



Legislative Update

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Number 10
March 12, 2020
www.mnea.org

SENATE CANCELS SESSION FOR NEXT WEEK

Concerns over the possible impact of the coronavirus (Covid-19) have begun to affect legislative proceedings and more changes could be made at any time in the remaining weeks of session.

Along with the broader concerns about measures to respond to the coronavirus pandemic, legislative leaders are responding to specific concerns regarding the Capitol itself. Five students from UMC were present in the Capitol on March 9 and 10 after having attended a conference where another attendee has since tested positive for coronavirus. Legislative leaders are making plans to minimize all attendance in the Capitol in the coming weeks to allow for cleaning and decontamination.

Due to these public health concerns, the Senate has cancelled all session and committee activity for next week.

HOUSE PLANS TO EXPEDITE BUDGET BILLS

The House is preparing to expedite the state budget process in order to get the budget bills approved and sent to the Senate by the end of next week.

The House schedule was changed again on March 12. The Budget Committee will begin mark-up on Sunday, March 15. The House would then take the bills up for first round approval on March 18 and take them up for final approval on March 19 before leaving on spring break for the week of March 23-27.

LEGISLATIVE SPRING BREAK

Both chambers are scheduled to be out of session for the week of March 23-27. The Senate has already cancelled all session activity for the week of March 16-20.

There is also the possibility that one or both chambers may extend the break through the week of March 30 to April 3. If spring break extends for a second week, the Capitol Action Day scheduled for Governance Districts 9 and 11 on April 1 will need to be rescheduled, and, depending on further changes to schedule and access, there may need to be other modifications to Capitol Action Days.

Leaders in both chambers have already made public announcements encouraging institutions and organizations to consider postponing or cancelling Capitol trips for large groups, such as school

groups, in order to reduce the risk of disease transmission at this time. Stay tuned for more updates regarding any additional changes to legislative schedule or Capitol access.

BUDGET

The House Budget Committee released the proposed HCS versions of the budget bills, HBs 2001 to 2013, offered by Rep. Cody Smith, the committee chair. The committee will begin markup and amendment of those bills on Sunday March 15. The House is planning to take the bills up next week and send them to the Senate on March 19.

There is not a Consensus Revenue Estimate agreed to by the Governor, House and Senate. The Governor's budget assumed 2.4% GR growth in FY 20 and 1.9% growth in FY 21. The House is using the same 2.4% estimate for FY 20, but an estimated growth of 1.6% for FY 21. This results in a \$29M revenue difference. The House also does not assume an extension of \$43M in enhanced federal Medicaid match funding for FY 21. The net result is an overall GR reduction of \$72.5M in the HCS versions of the budget for FY 21. Rather than simply cutting GR by this amount, the HCS budget maintains an alternative appropriation for the items cut from GR by creating a Surplus Revenue Fund (SRF). If GR revenues exceed the House estimates, items appropriated from the SRF will be funded.

In HB 2002, K-12 budget, the HCS version withdraws the Governor's \$10M increase for the formula, based upon updated information from DESE indicating that the current year appropriation amount will be sufficient to maintain full funding based on revised estimates. HB 2002 also includes a total of \$3.5M in new funding for school turnaround and school intervention funding expenditures based upon DESE implementation of HB 604 from 2019. HB 2002 also provides \$5M for deferred maintenance in charter schools.

In HB 2003, the higher education budget, the HCS shifts \$4.36M in funding for the Mo Excels program from GR to the SRF and reduces funding for the Fast Track program. The bill also adds an additional \$5M in community college equity funding from GR.

CHARTER SCHOOL EXPANSION

SB 649 (Eigel) is a broad charter school expansion bill that would allow charter schools to be sponsored by outside entities (other than the local school board) and operate in districts around the state. The Association strongly opposes SB 649.

Guided by the MNEA Position Paper on charter schools, the Association 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. Existing charter schools should move to district sponsorship when their charters come up for renewal.

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. SB 649 does not enact these reforms, and the Association strongly opposes the bill.

