has made providing quality special education instruction in Missouri more difficult. Added to this paperwork are meetings that require attendance by all members of the IEP team. Determining accommodations to meet the needs of students is a time-consuming component of the meeting process.

**L-F7 RESPECTING THE FINALITY OF COURSE GRADES ESTABLISHED BY A TEACHER \***

**Rationale:** Current state law leaves the final determination of student course grades to school board policy. A school board or administrator may choose to arbitrarily override a teacher's determination of a student's grade when faced by strong insistence on the part of a student's parent or another person advocating for such a change.

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***Involve Teachers in Making Improvements and Innovations***


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**L-G1 CHARTER SCHOOLS**

**Rationale:** Under the provisions of Senate Bill 781 (1998), there are currently public charter schools operating in Kansas City and St. Louis. Current Missouri law does not require local school board involvement with these schools. A 2016 ruling of the National Labor Relations Board indicates that charter schools are private entities for the purpose of labor law, subject to the Board's jurisdiction and employees would organize under the National Labor Relations Act. Nationally, NEA affiliates are directly involved in operating public charter schools.

The notion that charter competition will improve public schools has been conclusively refuted. Charters have a substantial track record assessed in numerous research studies. Those studies document that charters, on average, do no better than public schools in terms of student learning, growth or development, and those charters that do perform better are not incorporated into district-wide school improvement efforts. According to the National Alliance for Public Charter Schools (2011), charters cluster toward the bottom end of public education performance in both St. Louis and Kansas City. A number of charter schools that have never attained accepted levels of performance remain open, and some of these same charters have had their charters renewed. Some national programs include privatizing existing public schools, using companies with little or no experience, unregulated funding of home schooling, employing non-accredited teachers and excluding special needs students. At their worst, charters inflict significant harm on both students and communities. Of the charter schools that opened in the U.S. in 2000, a full fifth had closed within five years of opening and a full third had closed by 2010. Because the very opening of charters often prompts cutbacks

1 or closures in local public schools, these alarmingly high charter closure rates subject students and  
 2 communities to cycles of damaging disruption. Such disruption can leave students stranded mid-year. Even  
 3 closures that occur at year end disrupt students' education and unmoor communities previously anchored by  
 4 the local public school.

5  
 6 In Missouri, S.B. 287 (2005) included substantial revisions to the state's charter school laws, requiring  
 7 sponsors to diligently oversee the operations of the charter schools they sponsor, empowering the State  
 8 Board of Education to take disciplinary action against sponsors if necessary, and requiring 1.5 percent of  
 9 charter school revenues be provided to sponsors to fund oversight expenses. The General Assembly  
 10 appropriated \$62,500 in fiscal year 2009 to fund a study of charter school effectiveness, but this is far less  
 11 than the amount needed and the study has not been conducted.

12  
 13 Senate Bill 576 (2012) expands the authority for charter schools statewide under school board sponsorship,  
 14 and allows other sponsors to establish charter schools in unaccredited and provisionally accredited districts.  
 15 The bill also expands the list of entities allowed to sponsor charter schools, creates a statewide chartering  
 16 commission and makes some of the changes needed to improve the accountability and transparency of  
 17 charter sponsors and charter schools. The new state charter commission is solely an additional sponsor and  
 18 does not improve accountability. H.B. 1894 (2014) would have required unaccredited and provisionally  
 19 accredited school districts to give charter schools the first option in buying or leasing vacant or unused  
 20 school buildings within the district, but the bill did not pass. S.B. 743 (2018) includes language to allow  
 21 charter schools to revise the enrollment process to increase enrollment of at-risk students. H.B. 42 (2015)  
 22 [would have revised the accreditation process to include building level accreditation, allowed transfers from  
 23 unaccredited schools as well as districts, required districts to sell unused buildings to charter schools and  
 24 expanded charter and private virtual schools. H.B. 42 also] included the provisions of H.B. 550, with  
 25 several revisions to charter school law reflecting consensus recommendations from the 2014 working group  
 26 established by DESE. Gov. Nixon vetoed H.B. 42, and the bill did not become law. S.B. 638 (2016) revises  
 27 the charter school law, and addresses financial stress, closure, academic performance standards, approval of  
 28 charters and expansion of the transfer law to include charter schools. H.B. 2247 (2018) would have allowed  
 29 charter schools to be sponsored by outside entities other than the local school board and operate in many  
 30 districts around the state, but the bill did not pass. HB 2200 (2018) included language to allow districts to  
 31 create so-called "Innovation Schools." The bill contained problematic provisions regarding bargained  
 32 agreements, the teacher tenure law, salary schedules and school funding equity; however, the bill did not  
 33 pass.

## 34 35 **L-G2 VIRTUAL SCHOOLS**

36  
 37 **Rationale:** Recent developments in so-called "virtual schools" include attempts to divert public education  
 38 resources away to for-profit companies. Senate Bill 912 (2006) authorized and instructed the Department of  
 39 Elementary and Secondary Education to develop a Missouri virtual public school using policies and  
 40 procedures that promote equitable access, target students that can make best use of the resource, students  
 41 with the greatest educational needs for such resources, ensure high instructional standards and public  
 42 accountability. The Missouri Virtual Instructional Program began operation in fiscal year 2008 for  
 43 elementary and high school age students. S.B. 291 (2009) allows school districts to receive state aid for  
 44 virtual course attendance hours for resident students. H.B. 1823 and S.B. 522 (2014) would have created  
 45 statewide virtual school open enrollment, but the bills did not pass. H.B. 1389 (2014) enacts State  
 46 Authorization for Reciprocity Agreements (SARA) to allow higher education virtual education reciprocity  
 47 with other states. The legislature approved H.B. 42 (2015) which would have revised the accreditation  
 48 process to include building level accreditation, allowed transfers from unaccredited schools as well as  
 49 districts, and expanded charter and private virtual schools. Governor Nixon vetoed H.B. 42, and the bill did  
 50 not become law. S.B.s 603, 576 and 898 (2018) establish a new course access program related to MoVIP.  
 51 The program would be available for students enrolled full-time in public school and allows a proportionate  
 52 share of per pupil funding to be used for approved virtual courses.

## 53 54 **L-G3 SCHOOL CALENDARS \***

55  
 56 **Rationale:** In 2003, the General Assembly passed Senate Bill 686, which allowed school districts to start  
 57 school whenever they choose. The majority of school districts in Missouri begin the school year in mid to

1 late August and end in late May or early June. However, schools receive no increase in per pupil  
 2 compensation for an extended school term. S.B. 64 (2007) requires a school board to hold a hearing prior to  
 3 establishing a school start date more than 10 calendar days prior to Labor Day. H.B. 1606 (2018) and S.B.  
 4 743 (2018) remove requirements for a minimum number of school days, requiring only a minimum number  
 5 of hours. H.B. 1826 (2018) would have prohibited school districts from choosing an opening date for the  
 6 school term that is more than 10 calendar days prior to the first Monday in September, but the bill did not  
 7 pass.

8  
 9 There are many school buildings and classrooms without climate control. For a school to provide an  
 10 extended school term or use a year-round school schedule, all school facilities need climate control.  
 11 Comprehensive, long-term requirements regarding school calendars and make up days were enacted in S.B.  
 12 64 (2007).

#### 13 14 **L-G4 ADULT LITERACY**

15  
 16 **Rationale:** Many Missouri's adults have problems with basic literacy skills and many lack a high school  
 17 diploma. For integration into American culture, English is recognized as the most common language in  
 18 Missouri. State law provides assistance, educational materials and grants to local agencies to provide  
 19 English language instruction. The Family Support Division within the Department of Social Services is  
 20 authorized to provide grants to programs for resettling refugees and legal immigrants to help arrange day  
 21 care and transportation, which will help these persons, access English language services.

