



# Legislative Update

By Otto Fajen  
MNEA Legislative Director  
[Otto.fajen@mnea.org](mailto:Otto.fajen@mnea.org)

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## HOUSE AND SENATE LIKELY TO TAKE UP OMNIBUS EDUCATION BILLS IN FINAL TWO WEEKS

With only two weeks remaining in the legislative session, both chambers are expected to turn their attention to those bills that have already come from the other chamber. Committees in both the House and Senate have approved omnibus versions of education bills from the opposite chamber and several of these bills are or will be on the calendars and available for floor debate next week. Stay tuned for updates as other bills could be reported to the floor and taken up for consideration.

The following House bills are on the Senate calendar and seem likely to be debated:

- 1) SCS/HS/HCS/HB 297 (Wallingford), containing various provisions relating to higher education, including certain statewide missions and suspension of tuition caps. The Association supports the portion of the bill to suspend tuition caps at higher education institutions.
- 2) SCS/HCS/HB 624 (Richey) relating to proficiency-based learning, alternative graduation pathways for high school students and MOST 529 education savings plans. The Association supports the portion of the bill to create a task force on proficiency-based learning.
- 3) SCS/HCS/HB 137 (Richey) to revise payments to charter schools and shift more local school funds to charter schools. The SCS version removes the provisions added by House amendment and leaves only the charter school funding language. The Association opposes the bill.
- 4) SCS/HB 228 (Basye) to allow parents of special education students to make audio recordings of IEP meetings and 504 plan meetings with prior notice. The SCS adds the provisions of HB 387 regarding requirements for seclusion and restraint policies in public schools.

The following Senate bills have been approved by the House Elementary and Secondary Education Committee and are scheduled for approval on May 3rd in the House Rules - Legislative Oversight Committee. These bills would then be placed on the calendar and could be debated next week by the House:

- 1) HCS/SCS/SB 86 (Hegeman), pertaining to restrictions of use of public funds for campaign and election expenditures. The HCS includes HB 229 (Basye) regarding school board member recall elections, language allowing an initiative petition for school board agenda items, and an amendment offered by Rep. Hill regarding restrictions on the use of public funds for political campaigns.
- 2) HCS/SS/SCS/SB 152 (Hoskins), an omnibus bill containing language from 26 education bills. The Association supports several provisions in the HCS, including the portions relating to competency-

based education, early learning quality assurance, gifted education, working after retirement, career-technical education, suspension of higher education tuition caps, high needs funding, suicide prevention, inclement weather makeup days, and accommodations for breast-feeding mothers. The Association also has concerns on some provisions, particularly the school accountability language from SB 400.

## **BUDGET BILLS IN CONFERENCE BUT WITHOUT FUNDING FOR MEDICAID EXPANSION**

The Senate approved the Senate versions of House Bills 2-12 (Smith) on April 28. The Senate approved the House version of HB 1 (Smith) regarding state debt, and that bill is finally passed. The House refused to accept the various Senate changes on HBs 2-12 and both chambers agreed to place those bills in conference. These are the operating budget bills for next fiscal year. Final action on the budget bills, including conference committee discussion and final approval, must be completed by May 7th.

The Senate defeated Sen. Rizzo's amendments to fund Medicaid expansion in the state budget. The House version does not fund Medicaid expansion. Sen. Rizzo's proposal would have amended HB 10 (Smith) regarding budgets for the Departments of Health and Mental Health and HB 11 (Smith) regarding the budget for the Department of Social Services. Sen. Rizzo's proposal would have provided the same funding as originally proposed in the Governor's budget. Sen. Rizzo's amendment on HB 10 was defeated on a vote of 14-20 with Senators Arthur, Beck, Brown, Cierpiot, Hough, May, Mosley, Razer, Rizzo, Roberts, Rowden, Schupp, Washington and Williams voting in favor.

Given this decision, the legislature will not fund Medicaid expansion in the regular budget. The Association will continue to work to support efforts to implement this important, voter-approved program in the future in a supplemental budget.

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

The House position on HB 2 also provides \$5M in state funding for charter school maintenance. The Senate committee reduced this amount to \$1M, but the floor substitute version dedicates this funding to charter schools, while creating a new line for funding career and technical education center needs.

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

## **NO HOUSE FLOOR ACTION ON CURRICULUM ISSUES**

The House did not continue debate on the controversial amendment that was proposed last week to HCS/HB 1141 & 1067 (Buchheit-Courtway). The bill remains laid over with the amendment pending.

HA 1/HA 3 (Schroer) would preclude the instructional use of a broad range of content referred to as "critical race theory" that would include the 1619 Project initiative of the New York Times, the Learning for Justice Curriculum, Teaching Tolerance, We Stories, programs of Educational Equity Consultants, and similar and successor curricula. The bill was laid over with HA 1/HA 3 pending. The Association opposes the amendment.

The House General Laws Committee approved HB 952 (Seitz) on April 26. Similar to Rep. Schroer's amendment, the bill would prohibit the use of the 1619 Project initiative of the New York Times in the public schools of the state. With only two weeks left in session, the House will be working on Senate bills, and HB 952 is not in a position to have any chance to pass. The Association opposes the bill.

