



Legislative Update

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REGULAR SESSION ENDS; SPECIAL SESSION BEGINS REGARDING IMPEACHMENT OF GOVERNOR GREITENS

The 2018 legislative session is over, and Missouri NEA was able to achieve some legislative progress while also defeating several extreme attacks. Also, the legislature appropriated enough to fully fund the school funding formula in HB 2002 (Fitzpatrick).

However, the legislature did approve the paycheck and anti-bargaining proposals advanced by SS#2/SCS/HB 1431 (Taylor). These provisions will impose significant burdens on the advocacy and representation work of the Association in the future.

The Association was able to stop charter school expansion in HB 2247 (Roeber) and the tax-credit style voucher provision in SB 612 (Koenig) while working with legislators to pass revisions to virtual course access in SB 603 (Onder) that will offer expanded virtual instruction opportunities with public school oversight.

The legislature called itself into Special Session immediately after the conclusion of the Regular Session. The Special Session will consider the findings and recommendations of the House Special Committee on Investigative Oversight, which may include disciplinary actions leading to articles of impeachment against Governor Greitens.

The legislature debated many issues this session and many provisions were enacted into law. As noted below, many provisions that did not pass as the original bill were enacted in one or more omnibus education bills. Final disposition of the bills approved by the legislature will depend on action by the Governor to sign or veto the bills and potentially a veto override during the Veto Session in September.

For more detailed information on other legislation, visit <https://www.mnea.org/Missouri/LegislativeActionCenter.aspx> to view legislative updates and other related information.

BILLS THAT PASSED

PAYCHECK AND ANTI-BARGAINING BILL FINALLY PASSED

The legislature approved SS#2/SCS/HB 1413 (Taylor). The amended Senate version contains many of the same anti-CB provisions of the SCS, but makes several changes to the provisions of the bill:

- 1) exempts public safety labor organizations, corrections workers, and law enforcement officers;
- 2) changes recertification to every three years and allows up to two years for recertification of existing units with a collective bargaining agreement in place;
- 3) allows paid release time for many non-bargaining union activities;
- 4) resolves conflicts between the reporting provisions of the bill and referenced federal requirements in favor of the federal requirements, and
- 5) requires one public meeting in the bargaining process prior to final ratification by the public body, rather than making all bargaining meetings and documents open to the public.

Despite the amendments, the Senate version of the bill still contains many harmful provisions that will interfere with employee participation in unions and local control of public sector bargaining.

BUDGET

The House and Senate have finally approved the state budget and completed action on the K-12 education and higher education funding bills. The Governor has line item veto power over budget bills, except that the Constitution prohibits the Governor from reducing any appropriation for free public schools.

In HCS/HB 2002, the K-12 education budget bill, conferees agreed to the higher House funding level of a \$98M increase to reach full K-12 formula funding. Conferees also agreed to a compromise increase pupil transportation funding by \$10M over the House position of \$92M.

In HCS/HB 2003, the higher education funding bill, conferees added 60% of the requested funding amounts for the several UM coop programs in the budget core. The Senate had removed language raising tuition levels for students without lawful immigration status but conferees agreed to keep the language, forcing affected students to pay tuition at the higher out-of-state rate.

VIRTUAL COURSE ACCESS

The legislature passed the conference committee version of HCS/SS/SCS/SBs 603, 576 & 898 (Onder) and approved the same language in HB 1606 (Gannon). The language would establish a new virtual course access program by revising the current MoVIP. The bill will expand virtual course access to more students while maintaining important provisions to protect local district control, ensure course quality and monitor student success. The Association believes that virtual courses can play an important role for schools and students and supports the bills.

SCHOOL RETIREMENT PROVISIONS

The legislature approved CCS/SCS/SB 892 (Walsh). The bill pertains to various public retirement systems and includes provisions that affect school retirement. Language from HB 2184 (Bondon) would revise the contribution rate provisions for the Kansas City school retirement system to improve

system funded status. Language from HB 2335 (Black) would allow any PSRS retiree to work in a PEERS position while receiving their PSRS retirement benefit as long as the retiree earns no more than 60% of the minimum teacher's salary. The retiree shall not contribute to PEERS or earn creditable service, and the hiring employer will pay the employer's contribution rate. The Association supports this portion of the bill.