#### 22 **L-G5 SUPPORT FOR EXCELLENCE IN HIGHER EDUCATION \***

23  
 24 **Rationale:** Missouri fails to meet demand by underfunding higher education. As a result, colleges and  
 25 universities are losing positions and programs and students have to pay higher tuition. Across the country,  
 26 as in Missouri, tenure-line positions are being eliminated and replaced with jobs held by less than optimally  
 27 trained teachers. These teachers are commonly less capable of representing their disciplines since they are  
 28 denied the academic freedom, which sustains all academic work in the classroom and beyond. Because they  
 29 are subject to arbitrary dismissal, such teachers lack the latitude to update their pedagogy and draw from the  
 30 best current practices and materials. Furthermore, academics are increasingly subjected to extra-disciplinary  
 31 management, which threatens to damage higher education in the same way such regimes have harmed the  
 32 medical profession. Ultimately, students stand to lose the most if their educations are directed not by  
 33 professionals, but by outside managers whose primary interests are to drive down wages, require endless and  
 34 excessive testing, and ensure that nothing controversial or unpopular ever gets said in a classroom or  
 35 published in a scholarly venue. S.B. 334 (2015) broadens the degree-granting authority of Harris-Stowe State  
 36 University and also expands the service territory of Northwest Missouri State University. S.B.s 807 and 577  
 37 (2018) codify a] process for approval of programs among the CBHE and two-year and four-year public  
 38 institutions in the state. The process emphasizes collaboration among existing institutions and programs  
 39 rather than the creation of entirely new programs. SCS/S.B.s 807 and 577 (2018) creates the College Credit  
 40 Disclosure Act, which requires a higher education institution that grants college level credit but is not  
 41 accredited by a federally recognized regional accreditor to disclose, during the admission application  
 42 process, that the institution is not accredited.

#### 43 44 **L-G6 INTELLECTUAL DIVERSITY \***

45  
 46 **Rationale:** Recently, attempts have been made by a variety of special interest groups to pressure state  
 47 governments into adopting legislation that would force public higher education institutions to actively  
 48 promote "intellectual diversity" in hiring, admissions and scholarship decisions. "Intellectual diversity" is a  
 49 code word for a political agenda to restrict academic freedom and inquiry, promote controversy at all costs  
 50 and politicize higher education programs. House Bill 1315 (2008) would have forced public institutions to  
 51 annually report steps taken to promote "intellectual diversity" during the previous year, but the bill did not  
 52 pass. H.B. 282 (2013) allows schools to use books of a religious nature, consistent with the provisions of the  
 53 First Amendment. H.B. 278 (2013) requires public schools to allow the celebration and discussion of any  
 54 federal holiday.

#### 55 56 **L-G7 HIGH STANDARDS FOR SCIENCE EDUCATION \***

57

1 **Rationale:** Recently, attempts have been made by a variety of special interest groups to pressure state  
 2 governments into adopting legislation that would force school districts to include the teaching of “intelligent  
 3 design” in biology classrooms. Intelligent design holds that life is often so complex it cannot be explained by  
 4 the theory of evolution by natural selection. “Intelligent design” states that such complexities are proof that  
 5 a designer must be responsible for the creation of human life. Intelligent design is not a scientific theory,  
 6 since it cannot be subjected to scientific testing or verification. House Bill 2554 (2008) sought to impose  
 7 intelligent design notions on public school science education, but the bill did not pass. Students need a  
 8 rigorous, broad-based science curriculum to compete in the 21st century global economy and Missouri  
 9 Constitutional Amendment 2 (2012) makes that more difficult. H.B. 179 (2013) provided that school boards  
 10 and administrators could not prohibit any teacher from helping students understand, analyze, critique, and  
 11 review in an objective manner the scientific strengths and weaknesses of theories of biological or chemical  
 12 evolution, but the bill did not pass.

### 13 **L-G8 MISSOURI STATE HIGH SCHOOL ACTIVITIES ASSOCIATION (MSHSAA)**

14  
 15  
 16 **Rationale:** Recently, there have been efforts by some legislators to pass legislation requiring MSHSAA to  
 17 follow certain restrictions. For example, proposed legislation would force the association to rescind rules  
 18 that require private schools to increase the population factor that determines their classification for the play-  
 19 offs. Home-schooled students would be able to participate in activities without meeting MSHSAA  
 20 standards. Athletes would be allowed to participate in the same sport with non-school teams during the  
 21 same season.

### 22 **L-G9 SEX EDUCATION**

23  
 24 **Rationale:** House Bill 1055 (2007) allows districts to either provide a comprehensive program of human  
 25 sexuality instruction or an “abstinence only” program. The bill also forbids every school district from using,  
 26 in its human sexuality instruction, any materials or instructors from certain entities that also provide  
 27 abortion services, including Planned Parenthood. House Bill 2051 (2012) would have prevented school staff  
 28 from discussing human sexuality outside of scientific instruction. However, this “Don’t Say Gay” bill did  
 29 not pass.

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## 32 ***Provide Compensation and Benefits Needed to Attract and Retain the Best Teachers and Staff***

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### 33 **L-H1 TEACHER SALARIES \***

34  
 35  
 36 **Rationale:** Missouri public school teachers receive salaries, including alternative pay structures, and  
 37 employee benefits that remain not only well below typical compensation in other professions, but also below  
 38 the national average salary of teachers. Missouri ranked 41st among the 50 states in average teacher salary  
 39 for the 2016-17 school year. The average Missouri teacher salary was \$11,042 below the national average.  
 40 Missouri is estimated to have ranked 42nd among the 50 states in average teacher salary for the 2017-18  
 41 school year with an average teacher salary \$11,275 below the national average. Many teachers in the  
 42 Missouri public school system receive the minimum salary required by state law regardless of experience. In  
 43 addition, inequities exist in some districts regarding salaries afforded beginning teachers in comparison with  
 44 salaries for experienced teachers.

45  
 46 House Bill 417 (2007) attempted to eliminate salary schedules for teachers and establish a system of so-called  
 47 “merit pay.” The bill did not pass. Research shows that collaboration improves student performance, but  
 48 merit pay will have the effect of reducing teacher collaboration. A study issued in 2010 by the National  
 49 Center on Performance Incentives concluded that rewarding teachers with bonus pay, in the absence of any  
 50 other support programs, does not raise student test scores. So-called “merit pay” tends to reduce teacher  
 51 retention by reducing overall salaries. Several districts around the country have begun to experiment with  
 52 “pay-for-performance” plans for teacher compensation. Based on those experiences, successful programs  
 53 must include strong local support and full involvement and support of teachers through binding agreements,  
 54 look at student achievement broadly and realistically and consider multiple aspects of compensation, not  
 55 just salary. Senate Bill 291(2009) creates a system of “merit pay” for St. Louis City schools, but teachers  
 56 must permanently give up tenure in the district in order to participate in the program. The program has not

1 yet been funded. H.B. 1526 (2012) would have required that student test scores comprise at least 50 percent  
 2 of every teacher’s evaluation and would have mandated that salary and hiring decisions be based on those  
 3 test-driven evaluations, but the bill did not pass. The federal Race to the Top (RTTT) grant program and  
 4 proposed revisions to requirements for eligibility for federal education aid programs such as Title I have  
 5 included provisions that pressure states to mandate that districts use student test score data as a significant  
 6 factor in teacher evaluations and in determining teacher compensation. Senate Bill 543 (2012) would have  
 7 limited school administrators’ pay to a multiplier of average district teacher pay, but the bill did not pass.

## 9 **L-H2 LIVING WAGE FOR EDUCATION SUPPORT PROFESSIONALS \***

10  
 11 **Rationale:** Presently, education support professionals’ salaries and benefits remain below the level of those  
 12 in comparable positions outside education. In some districts, these salaries remain below the federal poverty  
 13 level and below what is considered a living wage.

## 15 **L-H3 MINIMUM SALARY SCHEDULES \***

16  
 17 **Rationale:** Presently, many state funds are diverted from employee salaries to build budget balances and for  
 18 other projects. Funding for teachers is not sufficient in this environment. Many districts have salary  
 19 compaction at the state minimum salary due to inadequate funding. Senate Bill 287 (2005) increased the  
 20 minimum salaries to \$25,000 for entry-level teachers and \$33,000 for teachers with 10 or more years of  
 21 teaching experience and a Master’s Degree in fiscal year 2010. H.B. 957 (2015) would have increased the  
 22 state minimum salary in the 2015-16 school year, subject to appropriations, but the bill did not pass. House  
 23 Bill 717 (2009) would have established a state program to establish a statewide minimum salary schedule,  
 24 but the bill did not pass.

## 26 **L-H4 TEACHER RETENTION \***

27  
 28 **Rationale:** Between one-third and one-half of all new teachers leave the profession within their first three  
 29 years. Studies show the reasons cited by those leaving the profession most often include feeling  
 30 overwhelmed, unempowered and underpaid. An audit report by the Missouri State Auditor’s office in 2002  
 31 determined that of approximately 257,500 individuals in Missouri holding a valid teaching certificate, only  
 32 29 percent were employed in a Missouri public school during the 2000-01 school year. Of this 29 percent  
 33 employed, 25 percent were classroom teachers and the remaining four percent were in administrative  
 34 positions.

