



# Legislative Update

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## LEGISLATURE RETURNS TO SESSION

The House and Senate returned to session activity on April 27. While a primary goal is to complete next year's budget by the Constitutional deadline of May 8, legislators will also be trying to make up for lost time in passing various other legislation. The Association urges Missouri NEA members to follow key legislative activity during the remaining three weeks of session by following the daily and weekly Legislative Updates. MNEA members will need to contact legislators if priority education bills advance in the remainder of session.

## ATTACKS ON THE REFORMS OF CLEAN MISSOURI

The House General Laws Committee heard and immediately voted to approve SJR 38 on April 30. SJR 38 would undermine the redistricting reforms of Amendment 1, also known as CLEAN Missouri. This joint resolution removes the nonpartisan demographer created under Amendment 1 and opens 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 resolution also makes it harder to file suit against a faulty map and limits the remedies available to a judge in such a case. The Association opposes SJR 38.

## SENATE EDUCATION COMMITTEE TO CONSTRUCT OMNIBUS BILL

The committee postponed the scheduled meeting on May 1 and will meet on May 4 to vote on an omnibus version of HB 1540 (Basye). STAY TUNED FOR A POSSIBLE ACTION ALERT concerning the omnibus bill if harmful provisions are included in the committee substitute.

## HOUSE ELEMENTARY AND SECONDARY EDUCATION COMMITTEE APPROVES OMNIBUS BILL

The committee approved an omnibus HCS version of SB 528 (Cunningham) on April 30. The original SB 528 provides that any excess funding appropriated to the school formula would be used to fund pupil transportation rather than just lapse. The HCS adds the provisions of 25 other bills.

Of concern is language taken from HB 2491 that would remove full-time virtual students from local district enrollment and responsibility and require DESE to pay the virtual provider a per pupil expenditure amount, rather than only market necessary costs. This provision would be wasteful and expensive for the state. This change would also leave full-time virtual students without the benefits of being enrolled in and supported by the local school system. Finally, full time virtual providers would

become separate publicly funded schools with no structure of accountability to the State Board of Education. The Association opposes HB 2491 and opposes the HCS version of SB 528 containing this language.

The HCS also contains the language of HCS/HB 1664 (Richey) to revise payments to charter schools. The Association remains concerned regarding the wording of the bill and also urges the legislature to provide an allowance in the calculation for maintaining district capacity to serve all students. The Association also urges the legislature to fix the broken charter school law.

## **SENATE COMMITTEE APPROVES BUDGET BILLS**

The Senate Appropriations Committee marked up HBs 2001-2013 (Smith), the bills for next year's budget, on May 1. The Senate will take up the bills early next week. The House had passed the bills on May 29. The final versions of the bills must be agreed to and approved by both chambers by the Constitutional deadline of May 8 or a special session will be required to pass the budget.

The effects of the COVID-19 pandemic make it difficult to estimate state revenues for the next few months, and the uncertainty concerning next year's revenues is even greater. There is also uncertainty regarding the uses of new federal aid and what additional federal aid may still be approved this year. House budget leaders acknowledged that even if the legislature passes a budget by the May 8 deadline, there is a high likelihood that a special session will still be needed to make further adjustments as state revenues adapt to the course of the COVID-19 pandemic and additional federal action takes place.

The House and Senate budget leaders are currently planning to cut about \$700 million in General Revenue from the budget. Other budget analysts expect that even more cuts may be needed and could reach \$1 billion. If the appropriations exceed actual revenues in the coming year, the Governor will have to withhold spending authority from budgeted programs. The Senate added in the language of HB 2016 (Smith) to allow federal stimulus funds to be used over the next few months for state cash flow purposes until the anticipated revenue bump in July for 2019 personal income tax payments.

## **K-12 BUDGET**

In the House Substitute version of HB 2002, allowed funding for K-12 is left largely in place. The formula could still be fully funded if revenues are available, but the Governor's withhold to reduce pupil transportation to \$100 million is made into a core cut for next year with a \$5 million addition. Program increases, known as New Decision Items or NDIs, in K-12 education were also generally removed.

The Senate agreed to leave full funding for the school formula in next year's budget. The Senate position on pupil transportation removes the \$5 million NDI while increasing the core to \$107 million, increasing the total by \$2 million. The Senate also removed the Governor's new \$54 million federal COVID fund from a single K-12 line and moved the funding to various programs.

## **HIGHER EDUCATION BUDGET**

In HB 2003, the House rejected an amendment offered by Rep. Morgan, and supported by the Association, to remove the language forcing public colleges and universities to charge the higher,

international tuition rate for resident students who are not in lawful immigration status. The amendment was defeated by a party-line vote of 38-102.

The House position for HB 2003 also makes a 10% core cut to all four-year institutions, community colleges and the state technical college. The current year withholdings and the expectations of additional, harmful cuts are already forcing institutions to drastically rethink budgets and make additional cuts that affect staff, program quality and access for students.

The Senate committee took the Governor's position on total amounts for institutional aid, using federal budget stabilization funds to restore the 10% core cuts made by the House. This will leave institutional aid as a conference item between current year appropriations and a 10% cut.