DATE CHANGE FOR INITIATIVE REPEAL OF SO-CALLED "RIGHT-TO-WORK" LAW

The legislature approved SCR 49 (Schatz). The resolution was presented to the Governor for his approval or veto. The SCR would change the election date for Prop A, the initiative petition submitted by the We Are MO campaign to repeal SS#2/SB 19 (2017), the bill passed last year to enact the so-called "Right to Work" provision. The SCR changes the date of the election on the referendum from the general election on November 6, 2018 to the primary election on August 7, 2018.

PREVAILING WAGE CHANGE

The legislature passed SS/HCS/HBs 1729, 1621 and 1436 (Justus) regarding the state prevailing wage law. This bill requires that either the prevailing wage or the "public works contracting minimum wage" be paid for workers on public works. The bill requires a minimum number of hours per type of work to be reported in a county in order to have a prevailing wage for the region and makes several other changes that are expected to lower the prevailing wage for many public works projects across the state. The Association supports the original purpose of the prevailing wage law to ensure that public infrastructure investment supports local employment and local wage rates.

CORPORATE INCOME TAX CHANGES FINALLY PASSED

The legislature approved CCS/SB 884 (Koenig). The bill makes two primary changes that are projected to have little net effect on state revenues. The bill requires a single-sales factor corporate income allocation method and disallows other corporate income allocation methods. This portion is expected to increase revenues. The bill also cuts the corporate income tax rate from 6.25% to 4.0%. This change is expected to reduce state revenues.

Significant errors in the prior fiscal note on similar changes in HCS/SS#2/SB 674 (Koenig) were revealed to have produced an inaccurate estimated effect on general revenues. The corrected calculation shows that the combined provisions in SB 674 with a 3.4% corporate tax rate actually reduce state revenues, despite the projections of the current fiscal note that show relatively little net effect. The higher 4.0% target rate for the corporate tax in SB 884 is estimated to compensate for the effect of the rate change on the shift in allocation.

STUDENT DATA PRIVACY

SS/HB 1606 (Gannon) includes the language of SB 582 (Walsh). The bill would require school districts to report breaches of data containing personal information of students to parents, DESE, and the State Auditor. The Association supports the bill.

SCHOOL FINANCIAL INFORMATION

SS/HB 1606 (Gannon) includes the language of HB 1370 (Sommer) to require public schools to post certain financial information online for public access. The Association supports the bill.

SCHOOL DISTRICT BONDS

The legislature approved CCS/HCS/SB 743 (Sater). The bill passed on its own and was included in SS/HB 1606 (Gannon). The original bill clarifies that school districts are only required to use one financial surety bond company for school bonds. The current law requires use of two surety companies.

EARLY CHILDHOOD EDUCATION

CCS/HCS/SB 743 (Sater) and SS/HB 1606 (Gannon) both include language offered by Sen. Wasson to make a technical correction to the early childhood pupil count in the school funding formula. CCS/HCS/SB 743 (Sater) also includes the language of HB 1420 (Pfautsch) to extend the sunset date of the pre-K quality assurance report. SS/HB 1606 (Gannon) also removes the obsolete phase-in language for extending early childhood pupil count to all districts. This provision was triggered by full formula funding in the current school year and will provide for formula funding for such pupils in all districts beginning next school year.

LENGTH OF SCHOOL TERM

SS/HB 1606 (Gannon) and CCS/HCS/SB 743 (Sater) include the language of HB 1573 (Lyle Rowland) to allow school calendars to be based solely on hours of attendance without a minimum number of school days.

TEACHER REPRESENTATIVE TO STATE BOARD OF EDUCATION

SS/HB 1606 (Gannon) and CCS/HCS/SB 743 (Sater) include the language of SB 695 (Wallingford) and HB 1373 (Ruth) to add a non-voting active teacher representative to the State Board of Education. The Association supported the bill.

PROFESSIONAL DEVELOPMENT/TRANSPORTATION

The legislature approved CCS/HCS/SB 687 (Sater). The bill passed on its own and was also included in SS/HB 1606 (Gannon). The original Senate bill allows school districts to allocate less than 1.0% but no less than 0.5% of moneys received under the school foundation formula to the professional development committee of the district when certain requirements are met. The Association is concerned that the bill weakens the state's commitment to professional development for teachers and opposes the language of the original bill.