## 36 **L-H5 TEACHER RECRUITMENT**

37  
 38 **Rationale:** The state of Missouri offers some loan forgiveness and other financial assistance to aspiring  
 39 teachers. The state spends over \$18 million annually promoting tourism, but nothing to promote teaching as  
 40 a desirable profession. The federal Public Service Loan Forgiveness Program provides loan forgiveness for  
 41 public educators who make ten years of on-time payments on federally administered student loans. S.B. 997  
 42 (2016) requires all school districts notify current and new employees of their potential eligibility for federal  
 43 student loan forgiveness programs available to public school employees.

## 45 **L-H6 ELIMINATING INEQUITIES IN COMPENSATION \***

46  
 47 **Rationale:** Presently, some certified employees performing instructional services are not being equitably  
 48 compensated. For example, in the Parents as Teachers program, some certificated teachers are receiving less  
 49 than the minimum level on their district’s salary schedule.

## 51 **L-H7 PROMPT PAYMENT FOR CONTRACTED DUTIES IF DESIRED \***

52  
 53 **Rationale:** Currently, most education employees across Missouri are contracted for employment on a nine-  
 54 month basis. However, some districts only offer payment on a 12-month basis. As a result, these districts  
 55 retain as much as 25 percent of an employee’s pay after contracted duties have been completed.

## 57 **L-H8 INSURANCE COVERAGE FOR HEALTH CARE AND ACCIDENTS \***

1  
2 **Rationale:** Premiums continue to rise sharply at a time when local school district budgets have experienced  
3 years of budget cuts. These rising costs continue to put financial stress on districts, members, and their  
4 families. Currently, basic health, mental health, dental, vision and accident insurance coverage is not  
5 provided for all Missouri education employees.  
6

7 The federal Governmental Accounting Standards Board issued Statement No. 43 (GAS.B. 43) in April  
8 2004. The ruling requires school districts to begin reporting healthcare benefits on an actuarial basis.  
9 Missouri law requires school employers to include retirees at a rate blended with actives for health benefits.  
10 Retirees cost more than actives. When schools pay any medical care for their actives, part of what they are  
11 really paying is extra due to the commitment made to retirees in the past. This retiree “benefit” must be  
12 actuarially computed and carried forward as an unfunded liability which will eventually affect a district’s  
13 bond rating and may cause school districts to stop providing a defined health care benefit and start giving a  
14 defined contribution toward buying “off-the-shelf” health-care coverage.  
15

16 A universal care/single payer health care system for the state of Missouri would expand coverage to the  
17 uninsured, the poor and high-risk individuals making the less expensive preventative care more prevalent.  
18 Single payer systems simplify procedures and forms while cutting administrative bureaucracy. The savings  
19 anticipated with the single payer system is thought to be substantial enough to pay for expanding coverage.  
20

21 The federal Patient Protection and Affordable Care Act (PPACA) establishes several key changes in health  
22 care policy and is aimed primarily at decreasing the number of uninsured Americans and reducing the  
23 overall costs of health care. PPACA requires insurance companies to cover all applicants and offer the same  
24 rates regardless of pre-existing conditions or gender. PPACA provides for health insurance exchanges in  
25 each state, to offer a marketplace where individuals and small businesses can compare policies and  
26 premiums, and buy insurance (with a government subsidy if eligible). However, Missouri Proposition E,  
27 approved by voters in November 2012, prevents state officials from creating the Missouri health exchange  
28 website, leaving the federal government to create the Missouri exchange as it sees fit and then charge the  
29 state for the cost of creating the exchange.  
30

### 31 **L-H9 REGULATION OF LONG TERM CARE (LTC) INSURANCE**

32  
33 **Rationale:** Currently, Missouri is one of the few states where the state department of insurance does not  
34 approve or disapprove long-term care insurance rate increases. Missouri is known as a “file and use” state,  
35 meaning that the Missouri Division of Insurance (MDI) only reviews proposed long-term care rate increases  
36 for compliance.  
37

38 Many Missourians, most of whom are senior citizens, purchased a long-term care policy in the 1990s. In the  
39 past five years especially, policyholders have been assessed with several significant rate increases at a time  
40 when they are living on fixed incomes. Most of the companies that sold LTC policies prior to 2004 have  
41 imposed significant rate increases and many have stopped selling new policies altogether. Contrary to other  
42 forms of insurance where one can transfer insurance risk to another carrier for a less expensive policy, the  
43 same cannot be said for long-term care insurance.  
44

45 These rate increases have harmed senior Missourians who are most vulnerable and in need of insurance  
46 protection from their current plan since (a) they will face much higher premiums because of their increased  
47 age if they attempt to change to a different carrier and plan, and (b) many have had a change in the status of  
48 their health which now precludes them from being accepted into a new plan. Many policies in Missouri  
49 have been dropped because of the number and size of rate increases that were issued to seniors on fixed  
50 incomes.  
51

52 In 2004, Missouri adopted new rules strengthening state supervision over long-term care policies created and  
53 approved after 2004, but there are still no official approvals or disapprovals to rate increase filings. As more  
54 and more Missourians drop their long-term care insurance protection, they will be forced to look to the State  
55 of Missouri to assist them in paying for their long-term health care needs. Senate Bill 979 (2010) would have  
56 authorized the MDI to review and approve rates for new policies and require MDI approval for increases of



1 over 15 percent per year for existing LTC policies, with consideration of the overall experience of the  
 2 company in all states where it sells such policies, but the bill did not pass.

### 4 **L-H10 NONRESIDENT PUPILS AND SCHOOL EMPLOYEES \***

6 **Rationale:** Current Missouri law permits school districts to count children of all personnel for state aid  
 7 purposes. However, some districts refuse to allow children of employees who reside outside the district to  
 8 attend.

### 10 **L-H11 HIGHER EDUCATION AFFORDABILITY**

12 **Rationale:** Any effort to privatize Missouri Higher Education Loan Authority and other student loan  
 13 programs in Missouri threatens to increase interest rates and decrease access to funds for Missouri's higher  
 14 education students.

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20 *Provide an Actuarially Sound Retirement Plan Needed to Attract and Retain the Best Teachers*  
 21 *and Staff*

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### 23 **L-I1 MEMBER CONTROL OF RETIREMENT SYSTEM**

25 **Rationale:** The retirement board is made up of seven people. Four are elected by the entire active and  
 26 retired membership. Three of those are active certified members of PSRS and one is an active noncertified  
 27 member of PEERS. The three non-elected members of the PSRS Board are appointed by the governor and  
 28 approved by the Senate. One must be a PSRS or PEERS retiree. S.B. 270 (2015) would have revised the  
 29 elected members of the board of trustees of both the Kansas City and St. Louis Public School Retirement  
 30 Systems by removing an elected non-teacher member and adding a charter school teacher or administrator  
 31 as an elected member, but the bill did not pass.

### 33 **L-I2 PROTECTION OF THE RETIREMENT SYSTEM**

35 **Rationale:** Recently, attempts have been made by officials in several states, including California, to raid the  
 36 assets of public education employee retirement systems, transform the pension programs into defined  
 37 contribution plans where all risk is borne by the employee and to wrest control of the system away from the  
 38 duly selected governing board of the system. During the 2008-09 school year, the Public School Retirement  
 39 System lost about 19 percent of its asset value due to large economic declines in all market sectors. This loss  
 40 of asset value reduced the system's funded status, and required continued contribution rate increases for  
 41 active members up to 14.5 percent for the 2011-12 school year. HCS/S.B. 672 (2014) would have mandated  
 42 that 2% to 5% of PSRS/PEERS investments be with Missouri-based venture capital firms. This provision  
 43 did not become law. Senate Bill 714 (2010) would have created a State Investment Board for the Missouri  
 44 State Retirement System (MOSERS) and Missouri Patrol Employees Retirement System (MPERS). Many  
 45 employees in Missouri's four-year public colleges and universities are in MOSERS. The legislation would  
 46 have required both MOSERS and MPERS to cash out their assets and permanently transfer control of those  
 47 assets to the State Investment Board.