CAPITOL ACTION DAYS

MNEA Capitol Action Days continued on March 11 when members from Governance Districts 4 and 5 are scheduled to come to the Capitol.

As noted above, if spring break extends for a second week, the Capitol Action Day scheduled for Governance Districts 9 and 11 on April 1 will need to be rescheduled, and, depending on further changes to schedule and access, there may need to be other modifications to Capitol Action Days.

Stay tuned for more updates regarding any additional changes to legislative schedule or Capitol access.

ATTACKS ON THE REFORMS OF CLEAN MISSOURI

The House General Laws Committee heard HJR 115 (Trent) on March 10. HJR 115 is essentially similar to the version of SJR 38 (Hegeman) that the Senate has already approved this session. HJR 115 and SJR 38 would undermine the redistricting reforms of Amendment 1, also known as CLEAN Missouri. These resolutions remove the nonpartisan demographer created under Amendment 1 and open the possibility for the population count to be skewed to exclude non-citizen or non-voting-age residents from the data used for drawing districts. The resolutions also make it harder to file suit against a faulty map and limit the remedies available to a judge in such a case. The Association strongly opposes HJR 115 and SJR 38.

VAPING IN SCHOOLS

The House gave first round approval to HCS/HB 1808 (Wood) on March 11. The bill requires DESE to revise health or physical education standards to include instruction on the use and effects of vapor products along with instruction on the use and effects of tobacco products.

The House adopted an amendment offered by Rep. Unsicker to include tobacco and vaping products in the definition of "drugs" under the Drug-Free Schools Act. The House also adopted an amendment offered by Rep. Swan that revises the law regarding work groups for academic performance standards by allowing the State Board to make the appointments, rather than requiring the Speaker of the House and the Pro Tem of the Senate to make many of the appointments.

The Missouri NEA believes that substance abuse negatively impacts all children and supports improved educational programs about tobacco and other similar products. The Association supports the bill.

TAXING ONLINE AND REMOTE SALES

The Senate spent several hours debating SB 648 (Koenig) relating to taxation. The bill would allow state and local taxation of online and remote sales as allowed under the recent Wayfair decision by the U.S. Supreme Court. This change to sales tax laws would increase state and local sales taxes. However, the bill also includes a delayed cut to the top rate of state income tax of 0.11% to offset the revenue increase. Several amendments were offered before the bill was laid over without being brought to a vote.

MORE PAYCHECK DECEPTION

The House Workforce Development Committee heard HB 2341 (Taylor) on March 9. The bill is similar to SB 701 (Onder). HB 1413 from 2018, the anti-bargaining bill, was blocked by permanent court injunction resulting from a lawsuit filed by the Association and other public labor organizations. This permanent injunction strongly affirms public employees' constitutional right to bargain and their right to join the association of their choosing. Despite this court ruling, HB 2341 would attempt to enact even more onerous and intrusive restrictions on certain public employee union members regarding payroll deductions for dues and deductions for political action. The Association strongly opposes the bill.

VIRTUAL SCHOOL OPEN ENROLLMENT

The Senate Government Reform Committee heard SB 996 (Onder) on March 10. The bill eliminates local district input on the enrollment of district students in the virtual school program and transfers the authority to DESE. The House Elementary and Secondary Education Committee voted to approve HCS/HB 2491 (Christofanelli), a similar bill, on March 10. The House committee approved an amendment to HB 2491, but the language does not yet fully address concerns about the financial and academic impact of virtual school open enrollment. The Association opposes both bills.

READING INTERVENTIONS

The Senate Education Committee heard SB 966 (O'Laughlin) on March 10. The House Elementary and Secondary Education Committee was scheduled to hear HB 2470 (Gregory) on the same day, but the hearing was postponed.

These similar bills would substantially revise existing laws regarding reading intervention programs and establish a new reading intervention program focused mainly on students in kindergarten to fourth grade. The bills remove the requirement that would make grade level promotion for certain students contingent on passing a reading examination.