SCHOOL COUNSELING

SS/HB 1606 (Gannon) includes HB 1663 (Swan) regarding comprehensive school guidance programs. The bill requires DESE to create a program for recognition of district guidance programs. The Association supports the bill.

SCHOOL LIBRARIANS

CCS/HCS/SB 743 (Sater) includes the language of HB 2411(Pike) regarding school librarians. The bill requires DESE to create a program for recognition of district library and media programs. The Association supports the bill.

VISITING SCHOLAR CERTIFICATE

The legislature approved HB 1665 (Swan). The bill would create a visiting scholars certificate of license to teach limited to school/business partnership programs such as Partners in Prosperity.

BRAILLE INSTRUCTION

SS/HB 1606 (Gannon) and CCS/HCS/SB 743 (Sater) include the language of SB 681 (Hummel) would provide that a student receive instruction in Braille reading and writing as part of his or her individualized education plan unless instruction in Braille is determined not appropriate for the child. The bill was revised to align the state law with the applicable language of the federal law.

GIFTED EDUCATION AND ACCELERATED LEARNING

CCS/HCS/SB 743 (Sater) includes the language of HB 1371 (Sommer). The bill would require any district with a state-approved gifted education program to have a process that allows parents or guardians to appeal a determination that their child does not qualify for gifted services. SS/HB 1606 (Gannon) includes the language of HB 1421 (Pfautsch) to allow for acceleration of students by course or grade level. The Association believes these policies will help ensure that students receive instruction designed to fit their individual educational needs and supports the bills.

ORGAN DONATION EDUCATION

The legislature approved SS/HB 2129 (Cookson). The bill requires school boards to allow qualified national organizations to present information to the board regarding organ, eye and tissue donation education. The board shall consider the information and decide whether to present the information to students and parents. Students will not be required to participate in such instruction. The Association supports the bill.

HUMAN SEXUALITY INSTRUCTION

SS/HB 1606 (Gannon) includes the language of SB 788 (Nasheed) on instruction regarding sexual harassment and sexual violence. The Association supports the bill.

STUDENT TRANSPORTATION

CCS/HCS/SB 687 (Sater) and SS/HB 1606 (Gannon) allow Kansas City school district to pay for high school students to use city buses for transportation to extracurricular activities. CCS/HCS/SB 687 (Sater) and SS/HB 1606 (Gannon) include HB 1675 (Redmon) regarding medical endorsement for school bus drivers. SS/HB 1606 (Gannon) includes HB 1676 (Redmon) regarding pre-ride skills test requirements for school bus drivers. SS/HB 1606 (Gannon) includes SB 762 (Schatz) to require the Commissioner to approve hardship transfers for certain districts based on long travel routes.

CHARTER SCHOOL AT-RISK ENROLLMENT POLICY

CCS/HCS/SB 743 (Sater) includes language to allow charter schools to revise the enrollment process to increase enrollment of at-risk students.

WORKFORCE-EDUCATION ISSUES

SS/HB 1606 (Gannon) includes the language of HB 1415 (Lauer) allowing externships to count as teacher professional development hours and HB 1455 (Lauer) to provide information related to careers and salaries to students.

ACT WORKKEYS TEST

SS/HB 1415 (Lauer) allows students to choose to take either the ACT or ACT WorkKeys test for their state-funded ACT test. The Association supports the bill.

HIGH SCHOOL EQUIVALENCY TEST

The legislature approved SS/HB 1606 (Gannon). The original bill pertains to high school equivalency examinations, and the SS version includes language from many other bills. The Association supports financial support to compensate students for rising costs of the tests. The bill provides financial support for first time test takers. Subject to appropriation, the bill would cover from 50% to 100% of the test cost.

CREDIT FOR COMPUTER SCIENCE COURSES

HCS/SCS/SB 894 (Libla) enacts several new provisions of law related to computer science. The bill requires DESE to create standards for computer science instruction, add student flexibility to count one computer science credit as either a science, math or practical art graduation credit and create a fund to support grants for teacher professional development for computer science instruction. The

Association supports the provisions in the bill to create academic standards for computer science and provide support for professional development for computer science instruction.