### 49 **L-I3 PROTECTION OF RETIREMENT BENEFITS**

51 **Rationale:** The Public School Retirement System and the Public Education Employee Retirement System,  
 52 like all public pension plans, suffered system investment losses in 2008 and 2009. These investment losses  
 53 reduced the system's asset value and increased the system's unfunded liability. Based on an in-depth  
 54 actuarial study concluded in 2011, the PSRS/PEERS Board of Trustees adopted a Funding Stabilization  
 55 Policy. The Board adopted a 30-year fixed amortization period with the goal of paying off the unfunded  
 56 actuarially-accrued liability, reaching 100 percent funded status within that 30-year period. The Board

1 conducted an updated actuarial study in 2016 and adopted a revised policy regarding COLA adjustments  
 2 and may choose to increase the contribution rate above the current rate of 14.5 percent. Senate Bill 842  
 3 (2012) would have enacted the 2011 Funding Stabilization Policy into law, thus eliminating the ability of the  
 4 Board of Trustees to make future adjustments to this policy without passage of additional legislation, but the  
 5 bill did not pass. S.B. 892 (2018) revises the contribution rate provisions for the Kansas City school  
 6 retirement system to improve system funded status.

7  
 8 Recently, legislative attempts have been made to create a new “second-tier” retirement plan for new school  
 9 employees. House Bill 2113 (2010) would have put all new public employees on a defined contribution (DC)  
 10 plan, rather than the existing defined benefit (DB) plans. H.B. 409 (2011) would have placed all new public  
 11 education employees in a new, defined contribution plan, unless they opt to participate in the current,  
 12 defined benefit plan. H.B. 1 (2010 1<sup>st</sup> Extraordinary Session) enacted a new “second tier” plan for new  
 13 employees in the Missouri State Employees' Retirement System and the MoDOT and Patrol Employees  
 14 Retirement System, including many school employees in Missouri’s four-year colleges and universities. The  
 15 second-tier plan requires a four percent contribution rate, extends the vesting period to ten years, establishes  
 16 a normal retirement age of 67 for most employees and creates a “rule-of-90” for retirement.

17  
 18 Employer contribution rates for the College and University Retirement Plan (CURP) defined contribution  
 19 plan are based on the “normal cost” of MOSERS. The recent changes to MOSERS have reduced the  
 20 normal cost and caused contributions to CURP to decline. S.B.62 (2017) will stabilize CURP employer  
 21 contributions at 7 percent. S.B. 223 (2013) creates a second tier retirement plan for new employees  
 22 participating in the Kansas City Public School Retirement System. H.B. 1682 (2014) would have placed  
 23 new PSRS/PEERS hires in a hybrid defined contribution plan, but this bill did not pass. S.B. 62 (2017) will  
 24 create a second-tier plan for new hires in the St. Louis Public School Retirement System, reduce the benefit  
 25 factor for new hires and new creditable service for existing staff, gradually increase the employee  
 26 contribution rate from 5% to 8% and change from a Rule of 85 to a Rule of 80 for retirement. S.B. 228  
 27 (2017) would have placed all new hire state employees in a new, reduced defined benefit (DB) plan along  
 28 with a defined contribution (DC) component, but the bill did not pass.

29  
 30 H.B. 1783 (2016) would have allowed PSRS retirement accounts to be treated as marital property and  
 31 subject to court-ordered division in divorce proceedings. However, the committee approved an amendment  
 32 to exempt PSRS retirement and leave the current policy in place. In addition, the bill did not pass. S.B. 62  
 33 (2017) will create a pop-up for retired PSRS members who divorce after retirement, provided the divorce  
 34 decree grants the member sole retention of all rights in the retirement allowance.

35  
 36 Current law provides that public employees, including school employees, forfeit their pension if they commit  
 37 one of several work-related offenses, including theft of property valued at \$5,000 or more. H.B. 752 (2015)  
 38 would have changed the threshold for pension forfeiture to a class C felony, where the value exceeds  
 39 \$25,000, but the bill did not pass. S.B. 62 (2017) requires the employer, rather than the court, to notify the  
 40 retirement plan if an employee has been found to have committed a work-related offense triggering the  
 41 forfeiture provision.

#### 42 43 **L- I4 EARNING CAP FOR DETERMINING FINAL AVERAGE SALARY**

44  
 45 **Rationale:** The final average salary is used by the retirement system in the formula to determine retiree  
 46 benefits. It is determined by the average of the three highest consecutive years of service. Some educators  
 47 have been concerned that spiking of salaries occurs in certain districts during those last three years, and  
 48 those retirees receive unfairly inflated retirement benefits. The retirement system did an in-depth study and  
 49 declared there was no problem with spiking. However, Senate Bill 406 (2007) requires the PSRS system to  
 50 accept only 10 percent increases each of the last three years. The estimate is that five percent of the new  
 51 retirees next year will lose retirement benefits that they legitimately earned because of this change. S.B. 994  
 52 and House Bill 1774 (2008) would have restored the 20 percent rule for allowable Final Average Salary  
 53 yearly increases, but the bills did not pass.

#### 54 55 **L-I5 FAIR AND EQUITABLE RETIREMENT COMPENSATION**

56

1 **Rationale:** In 2001, the multiplying factor was increased for a seven-year window to 2.55 for each year of  
 2 service for 31 or more years. The already retired received a monthly increase equal to \$3.00 times the years  
 3 of service.

#### 4 **L-I6 GRADUATED MULTIPLIER FROM 25 TO 35 YEARS OF SERVICE**

5  
 6  
 7 **Rationale:** With the advice of the Public School Retirement System Board of Trustees, the legislature, in  
 8 1995, created a three-year window for 25-and-Out. In 1998, the General Assembly continued the window  
 9 for an additional two years in legislation that also resulted in an 8.7 percent increase for participants in 25-  
 10 and-Out as well as for active members and those already retired. S.B. 17 (2013) permanently renewed 25 and  
 11 Out. Funded levels decreased due to investment losses in 2000-2003 and benefit increases of the late 1990's.  
 12 The retirement board and the General Assembly will be unlikely to approve additional expenditures until  
 13 they can lower contribution rates instead of raising them. Teachers have found that it pays financially to  
 14 retire from the district where they teach and then teach in other retirement systems or other states,  
 15 contributing to a teacher shortage in some areas and disciplines. In an effort to remedy this situation, in  
 16 2001, the General Assembly increased the multiplier for the 31<sup>st</sup> year from 2.5 to 2.55 in a seven-year  
 17 window. The 2.55 percent multiplier was renewed in a five-year window, until July 1, 2013. S.B. 17 (2013)  
 18 extended the 2.55 percent multiplier provision through July 1, 2014. H.B. 1780 (2016) would have  
 19 reinstated the 2.55% retirement benefit factor for PSRS retirees with 31 or more years of creditable service,  
 20 but the bill did not pass.

#### 21 **L-I7 GAIN SHARING**

22  
 23 **Rationale:** The retirement system is threatened by private investment companies seeking to profit from  
 24 managing our sizeable investment fund. Legislators are under pressure from school districts burdened with  
 25 rising retirement contributions. Legislators do not want the responsibility of backing the retirement fund if it  
 26 is unable to pay promised benefits.

#### 27 **L-I8 COST-OF-LIVING ADJUSTMENTS**

28  
 29  
 30 **Rationale:** Prior to July 2000, the Missouri Public School Retirement System's first cost-of-living increase  
 31 began on the fourth January after retirement. The 2000 General Assembly changed the starting time for cost-  
 32 of-living adjustments to the third January after retirement and the cap from 75 percent to 80 percent. The  
 33 2001 General Assembly, again, changed starting time for cost-of-living adjustments to the second January  
 34 after retirement. Each year, there are nearly 4,000 PSRS members who have reached the cap. However, due  
 35 to changes in the retirement system that have not counted against the cap, those individuals have averaged  
 36 receiving about 300 percent of their original benefit. House Bill 1902 and Senate Bill 1042 (2008) would  
 37 have enacted an additional benefit for certain retirees affected by the COLA cap and could have required  
 38 increased contributions by active members to fund the added benefit, but the bills did not pass. In August  
 39 2011, the PSRS Board of Trustees adopted a Funding Stabilization Policy that will assure a fixed two  
 40 percent annual COLA increase for eligible benefit recipients when the increase in the Consumer Price Index  
 41 is between zero percent and five percent. A 2017 revision to the policy would provide zero percent COLA  
 42 when CPI is between zero and two percent, and a further revision in 2018 provides a two percent COLA  
 43 when the cumulative CPI over several years reaches two percent.