However, the Association is concerned that the bills are overly prescriptive regarding the interventions required to be in an intervention plan. The Association believes that key decisions about assessment, placement, additional instruction and advancement should remain at the local level with district, employee, parent and student input. HB 2650 (Kelley), HB 2671 (Henderson) and SB 1061 (Libla) also address reading interventions in a comprehensive way, while leaving greater local flexibility in terms of assessment, intervention and notice requirements.

The Senate Education Committee also heard SB 626 (Nasheed) regarding reading interventions in the St. Louis City school district. The bill requires the district to use a response-to-intervention tiered approach to reading instruction for students struggling to read.

WORKFORCE DEVELOPMENT

Two similar bills containing various provisions governing workforce development programs were heard on March 10. The House Elementary and Secondary Education Committee heard HB 2174

(Pollitt), and the Senate Education Committee heard SB 830 (Cunningham). Both of the bills would enact various provisions governing workforce development in elementary and secondary education. Among these provisions, both bills create the option for districts to request waivers of certain regulations from the State Board of Education. The bills also change state formula aid calculations to encourage districts that have not yet done so to establish early childhood programs. The bills also extend the maximum full-time retirement employment option under the critical shortage statute from two years to four years. The bills also allow a PSRS retiree to be employed under critical shortage as a superintendent after a one year waiting period. The Association supports several provisions in the bill, including the funding changes to support early childhood education.

POLICIES ON SECLUSION AND RESTRAINT

The House gave final approval to HCS#2/HB 1568 (Bailey) on March 9. The bill revises the requirements for seclusion and restraint policies in public schools. The bill defines seclusion and restraint, requires parental notice if either seclusion or restraint is used on a student and contains reporting requirements on the incident. HCS#2 simplifies the notice and reporting requirements and removes other problematic language. The Association will continue to monitor the progress of the bill to ensure that it allows school boards to maintain a policy that respects the safety and dignity of both students and staff.

FINES AND SCHOOL FORMULA

The House gave final approval on March 9 to two similar bills that would allow school districts to receive a net financial benefit from the receipt of fines ordered by local courts:

HCS/HB 1817 (Dinkins) to exclude certain administrative penalties from the calculation of local effort in Iron County. This bill is limited to a particular fine ordered under a particular environmental case.

HB 1818 (Dinkins) to removes increases in the amount received from fines for school purposes from the calculation of local effort for all school districts. This bill generally prevents a state aid deduction for any increased fines received by schools.

SENATE EDUCATION COMMITTEE

The committee voted to approve two bills on March 10:

SB 787 (Sater) to require all public and charter schools, and institutions of higher education to print the telephone number for the National Suicide Prevention Lifeline on either side of student identification cards.

SCS/SB 875 (Emery) to require MSHSAA to allow home school students to participate in activities or member schools will lose state funding. The Association believes that educators should continue to establish the policies that govern student activities.

HOUSE PENSIONS COMMITTEE

The committee met on March 10 to hear two bills pertaining to PSRS/PEERS working after retirement options: HB 2291 and HB 2460. Both bills were filed by Rep. Rusty Black. Both bills would extend the critical shortage working after retirement option for teachers from two years to four years. HB 2460 also adds an additional working after retirement option that allows districts to create an emergency substitute teacher pool. PSRS retirees would be able to participate and teach as a temporary or long-term substitute in the pool with no hourly restriction provided that their yearly earnings do not exceed the Social Security earnings limitation, which is currently \$18,240.

HOUSE HIGHER EDUCATION COMMITTEE

The committee heard HB 2696 (Dohrman) on March 9. The bill adds additional requirements to existing laws regarding free speech on public higher education institutions. Institutions must adopt a policy on free expression that meets additional principles added in the bill and the policy must be made available to students and faculty annually.

HOUSE DOWNSIZING STATE GOVERNMENT COMMITTEE

The committee heard HB 2476 (Walsh) on March 9. The bill would add all public employee retirement systems and quasi-governmental entity employee salaries to the government accountability portal.

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