CAREER AND TECHNICAL EDUCATION COUNCIL

HCS/SCS/SB 894 (Libla) and SS/HB 1415 (Lauer) include language from HB 1660 (Swan) to revise the law pertaining to the Career and Technical Education Advisory Council. The language requires the council to review, update and maintain a list of offerings, including industry certifications, professional licenses and competency assessments. The Association believes students should have flexible options and quality public school programs available that help them meet their challenges, have academic success and finish high school. Missouri NEA supports the bill.

CAREER READINESS TASK FORCE

HCS/SCS/SB 894 (Libla) and SS/HB 1415 (Lauer) also include the language of HB 1245 (Bangert) to require DESE to convene a task force to create a career readiness course for 8th and 9th grade students.

STEM CAREER AWARENESS

HCS/SCS/SB 894 (Libla) also includes the language of HB (Travis Fitzwater). The bill would establish a statewide, online STEM career awareness program for middle school students.

CTE ORGANIZATION FUNDS

HCS/SCS/SB 894 (Libla) and SS/HB 1606 (Gannon) include the language of HB 1348 (Black) to specify that DESE shall administer funds from career and technical student organizations.

HIGHER EDUCATION PROGRAM APPROVAL

The legislature approved CCS/HCS/SCS/SBs 807 and 577 (Wasson). The bill would enact provisions relating to approval of various higher education degree programs. The bill reflects an agreement on the process for approval of programs among the CBHE and two-year and four-year public institutions in the state. Due to budget constraints, the process will emphasize collaboration among existing institutions and programs rather than the creation of entirely new programs.

STUDENT COUNSELING FACILITIES

CCS/HCS/SCS/SBs 807 and 577 (Wasson) includes HB 2354 (Frederick) to require each public institution of higher education to measure and report its compliance with recognized counseling services standards relating to mental health services provided on campus.

A+ SCHOOLS SCHOLARSHIPS

The legislature approved SS/HB 1744 (Hansen). The bill modifies the A+ Schools Program by removing the requirement that the student's attendance of public high school occur in the three years immediately prior to graduation. The Association supports this portion of the bill. The bill passed on its own and was also included in CCS/HCS/SCS/SBs 807 and 577 (Wasson)

VIRTUAL INSTITUTIONS AND ACCESS MISSOURI SCHOLARSHIPS

SS/HB 1744 (Hansen) and CCS/HCS/SCS/SBs 807 and 577 (Wasson) also include the language of SB 682 (Munzlinger) to allow students enrolled in virtual institutions such as Western Governors' University to participate in the Access Missouri Financial Assistance Program.

MOST 529 SAVINGS PLANS

SB 882 (Hoskins) will revise the Missouri Higher Education Savings (MOST) Program to allow MOST funds to be moved to Missouri ABLE savings accounts. The bill passed on its own and was also included in SS/HB 1744 (Hansen) and CCS/HCS/SCS/SBs 807 and 577 (Wasson).

SB 882 also clarifies that MOST accounts may be used as provided under the new federal tax law to fund tuition payments to qualified private K-12 institutions as well as higher education institutions. The State Treasurer administers the MOST program and has already interpreted the MOST law as allowing such payments under authorization from the federal law.

COMMUNITY COLLEGE ANNEXATION

The legislature approved SCS/SB 990 (Hegeman). The bill passed on its own and was also included in SS/HB 1744 (Hansen) and CCS/HCS/SCS/SBs 807 and 577 (Wasson). The bill revises the process by which a school district may be added to the territory of a community college district. Currently, a petition signed by voters in the district must be submitted to the school board of the school district, and then an election is held.

The bill allows the community college board of trustees to propose attaching the school district to the community college district, levy the tax rate of the community college district in the attached district and call an election on the proposal. Election costs are borne by the community college.

COLLEGE MEAL PLAN REQUIREMENTS

SS/HB 1744 (Hansen) also includes the language of HB 1679 (Chipman) to prohibit public institutions of higher education from requiring students to purchase a meal plan when a student presents medical documentation of a food allergy or sensitivity, or a medical dietary issue.

COLLEGE CIVICS EXAM

CCS/HCS/SCS/SBs 807 and 577 (Wasson) includes HB 1528 (Dohrman) to require any student attending a public college or university to score at least 70% on the Missouri Higher Education Civics Achievement Examination as a condition of graduation.