#### 44 **L-I9 INCREASE IN RETIREMENT BENEFITS FOR THE PUBLIC EDUCATION EMPLOYEE'S 45 RETIREMENT SYSTEM**

46  
 47  
 48 **Rationale:** In 2001, the General Assembly enacted legislation that adjusted the benefits of the PEERS by  
 49 increasing the multiplying factor to 1.61, increasing the factors for the graduated 25-and-Out and providing a  
 50 one-time 7.1 percent increase to those already retired. A temporary multiplier was increased from .4 percent  
 51 to .8 percent for those who satisfy the Rule of 80 or who have 30 years of service credit and who retire before  
 52 Social Security eligibility age, then this multiplier drops back when Social Security starts. The cost-of-living  
 53 cap was raised from 75 percent to 80 percent.

#### 54 **L-I10 ACCESS TO REASONABLY PRICED HEALTH INSURANCE AND PRESCRIPTION 55 DRUGS FOR RETIRED EDUCATION EMPLOYEES \***

56  
 57

1 **Rationale:** Currently, those teachers and education employees who retire from districts that offer paid  
 2 health insurance programs are allowed to maintain that coverage upon retirement by making the payments  
 3 themselves. Previously, this commitment was required within a year after their final retirement rather than  
 4 at the point they leave the school district. With the passage of House Bill 346 (2003), that commitment must  
 5 be made within one year after the employee terminates their employment with that district. Because of the  
 6 rapidly increasing costs of health insurance, some school districts are threatening to discontinue district  
 7 health plans. Retirees who cannot afford to pay their district premiums and are from districts that do not  
 8 have health care plans need an alternative. Those teachers and education employees who retire from districts  
 9 that do not offer paid health insurance programs do not have an option and, in many cases, cannot find an  
 10 affordable alternative. The Missouri Consolidated Health Care Plan was created by the General Assembly in  
 11 1992 to provide a health care program for state employees and retirees. Enrollment was opened to other  
 12 public entities in 1995. Over 104,000 employees, retirees and dependents of the state and other public  
 13 entities are covered by MCHCP as of April 2006. Many present health care alternatives do not have  
 14 affordable prescription drugs.

#### 16 **L-I11 RIGHT TO PURCHASE RETIREMENT SYSTEM CREDIT**

18 **Rationale:** Service credit purchases were made more consistent for certified members in the PSRS as well as  
 19 for members of the PEERS, with an effective date of July 1, 1998, for the service credit provision. Service  
 20 credit purchases were simplified with the enactment of House Bill 346 (2003). Credit purchases are now  
 21 based upon the employee's highest annual salary rate and the contribution rate when the purchase decision  
 22 is made, rather than the previous calculation based upon compensation when entering the system with  
 23 adjustments for cost of living. The simplified calculations will allow quicker calculation of cost and allow  
 24 more time to be spent considering the merit of making the purchase. Credit can be purchased at any time,  
 25 but all purchases must be completed within five years of commencement of purchase and paid in full prior to  
 26 retirement. H.B. 443 (2005) provides that PSRS and PEERS members may buy service credit for prior  
 27 service in nonfederal public employment for at least 20 hours a week on a regular basis and for prior service  
 28 while 18 years of age or older, in a position covered by Social Security for at least 20 hours a week on a  
 29 regular basis. Currently, only active members employed by a school district may buy system credit.

#### 31 **L-I12 RETIREMENT CONTRIBUTION RATE**

33 **Rationale:** Recent changes and proposed changes of federal law may indicate that retirement systems will  
 34 not have as long to allow their finances to stabilize. This may place a higher burden on contribution rates. In  
 35 2004, the PSRS Board of Trustees stated their intention to use their ability to raise the contribution rate one-  
 36 half of one percent for employees and school districts through 2008 and perhaps longer. The Board raised  
 37 the contribution rate to 14.5 percent for the 2011-12 year, and the contribution rate is expected to remain at  
 38 14.5 percent under the Board's Funding Stabilization Policy. Missouri, unlike many states, requires that  
 39 education employees and school districts make equal contributions to the retirement system.

#### 41 **L-I13 IMPACT OF MANDATORY SOCIAL SECURITY ON RETIREMENT PROVISIONS**

43 **Rationale:** Currently, Missouri educators pay 14.5 percent of their salary into PSRS. Missouri law provides  
 44 that, in the event federal law changes to mandate Social Security coverage for teachers, retirement  
 45 contributions and benefits would be reduced to 2/3 of their current rate. If this took place, members would  
 46 then pay nine and two-thirds percent into PSRS, plus 6.2 percent to Social Security and perhaps 1.45 percent  
 47 for Medicare. This would mean that teachers would be paying 17.32 percent of their salary in total  
 48 retirement contributions and, when matched by the district, would total 34.63 percent of salary. The Social  
 49 Security Administration has changed its interpretation and is seeking to require Social Security coverage for  
 50 PSRS members based upon their employment position, not based on certification status per current state  
 51 law. This change, if enforced, would adversely affect many PSRS members, especially retired teachers now  
 52 working part-time in Education Support Professional positions.

#### 54 **L-I14 DISABILITY**

56 **Rationale:** At the present time, the Public School Retirement System and Public Education Employee  
 57 Retirement System provide benefits to permanently disabled education employees with five years of

1 experience in districts included within the retirement systems. The disability benefit ranges from 50 percent  
2 to 75 percent depending on years of service.

### 4 **L-I15 PARTIAL DISABILITY RETIREMENT BENEFITS**

6 **Rationale:** Currently, teachers must draw total disability from the Missouri Public School Retirement  
7 System even if they are capable of teaching a few hours a day.

### 9 **L-I16 SURVIVOR BENEFITS**

11 **Rationale:** Current law provides that survivor benefits are paid only if the member who died has already  
12 retired. When a member dies before retiring, survivor benefits are not paid. A settlement based on the  
13 member's contributions is paid to a surviving spouse, but contributions from the member's employer are not  
14 included. House Bill 1808 (2000) extended improved survivor benefits to those not previously included.

### 16 **L-I17 EMPLOYMENT OF RETIRED PSRS/PEERS IN PUBLIC EDUCATION**

18 **Rationale:** At the present time, retired members may work up to 550 hours in a school year and continue to  
19 receive retirement benefits. There are further limits in earning no more than 50 percent of the annual  
20 compensation that would be paid to a full-time employee given such a person's level of experience and  
21 education. PSRS' tracking of hours worked is difficult because the system must rely on school district  
22 reporting. Currently, there is a disparity of conversion of course hours to clock hours in community colleges,  
23 making it difficult for retirees to accurately track hours worked. S.B. 62 (2017) applies the existing 550-hour  
24 limitation on PSRS retirees working for a school district to teaching work in a district while employed by a  
25 third-party agency. S.B. 892 (2018) will allow any PSRS retiree to work in a PEERS position while receiving  
26 their PSRS retirement benefit as long as the retiree earns no more than 60% of the minimum teacher's  
27 salary. The retiree shall not contribute to PEERS or earn creditable service, and the hiring employer will  
28 pay the employer's contribution rate.

### 30 **L-I18 STATE INCOME TAX ON RETIREMENT INCOME**

32 **Rationale:** Currently, educators receiving pensions from the Public School Retirement System are paying  
33 state income taxes on a larger portion of their pension income than those being paid by recipients of Social  
34 Security. House Bill 444 (2007) eliminated state income tax on PSRS and PEERS pension income for  
35 individuals who are at least 62 years of age. The income tax deduction is limited to the maximum Social  
36 Security benefit for the current year and is reduced for taxpayers with incomes over \$100,000 for married  
37 combined returns and \$85,000 for other filing statuses.

### 39 **L-I19 PENSION DEDUCTION**

41 **Rationale:** Most education employees have payroll deduction for professional dues, regular charitable  
42 contributions and other lawful purposes.

44 **Action:** The Association urges the General Assembly to require that Public School Retirement System  
45 provide a mechanism, similar to payroll deduction, through which retired education employees can have  
46 regular amounts deducted each month from their retirement benefit payments for professional dues,  
47 charitable contributions and other lawful purposes.