## **HARMFUL IMPACT OF TAX CUTS**

While the effects of the pandemic are significant and unexpected, they also highlight the lack of resilience in the state budgeting process caused by the cumulative effect of harmful state tax cuts in recent years. These tax cuts have reduced the state's ability to invest in public education and other vital services while also maintaining responsible levels of budget reserve funds.

The time is long overdue for the legislature to change course, stop cutting necessary taxes and enact positive tax and revenue policies that will meet the needs of Missourians. These policies should ensure the state has ongoing capacity to adequately invest in public education and other vital services. State policy should also ensure that responsible and adequate levels of budget reserve funds are available and ready for use to maintain state operations and vital services in the context of a significant economic downturn.

## **VAPING IN SCHOOLS**

The Senate Seniors, Families and Children Committee heard HB 1682 (Wood) on April 29 and voted to approve an omnibus health care substitute version of the bill. The original bill would prohibit vapor product usage in indoor areas of public schools or on school buses. This law already applies to the use of any tobacco or tobacco products in those areas. The Association believes that all educational facilities must be smoke-free and safe from all environmental and chemical hazards. The Association supports the portion of the bill from the original HB 1682.

## **TEACHER CERTIFICATION RECIPROCITY**

The Senate approved a revised SS version of HB 2046 (Grier) pertaining to professional registration on April 30. The bill has been referred to the Senate Fiscal Oversight Committee before being given a final vote by the Senate.

The bill revises reciprocity provisions for a variety of professions and includes teacher certification in the general provisions allowing for registration reciprocity with other states. The bill includes reciprocity for licensed teachers in good standing from other states with at least one year of teaching experience at the same level of professional practice. The bill will not override existing multistate compacts or the authority of any licensing board that is part of a multistate compact. The State Board of Education currently grants reciprocity to most applying teachers from other states.

The bill also includes the provisions of HB 2141 (Grier) that would only allow licensing authorities to disqualify a person from a professional license for a prior conviction of a crime if the crime for which the person was convicted directly relates to the duties and responsibilities for the licensed occupation. Licensing boards could no longer use vague and general terms such as "moral turpitude" for disqualification. Disqualification for an offense shall not last longer than five years, except for violent or sexual offenses. This provision pertains primarily to occupations and professions regulated by the Division of Professional Registration and does not affect teacher certification.

## **PHOTO ID MANDATE RETURNS**

The House Elections and Elected Officials Committee voted to approve an omnibus version of SB 552 (Wieland) on April 30. Included in the many provisions of the substitute is the language of HCS/HB 1600 (Simmons). This language reimposes a strict photo ID requirement for Missouri voters to cast a regular ballot. Missouri NEA opposes barriers that keep eligible citizens from voting and being politically active and opposes HCS/SB 552.

## **SENATE EDUCATION COMMITTEE HEARING**

The committee heard the following nine bills, including six House bills and three Senate bills, on April 28:

1) HB 1317 (Sommer) pertaining to gifted education programs and recordings of IEP meetings. The original HB 1317 requires districts and charter schools to identify and provide services and programs for gifted children. The bill delays the effective date for the new requirements to identify and serve gifted students to give time for more teachers to seek certification as gifted teachers. The Association supports this portion of the bill. The bill also includes the language of HB 1540 to require all school districts to permit audio recording of IEP or Section 504 meetings by a student's parent or legal guardian.

2) HB 1540 (Basye) to amend several education provisions. The original HB 1540 requires all school districts to permit audio recording of IEP or Section 504 meetings by a student's parent or legal guardian. The bill allows district policies to require up to 24 hour notice from parents prior to making such recordings. The bill also includes the language of HB 1317 (Sommer) to require districts and charter schools to identify and provide services and programs for gifted children. HB 1540 also includes HB 2544 (Pike) to exclude high-needs reimbursement funds from the calculation of the high-needs expenditure threshold for districts with fewer than 500 students.

HB 1540 also includes HB 2569 (Dogan) to create authority for St. Louis City school district to create a special school district and a process by which that special school district could seek to annex to Special School District of St. Louis County. The Association is concerned that this language was added hastily on the House floor without having had a thorough committee consideration on its own merits. The many issues such a merger would entail have not been researched or addressed properly in the language. The Association opposes this provision and will work to ensure this language is removed from the bill.

3) HB 1568 (Bailey) to revise the requirements for seclusion and restraint policies in public schools. The bill defines seclusion and restraint, requires parental notice if either seclusion or restraint is used

on a student and contains reporting requirements on the incident. The Association will continue to monitor 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.

4) HB 1817 (Dinkins) to allow Iron County schools to receive certain administrative penalties without a state aid deduction to offset the funding.

5) HB 1818 (Dinkins) to allow all school districts to receive fines and administrative penalties without a state aid deduction to offset the funding.

6) HB 1903 (Shields) to allow school districts that share superintendents to receive additional state aid.

7) SB 582 (Arthur) to allow school districts and charter schools to receive state school funding under the foundation formula for high school students who are taking competency-based credits. The Association supports this recommendation from DESE's Proficiency-Based Learning Task Force in 2013.

8) SB 811 (Luetkemeyer) to replace the non-voting student representative on the Board of Curators of the University of Missouri with a student curator.

9) SB 910 (Wallingford) to allow Southeast Missouri State University to develop a statewide mission in visual and performing arts, computer science, and cybersecurity.

**Legislative Update 2020**

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