PUBLIC COLLEGE PURCHASING

CCS/HCS/SCS/SBs 807 and 577 (Wasson) includes Language to exempt all public colleges and universities from state purchasing law.

PUBLIC SAFETY OFFICER SURVIVOR GRANTS

CCS/HCS/SCS/SBs 807 and 577 (Wasson) includes HB 2360 (Redmon) regarding the list of public safety officers whose children and spouses are eligible for a survivor's and disabled employee's educational grant.

PUBLIC COLLEGE TUITION INCREASES

CCS/HCS/SCS/SBs 807 and 577 (Wasson) includes HB 2348 (Davis) to permit public colleges and universities to increase their tuition by inflation plus an amount, but not more than 5%, that would produce an increase in net tuition revenue, as defined in the act, no greater than the amount by which state operating support was reduced in the previous fiscal year.

COLLGE ACCREDITATION DISCLOSURE

CCS/HCS/SCS/SBs 807 and 577 (Wasson) includes HB 1811 (Smith) to create the College Credit Disclosure Act, which requires a higher education institution that grants college level credit but is not accredited by a federally recognized regional accreditor to disclose, during the admission application process, that the institution is not accredited.

STATE MERIT SYSTEM REPEAL

The legislature approved SCS/SB 1007 (Kehoe). The bill repeals the state merit system law for most covered employees. This change affects hiring practices, promotion, salary and removes due process protections for most covered employees. The Association believes these changes could adversely affect hiring decisions, make compensation more complex and less fair and allow arbitrary dismissal for reasons that are not for the good of the service. The Association opposes the bill.

BILLS THAT DID NOT PASS

CHARTER SCHOOLS

House majority party leaders worked to urge caucus members to support HB 2247 (Roeber), but the bill lacked enough support to pass and was not taken up by the House. The bill would have allowed charter schools to be sponsored by outside entities (other than the local school board) and operate in many districts around the state.

Guided by the revised MNEA Position Paper on charter schools, the Association opposed the bill. Missouri NEA believes that charter schools should be sponsored by and accountable to the local community through the elected school board and approved only after an impact study is conducted by the district to consider the proposal. School board sponsorship ensures that the board can plan the use of all school funds and implement the services and programs that meet the needs of all students in the community.

The Association also believes that all charter schools should be subject to the same standards of accountability, transparency and respect for the rights of students, parents and staff as are applicable to traditional public schools.

TAX CREDIT VOUCHERS AND EDUCATION SAVINGS ACCOUNTS

The Senate debated SS/SB 612 (Koenig), but the bill was not brought to a vote. SB 612 creates a new 100% state tax credit capped at \$25 million per year for taxpayer contributions to third-party organizations that will use some of the proceeds to fund accounts that parents can use to pay private school tuition and other expenses for certain students, including students with disabilities and students in the custody of the juvenile courts.

The Association opposes this and similar proposals to divert public funds to private schools not subject to the same standards of accountability, transparency and respect for the rights of students, staff and parents as apply to public schools.

STATE BOARD OF EDUCATION APPOINTMENT PROCESS

The Senate approved the language of SB 794 (Romine) as an amendment to SB 695 (Wallingford), but the House did not approve the SB 794 language. The bill enacts several provisions to clarify and stabilize the process for appointment of members of the State Board of Education. The bill would have provided a much needed clarification of the appointment process to ensure that appointees are not subject to manipulation and that the State Board of Education can operate as contemplated in the Missouri Constitution. The Association supported the bill.

STUDENT TRANSFERS

SB 559 (Chappell-Nadal) and SB 587 (Sifton) relate to student transfers from unaccredited districts and include other provisions. Neither bill was passed by the legislature. The Association supports addressing the transfer issue with reasonable caps on tuition payments by sending districts and allowing reasonable control of class size for receiving districts. However, MNEA has concerns about the other provisions in the bills, especially state mandates regarding accreditation by school building and other provisions that run counter to the flexibility afforded by the federal ESSA to move away from a "test, blame and punish" mindset focused on state-mandated standardized tests.

READING INTERVENTION BILL

The House did not take up HCS/SS#2/SCS/SB 949 (Emery), and the bill failed to become law this session. The Association opposed the bill. SB 949 would repeal existing reading intervention programs and establish a new reading intervention program for students in kindergarten to third grade. The Association is concerned that the bill is overly prescriptive regarding the interventions required to be in an intervention plan for every student identified with a reading deficiency.