### 49 **L-I20 ACTUARIAL STUDIES**

51 **Rationale:** Missouri law requires that the legislature have an actuarial study on proposed substantial  
52 changes in public employee retirement plans. The General Assembly relies on Public School Retirement  
53 System to provide such studies for proposed changes. In 1998, the PSRS board refused to procure an  
54 actuarial study that was requested by a member of the legislature. This puts the PSRS board in the position  
55 of being able to stop legislation it does not favor by refusing to provide the data requested by lawmakers.

56

1 **L-I21 IMPACT OF SOCIAL SECURITY OFFSETS ON EDUCATORS RECEIVING**  
 2 **PUBLIC PENSIONS (GPO/WEP)**  
 3

4 **Rationale:** Currently, the federal Windfall Elimination Provision (WEP) and the Government Pension  
 5 Offset (GPO) apply only to persons who have paid into Social Security and earned Social Security benefits  
 6 and who are also receiving separate public employee pensions that are not linked to Social Security. The  
 7 WEP and GPO provisions do not cover individuals who receive Social Security only. While retired public  
 8 employees have their Social Security or survivor benefits reduced, nonpublic employees with private  
 9 pensions get to keep their entire pension and receive their full benefits. The GPO and the WEP thus severely  
 10 and unfairly limit the retirement benefits of Missouri education employees.  
 11

12 **L-I22 DISTRICT 403(b) PLANS**  
 13

14 **Rationale:** Historically, the legal standards imposed on 403(b) plans established by school districts are  
 15 complex to decipher and not often appreciated or understood by school board members and administrators.  
 16 The Internal Revenue Service (IRS) has been investigating school district plans for compliance with  
 17 “universal availability,” a standard that must be met in order to retain the plan’s tax deferred status.  
 18

19 The fiduciary role for public employers is left to state law, and Missouri law makes no fiduciary requirement  
 20 on 403(b) plans offered by schools. Some school districts exercise that oversight over their 403(b) plans, but  
 21 many do not. Increased oversight by employers is expected to allow better plan offerings for participants.  
 22 School districts will have to respond to increased IRS scrutiny and new federal regulations, at least by being  
 23 more proactive in administration of the plans.  
 24

25 **L-J1 COLLECTIVE BARGAINING \***  
 26

27 **Rationale:** On May 29, 2007, the Missouri Supreme Court overturned two prior rulings, granting bargaining  
 28 rights to all public employees in Missouri and guaranteeing that any written agreement signed by both a  
 29 school board and a local education organization and approved by both entities will be legally binding on  
 30 both parties. All public employees in Missouri have a constitutional right to bargain. An exclusive  
 31 representative has the obligation to represent the entire bargaining unit and the right to “meet and confer”  
 32 with the school board on salaries and working conditions. The results of the discussion are to be reduced to  
 33 writing, but the labor organization does not have the right to binding arbitration for grievances or settling  
 34 impasse  
 35

36 A teacher performance evaluation initiative, the Missouri Teacher Performance Evaluation, appeared on the  
 37 November 2014 ballot as Amendment 3. The proposal was overwhelmingly defeated by a vote of 76% in  
 38 opposition. The Association worked to defeat the measure as a core member of the Coalition to Protect  
 39 Local Schools. The ballot initiative would have mandated teacher performance evaluations dominated by  
 40 student scores on standardized tests, and these results would be used to determine whether a teacher should  
 41 be dismissed, rehired, demoted or promoted. It would also have prevented collective bargaining on these  
 42 evaluation tools and eliminated due process rights unless an existing contract was in effect.  
 43

44 H.B. 1413 (2018) contains many harmful provisions that will interfere with employee participation in unions  
 45 and local control of public sector bargaining, such as mandatory recertification elections every three years,  
 46 prescriptive financial reporting mandates and problematic restrictions on bargained agreements. The bill  
 47 applies to many public labor organizations, but exempts law enforcement, fire fighters, corrections officers  
 48 and emergency medical personnel. The paycheck portion of the bill requires annual authorization for  
 49 payroll deduction of payments for association dues and annual authorization of member contributions for  
 50 political action. The bill allows paid release time for some non-bargaining union activities and requires one  
 51 public meeting in the bargaining process prior to final ratification by the public body, rather than making all  
 52 bargaining meetings and documents open to the public.  
 53

54 **L-J2 UNION SUPPRESSION AND “RIGHT TO WORK” \***  
 55

1 **Rationale:** Concerted efforts have been made to suppress union rights by attacking how unions operate,  
2 manage and communicate with members, and raise funds to operate.  
3

4 H.B. 1413 (2018) contains many harmful provisions that will interfere with employee participation in unions  
5 and local control of public sector bargaining, such as mandatory recertification elections every three years,  
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10 political action. The bill allows paid release time for some non-bargaining union activities and requires one  
11 public meeting in the bargaining process prior to final ratification by the public body, rather than making all  
12 bargaining meetings and documents open to the public.  
13

14 H.B. 1729 (2018) changes the state’s prevailing wage law to require workers on public projects to be paid  
15 either the prevailing wage or a lower “public works contracting minimum wage” if prevailing wage data is  
16 not available for that work sector and locality.  
17

18 Senate Bill 19 (2017) would have limited private sector employee unions from negotiating fees to  
19 compensate for the costs of fulfilling their duties as sole bargaining representative, a proposal sometimes  
20 deceptively referred to as “Right to Work.” However, Missouri labor unions organized a petition effort to  
21 place the bill before voters in a statewide referendum in August 2018, and Missouri voters resoundingly  
22 rejected the S.B. 19 changes.

23 House Bill 782 (2013) would have prohibited districts from paying teacher retirement for release officers  
24 with association reimbursement, but the bill did not pass.  
25

26 H.B. 637 (2017) would have allowed public employees to bargain with a public employer independently of a  
27 labor organization elected as the exclusive bargaining representative for the unit, but the bill did not pass.  
28

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30 November 2014 ballot as Amendment 3. The proposal was overwhelmingly defeated by a vote of 76% in  
31 opposition. The Association worked to defeat the measure as a core member of the Coalition to Protect  
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33 student scores on standardized tests, and these results would be used to determine whether a teacher should  
34 be dismissed, rehired, demoted or promoted. It would also have prevented collective bargaining on these  
35 evaluation tools and eliminated due process rights unless an existing contract was in effect.  
36

### 37 **L-J3 PROCEDURAL AND SUBSTANTIVE DUE PROCESS FOR ALL EDUCATION EMPLOYEES \*** 38

39 **Rationale:** In Missouri, probationary teachers and all noncertified employees are currently subject to non-  
40 renewal of contracts without due process. Some Missouri teachers are even denied procedural due process  
41 when cooperating districts for special needs shift governance of these teachers. The current law does not  
42 require substantive due process for any education employee. These provisions of Missouri’s law could  
43 unwisely tempt boards of education to replace qualified education employees without valid reasons. Most  
44 other public employees receive such procedural and substantive due process guarantees after no more than  
45 one year. House Bill 1543 (2010) provides substantive due process for tenured teachers for St. Louis City  
46 schools only. Senate Bill 291 (2009) removed the due process rights for all new noncertified employees in St.  
47 Louis City schools. House Bill 1526 and Senate Bill 806 (2012) would have repealed the due process rights  
48 of teacher tenure and allowed teachers only contracts of one to three-year duration, and later versions would  
49 have extended the probationary period for teachers to ten years or weakened tenure in the layoff process, but  
50 the bills did not pass. S.B. 1007 (2018) repeals the state merit system law for most covered employees. This  
51 change affects hiring practices, promotion, salary and removes due process protections for most covered  
52 employees. Senate Bill 595 (2012) revises special education due process hearings and will have appeals from  
53 district decisions heard before the AHC.  
54

55 The legislature passed H.B. 1432 (2016) and overrode Governor Nixon’s veto to enact the bill into law. The  
56 bill requires a hearing to be held within 60 days if a public employee is placed on administrative leave to  
57 determine if the employee engaged in misconduct. The final version contains an extension up to 180 days

1 for good cause, but with no definition of cause. The bill's hearing and determination requirements are not  
 2 consistent with the various existing timelines and provisions relating to investigations and hearings for  
 3 public employees on administrative leave.  
 4

5 A teacher performance evaluation initiative, the Missouri Teacher Performance Evaluation, appeared on the  
 6 November 2014 ballot as Amendment 3. The proposal was overwhelmingly defeated by a vote of 76% in  
 7 opposition. The Association worked to defeat the measure as a core member of the Coalition to Protect  
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 9 student scores on standardized tests, and these results would be used to determine whether a teacher should  
 10 be dismissed, rehired, demoted or promoted. It would also have prevented collective bargaining on these  
 11 evaluation tools and eliminated due process rights unless an existing contract was in effect.  
 12