DUE PROCESS

The House General Laws Committee approved HB 2232 (Ross), but the House did not debate or approve the bill. The bill requires school districts to contact former school district employers before offering employment to new employees. The bill also requires school districts to provide information about former employees to prospective employers concerning any violation of board regulation "related to abusive behavior toward a student". While well-intended, the language lacks clarity and may fail to provide meaningful due process to accused employees.

PROTECTION AGAINST DISCRIMINATION

HB 1360 (Hannegan) and HB 2100 (Razer) would revise the Missouri Human Rights Act regarding employment, disability and housing to make discrimination based upon a person's sexual orientation or gender identity an unlawful discriminatory practice. The Association supports both bills. However, the bill did not pass.

WORKPLACE ARBITRATION AGREEMENTS

The House briefly debated HCS/HB 1512 (Corlew), but did not approve the bill. The bill revises arbitration agreements between employers and at-will employees. Missouri NEA believes the bill may allow employers to pressure employees to accept unfavorable arbitration terms that reduce the ability to hold employers accountable for discriminatory acts. The Association opposes the bill.

CAMPUS CARRY

HB 1936 (Taylor) would largely remove the ability of governing boards to ban the carrying of concealed firearms on public college and university campuses. However, the bill did not pass. The Association believes that colleges and universities should have local control over the policies that control the presence of concealed weapons on campus and opposes this provision.

EARLY CHILDHOOD EDUCATION CONTRACTING

The House Elementary and Secondary Education committee approved HB 1664 (Swan) to include at-risk students who attend early childhood education programs that are under contracts with districts or charter schools to be included for school formula aid. However, the House did not take up the bill.

GENDER IDENTITY AND USE OF SCHOOL FACILITIES

SB 690 (Emery) would require that all school restrooms, locker rooms, and shower rooms accessible for use by multiple students shall be designated for and use by male or female students only. However, the bill did not pass. The Association believes that these situations should be handled by schools and district policies based upon student needs and the specifics of the situation and opposes a state law mandate on the issue.

STUDENT NEWSPAPERS

The House passed HB 1940 (Corlew), but the bill did not pass in the Senate. The bill would limit a school's ability to regulate student work in school newspapers. This year's version includes anti-retaliation provisions to protect student communications sponsors and other staff from possible retaliation by boards or administration for granting students greater editorial latitude as provided by the bill. The Association supports the bill.

BANNING LOBBYIST GIFTS

The Senate passed SJR 27 (Holsman), but the House did not approve the bill. The bill bans most gifts from lobbyists and the entities they represent to legislators, legislative staff and other elected officials.

TABOR

SJR 31 (Eigel) is a constitutional spending limit similar to the Colorado provision known as "TABOR", or the so-called "Taxpayer Bill of Rights." The joint resolution did not pass. Missouri NEA strongly opposes this unneeded restriction. The SJR would impose a permanent, constitutional spending limit on state government and would limit annual growth in state appropriations to a cost of living adjustment factor plus a population growth factor. The SJR also mandates automatic, permanent income tax reductions based upon yearly revenue growth conditions.

PROPERTY ASSESSMENT INCREASES

HB 1513 (Corlew) would limit residential property assessment increases for the elderly and disabled persons who own and live in their principal residence to be proportional to the increase of their Social Security benefit. However, the bill did not pass. The Association believes that constitutional requirements regarding equal treatment in the assessment of property should be respected.

SCHOOL START DATE

HB 1826 (Houghton) and HB 2446 (Cookson) pertain to restrictions on school start date. However, neither bill passed. Both bills prohibit local school districts from setting an opening date for the school term that is more than 10 calendar days prior to the first Monday in September. MNEA believes that school starting date, length of term and school calendar should be selected by the local school board in

the manner determined to provide the most educational benefit for the students of the district. The Association opposes both bills.

SCHOOL LETTER GRADES

SB 643 (Emery) would require the State Board of Education to develop a simplified annual school report card. However, the bill did not pass. The Association opposes the bill. The bill would require reducing each public school to a single letter grade, primarily on the basis of state, standardized test scores.

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