### 13 **L-J4 CONFIDENTIALITY AND JOB SECURITY \***

14  
 15 **Rationale:** Although students who seek treatment for chemical dependency or mental health-related  
 16 concerns are protected by laws governing confidentiality and guaranteeing education, in some districts,  
 17 education employees' jobs are at risk if treatment is sought for these illnesses. In addition, students testing  
 18 positive for HIV/AIDS are not automatically removed from school, but some district policies allow for  
 19 immediate removal of teachers from the work place for HIV/AIDS. Furthermore, drug testing may result in  
 20 violating privacy rights for the employee. House Bill 1543 (2010) requires implementation of a drug and  
 21 alcohol testing program for school construction employees. Senate Bill 510 (2014) revises the definition of  
 22 the allowable causes for former employees to be disqualified from unemployment compensation. The  
 23 legislature approved H.B. 150 (2015). The bill makes several changes to unemployment compensation,  
 24 including shortening the period of benefits to as little as 13 weeks, depending on general unemployment  
 25 figures. The Governor vetoed H.B. 150 and the House overrode the veto during Regular Session. The  
 26 Senate overrode the veto during Veto Session, thus enacting the bill into law. In July 2016, the Missouri  
 27 Supreme Court overturned H.B. 150 and ruled that the bill was improperly enacted and that the legislature  
 28 may only use the Veto Session for veto overrides on bills returned by the Governor within five days before  
 29 the end of Regular Session or after the end of session.  
 30

### 31 **L-J5 ACADEMIC FREEDOM FOR HIGHER EDUCATION \***

32  
 33 **Rationale:** The American Association of University Professors has detailed numerous instances where  
 34 university professors from across the United States faced threats to their academic rights. These threats  
 35 include random criminal background checks, administrative warnings requesting that staff avoid discussing  
 36 controversial subjects in the classroom, lawsuits filed against universities that used texts or adopted courses  
 37 that seemed too sympathetic to Islam and denial of funding for panel conferences that were deemed  
 38 controversial by the administration. Academic freedom has often been compromised when this country has  
 39 been at war, such as during World War I or the McCarthy era of the Cold War.  
 40

### 41 **L-J6 PROTECTION FROM BULLYING, HARASSMENT AND DISCRIMINATION IN** 42 **THE WORKPLACE \***

43  
 44 **Rationale:** Existing laws require harassment to be discriminatory before disciplinary action may be taken,  
 45 and this discrimination must be shown on the basis of race, religious creed, color, national origin, ancestry,  
 46 physical disability, mental disability, medical condition, marital status, sex, age or sexual orientation.  
 47 Workplace bullying, however, includes interpersonal mistreatment, harassment and psychological violence  
 48 and poses an occupational health hazard. Significant business losses in sick leave and retraining accrue to  
 49 Missouri businesses. Workplace bullying directly affects approximately one out of every six American  
 50 workers. S.B. 43 (2017) will substantially weaken existing prohibitions on discrimination in the workplace.  
 51 S.B. 620 (2018) and S.B. 585 (2018) would each have repealed key provisions from S.B. 43 (2017), but  
 52 neither bill passed. S.B. 786 (2018) would have expanded whistle-blower protections to all public employees  
 53 and expanded the scope of the protections, but the bill did not pass. H.B. 1360 (2018) and H.B. 2100 (2018)  
 54 would have extended the protections of the Missouri Human Rights Act to protect sexual orientation and  
 55 gender identity in housing, disability and the workplace, but the bills did not pass. H.B. 1512 (2018) would  
 56 have revised arbitration agreements between employers and at-will employees and may have allowed  
 57 employers to pressure employees to accept unfavorable arbitration terms that reduce the ability to hold



1 employers accountable for discriminatory acts, but the bill did not pass. S.B. 695 (2016) would have  
 2 prohibited paying any employee wages less than those paid to employees of the opposite gender for the same  
 3 work, but the bill did not pass. S.B. 98 (2017) would require that all school restrooms, locker rooms, and  
 4 shower rooms accessible for use by multiple students shall be designated for and use by male or female  
 5 students only, but the bill did not pass.

#### 7 **L-J7 CHANGE OF EMPLOYMENT BETWEEN DISTRICTS \***

8  
 9 **Rationale:** Currently, school districts are able to set their own experience-credit limitations that most often  
 10 penalize new employees who have previous public school teaching experience.

#### 11 12 **L-J8 EMPLOYEE RIGHTS DURING ANNEXATION, DISSOLUTION OR STRUCTURAL** 13 **CHANGE \***

14  
 15 **Rationale:** Currently, in Missouri, education employees in districts being annexed, dissolved or otherwise  
 16 restructured have little or no protection. During the recent state takeover of the Riverview Gardens School  
 17 District, all employees were fired, and all contracts were voided mere weeks before school was scheduled to  
 18 open for the 2010-11 school year. Two-thirds of employees were rehired, but they were placed without due  
 19 consideration of their previous work experience. Additionally, accumulated employment benefits, including  
 20 tenure, were revoked.

#### 21 22 23 **L-J9 EMPLOYEE RIGHTS DURING STRUCTURAL CHANGE FOR ST. LOUIS COUNTY**

24  
 25 **Rationale:** Currently, there is no protection for the education employees who provide services to 20 percent  
 26 of the state's students with special needs if the SSD is re-structured.

#### 27 28 **L-J10 REDUCTIONS IN FORCE \***

29  
 30 **Rationale:** Currently, in some Missouri school districts, education employees are being placed on  
 31 involuntary leaves on a subjective basis without proper notice, statements of reasons or other due process.  
 32 Senate Bill 968 (2004) allows districts to non-renew probationary teachers for financial reasons. Some  
 33 versions of House Bill 1526 (2012) would have eliminated consideration of district program needs,  
 34 qualification in area and experience in decisions regarding reduction in force of teaching staff, but the bill  
 35 did not pass. House Bill 120 (2013) would have moved the contract renewal date for probationary teachers  
 36 from April 15<sup>th</sup> to May 1st, but the bill did not pass. A teacher performance evaluation initiative, the  
 37 Missouri Teacher Performance Evaluation, appeared on the November 2014 ballot as Amendment 3. The  
 38 proposal was overwhelmingly defeated by a vote of 76% in opposition. The Association worked to defeat  
 39 the measure as a core member of the Coalition to Protect Local Schools. The ballot initiative would have  
 40 mandated teacher performance evaluations dominated by student scores on standardized tests, and these  
 41 results would be used to determine whether a teacher should be dismissed, rehired, demoted or promoted. It  
 42 would also have prevented collective bargaining on these evaluation tools and eliminated due process rights  
 43 unless an existing contract was in effect.

#### 44 45 **L-J11 SPECIAL EDUCATION COOPERATIVES \***

46  
 47 **Rationale:** Currently, special education cooperatives are under the control of their cooperating schools.  
 48 Fiscal and physical agents may change on a regular basis. Personnel in some cooperatives do not receive  
 49 tenure and do not have the salary benefits or benefit packages of most education employees. Funding is  
 50 controlled by the cooperating schools and can interfere with the delivery of appropriate student services.

#### 51 52 **L-J12 CHANGING SPECIAL SCHOOL DISTRICTS**

53  
 54 **Rationale:** Currently, the Missouri General Assembly has the prerogative to alter the structure of special  
 55 districts without a vote of the people.

#### 56 57 **L-J13 EDUCATION EMPLOYEE PROTECTION FROM FALSE CHARGES \***

1  
2 **Rationale:** Currently, the laws to protect children do not afford education employees the right to have false  
3 allegations expunged from their records. False allegations of child abuse or other false allegations of  
4 misconduct could conceivably be the reason some districts decide not to hire education employees even  
5 when they have not done anything harmful to children. Senate Bill 54 (2011) was enacted and establishes  
6 many new provisions relating to reports of child abuse or neglect against school employees. S.B. 54 contains  
7 provisions regarding employee references and reports to the Children’s Division that refer to the undefined  
8 term “allegations of sexual misconduct.” These provisions have caused confusion and difficulties for  
9 districts and for employees seeking employment in other settings. H.B. 2232 (2018) would have required  
10 school districts to contact former school district employers before offering employment to new employees,  
11 but the bill did not pass. The bill also requires school districts to provide information about former  
12 employees to prospective employers concerning any violation of board regulation "related to abusive  
13 behavior toward a student."  
14

#### 15 **L-J14 HOT-LINE PROCEDURES**

16  
17 **Rationale:** Under the provisions of House Bill 505 (2013), teachers, nurses and other mandatory reporters  
18 must directly report all suspected child abuse or neglect to the Children’s Division. The Children’s Division  
19 within the Department of Social Services investigates all charges made via the child abuse hot line. If the  
20 charges are found not to be substantiated, the charge remains on the record of the accused for five years. It is  
21 possible that students and/or their parents could use this hot-line system to harass an education employee  
22 for retaliation or other reasons, when in fact no abuse has occurred. House Bill 1453 (2004) provides that  
23 mandated reporters of suspected child abuse, including teachers and counselors, may not make reports  
24 anonymously. Senate Bill 155 (2005) requires the Children’s Division to expunge the information from  
25 reports against mandatory reporters when the report was found to be malicious, for purposes of harassment,  
26 or in retaliation, and such information shall be expunged 45 days after the conclusion of the investigation.  
27 For reports filed by a mandatory reporter, where insufficient evidence of abuse or neglect is found by the  
28 division, the identifying information shall be retained for five years from the conclusion of the investigation.  
29 House Bill 505 (2013) prohibits schools from designating a reporting agent for suspected child abuse or  
30 neglect and requires all mandatory reporters, including teachers and nurses, to individually report suspected  
31 child abuse or neglect. H.B. 505 also strengthens the prohibitions on inhibiting reports and retaliations  
32 against employees for making reports and guarantees relief from other duties and phone access to make  
33 required reports. H.B. 1562 (2016) restricts access to forensic evidence, such as photographs and interview  
34 videos, created in the investigation of alleged child abuse or neglect.  
35

#### 36 **L-J15 TENURE AND TENURE RETENTION \***

37  
38 **Rationale:** Current law grants teachers tenure at the beginning of the sixth year of teaching, while many  
39 states grant teacher tenure after three years, and Missouri state employees with comparable training and  
40 responsibility earn tenure after one year. Current law provides that if a teacher who has taught two or more  
41 years changes districts, he or she must be given one year’s credit toward tenure in the hiring district.  
42 However, if, after an absence, a non-tenured teacher is rehired by the district he or she left, no credit is given.  
43 Teachers who return to a district within five years where they were previously tenured must be employed for  
44 one year before they can reacquire tenure. Senate Bill 109 (2005) proposed to enact all the tenure revisions  
45 contained in this plank, but the bill did not pass. S.B. 266 (2005) removes access to tenure for pre-  
46 kindergarten teachers teaching in programs where a certificate is not required due to the requirements of  
47 state or federal funding and where fees are charged for attendance in the program.  
48

#### 49 **L-J16 EQUAL RIGHTS**

50  
51 **Rationale:** The Equal Rights Amendment was proposed by Congress in 1972 with a seven-year deadline on  
52 the state ratification process. The deadline was extended until 1982, but only 35 of the 38 required state  
53 ratifications were obtained by 1982. The ERA has been reintroduced in the United States Congress.  
54 Acceptance of the “Madison Amendment” concerning changes in congressional pay, passed by Congress in  
55 1789 and ratified in 1992 as the 27<sup>th</sup> Amendment to the Constitution, has provided support for the position  
56 that Congress has the power to maintain the legal status of the ERA’s existing 35-state ratifications. State  
57 ratification efforts continue in many of the remaining states. In Illinois, for example, a ratification resolution

1 has passed the House and has moved through the Senate committee. In addition, legislation has been  
2 introduced in the Missouri General Assembly to provide for gender-neutral language in existing laws that  
3 discriminate on the basis of gender.

4  
5 **L-J17 POLITICAL INVOLVEMENT \***

6  
7 **Rationale:** At present, teachers are denied the right to manage school board election campaigns and all  
8 education employees are denied the right to serve as members of the state legislature without resigning their  
9 positions. Former teachers, who have become legislators, are not allowed to substitute teach in the public  
10 schools, be employed as an adjunct teacher for a public community college or teach in an adult education or  
11 continuing education program in a public school.

1	<b>Legislative Platform Acronyms</b>	
2		
3	<b>ABCTE</b>	American Board for Certification of Teacher Excellence
4	<b>ABLE</b>	Achieving a Better Life Experience
5	<b>ACT</b>	American College Test
6	<b>AED</b>	Automated External Defibrillator
7	<b>AHC</b>	Administrative Hearing Commission
8	<b>AIDS</b>	Acquired Immunodeficiency Syndrome
9	<b>ALEC</b>	American Legislative Exchange Council
10	<b>ALTGLES</b>	Alternative Grade Level Equivalent
11	<b>ARRA</b>	American Recovery and Reinvestment Act
12	<b>AYP</b>	Adequate Yearly Progress
13	<b>CEE</b>	Committee for Educational Equality
14	<b>COLA</b>	Cost-of-Living Adjustment
15	<b>CPI</b>	Consumer Price Index
16	<b>CPR</b>	Cardiopulmonary Resuscitation
17	<b>CURP</b>	College and University Retirement Plan
18	<b>DB</b>	Defined Benefit
19	<b>DC</b>	Defined Contribution
20	<b>DESE</b>	Department of Elementary and Secondary Education
21	<b>ECSE</b>	Early Childhood Special Education
22	<b>ERA</b>	Equal Rights Amendment
23	<b>ESEA</b>	Elementary and Secondary Education Act
24	<b>ESL</b>	English as a Second Language
25	<b>ESP</b>	Education Support Professional
26	<b>ESSA</b>	Every Student Succeeds Act
27	<b>FY</b>	Fiscal Year
28	<b>GASB</b>	Governmental Accounting Standards Board
29	<b>GPO</b>	Government Pension Offset
30	<b>H.B.</b>	House Bill
31	<b>HIV</b>	Human Immunodeficiency Virus
32	<b>HJR</b>	House Joint Resolution
33	<b>IDEA</b>	Individuals with Disabilities Education Act
34	<b>IEP</b>	Individualized Education Plan
35	<b>IRS</b>	Internal Revenue Service
36	<b>LEA</b>	Local Education Agency
37	<b>LTC</b>	Long Term Care
38	<b>MACCE</b>	Missouri Advisory Council for the Certification of Educators
39	<b>MAP</b>	Missouri Assessment Program
40	<b>MAP-A</b>	Missouri Assessment Program-Alternative
41	<b>MCHCP</b>	Missouri Consolidated Health Care Plan
42	<b>MDI</b>	Missouri Division of Insurance
43	<b>MMAT</b>	Missouri Mastery Achievement Test
44	<b>MNEA</b>	Missouri National Education Association
45	<b>MOHELA</b>	Missouri Higher Education Loan Authority

1	<b>MOSERS</b>	Missouri State Employee’s Retirement System
2	<b>MOSIS</b>	Missouri Student Information System
3	<b>MOST</b>	Missouri Savings for Tuition
4	<b>MPERS</b>	MoDOT and Patrol Employee’s Retirement System
5	<b>MSHSAA</b>	Missouri State High School Activities Association
6	<b>MSIP</b>	Missouri School Improvement Program
7	<b>NCLB</b>	No Child Left Behind
8	<b>NEA</b>	National Education Association
9	<b>PDC</b>	Professional Development Committee
10	<b>PEERS</b>	Public Education Employee Retirement System
11	<b>PPACA</b>	Patient Protection and Affordable Care Act
12	<b>PSLF</b>	Public Service Loan Forgiveness
13	<b>PSRS</b>	Public School Retirement System
14	<b>RTTT</b>	Race to the Top
15	<b>RYH4K</b>	Raise Your Hand For Kids
16	<b>SAB</b>	Special Administrative Board
17	<b>SARA</b>	State Authorization for Reciprocity Authority
18	<b>S.B.</b>	Senate Bill
19	<b>SJR</b>	Senate Joint Resolution
20	<b>SSD</b>	Special School District of St. Louis County
21	<b>STEM</b>	Science, Technology, Engineering and Mathematics
22	<b>TABOR</b>	Taxpayer Bill of Rights
23	<b>TIF</b>	Tax Increment Financing
24	<b>VISTA</b>	Volunteers In Service To America
25	<b>WEP</b>	Windfall Elimination Provision
26		
27		
28		
29		