The Association believes that teachers and students should be able to explore, present and discuss divergent points of view. Controversial issues should be a part of instructional programs when the issues are appropriate to the curriculum and the maturity level of the students. The work of social studies teachers involves engaging students in uncovering sources and evidence and then challenging and weighing that evidence. HB 952 and HA 1/HA 3 HB 1141 would interfere with high quality social studies instruction.

### **SENATE COMMITTEE APPROVES CHARTER SCHOOL FUNDING BILL**

The Senate Education Committee approved an SCS version of HB 137 (Richey) on April 27. HCS/HB 137 (Richey) would revise payments to charter schools and shift more local school funds to charter schools. The SCS version removes the provisions added by House amendment and leaves only the charter school funding language. The Association opposes the bill.

The Association urges the legislature to provide an appropriate allowance for maintaining district capacity to serve all students and allocating both special education and transportation funding based on actual expenditures.

More broadly, the Association believes that charter schools should be sponsored by and accountable to the local community through the elected school board. Charter schools should also 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.

### **HOUSE COMMITTEE REAPPROVES LARGE OMNIBUS EDUCATION BILL**

The House Elementary and Secondary Education Committee reconsidered and voted to approve an omnibus education bill as HCS#2 for SCS/SB 152 (Hoskins). The revised HCS for SCS/SB 152 is largely the same as the version from last week and contains language taken from many bills.

The Association supports several portions of the HCS, including the portions relating to competency-based education, early learning quality assurance, gifted education, working after retirement, career-technical education, suspension of higher education tuition caps, high needs funding, suicide prevention, inclement weather makeup days, and accommodations for breast-feeding mothers. The Association also has concerns on some provisions, particularly the school accountability language from SB 400.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HB 254 (Paula Brown) to require districts to provide accommodations for breast-feeding mothers.

HB 355 (Baker) to require institutions of higher education to provide outcomes information to incoming freshmen.

HB 368 (Gregory) regarding reading instruction and interventions.

HB 387 (Bailey) regarding policies on seclusion and restraint.

HB 454 (Mackey) to add bankruptcy protections for educational savings assets.

HB 465 (Pike) to include stress management content in professional development for suicide prevention.

HB 478 (Christofanelli) to rename the state's 529 education savings program.

HB 608 (Lewis) to enact provisions regarding substitute teacher certificates.

HB 743 (Wiemann) to require trauma-informed schools to keep incident records and provide notice of certain incidents.

HB 856 (Richey) to suspend tuition caps at public higher education institutions.

HB 872 (Pike) to allow half-day programs to have proportional requirements for inclement weather makeup days.

HB 896 (Rusty Black) to require DESE to create a statewide plan for career and technical education programs.

HB 1071 (Shields) to extend the early learning quality assurance program.

HB 1133 (Rusty Black) to revise provisions relating to the Career Ladder Program.

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

## **RESIDENTIAL PROPERTY TAX CAPS**

The Senate approved many amendments on HB 271 (Wiemann) pertaining to local governments. Included among the 27 amendments offered was an amendment offered by Sen. Luetkemeyer that would cap growth in residential real estate assessment to the greater of CPI growth or five percent. The Senate approved the bill on April 29. The bill has been referred to the House Fiscal Review Committee. This language would only apply if a constitutional amendment were approved to allow such a cap. Currently the Missouri constitution requires property to be fairly assessed at its true value in money, without arbitrary restrictions of this kind. The Association opposes the amendment and will urge its removal from the bill.

## **SCHOOL RETIREMENT SURVIVOR POP-UP PROVISION**

The Senate Health and Pensions Committee heard SB 608 (Razer) on April 28. The bill would extend the current survivor pop-up option for certain PSRS and PEERS retirees to include retirees who selected a reduced benefit to provide a survivor payment for his or her same-sex partner or before September 1, 2015. The bill provides similar provisions to protect the interest of the nominated beneficiary as apply to the current pop-up provision. The retiree must execute an affidavit, along with any supporting information and documentation required by the Systems, attesting to the existence of the domestic partnership at the time of the nomination and that the partnership has since ended. The nominated beneficiary must consent to the removal and disclaim all rights to future benefits in writing, or the parties must obtain a court order or judgment after September 1, 2021, removing the nominated beneficiary. The Association supports the bill.

## **ELECTIVE COURSE IN HEBREW AND CHRISTIAN SCRIPTURES**

The Senate gave final approval to SB 323 (May) on April 27. This largely symbolic legislation states that public schools may offer elective courses in the Hebrew and Christian scriptures. Existing state law already provides that books of a religious nature may be used in public schools as part of instruction in elective courses in literature and history, if such books are used in a manner consistent with the Establishment Clause of the First Amendment to the United States Constitution.

## **VOTER ACCESS AND PHOTO ID**

The Senate Local Government and Elections Committee heard two bills affecting voting rights on April 28:

HS/HCS/HB 738 (Rone) to make several changes in voting law. The bill would disallow electronic voting machines and other emerging technologies that can help disabled and visually impaired voters. HB 738 would also eliminate non-photo ID options currently allowed for registered voters. The Association believes that the human and civil rights of individuals with disabilities must be protected. Missouri NEA also opposes barriers that keep eligible citizens from voting and being politically active and opposes the bill.

HCS/HB 334 (Simmons) regarding photo ID requirements. The bill will require voters, including those voting absentee at the office of the election authority, to provide a government-issued photo identification or vote a provisional ballot that will only count if the voter returns later the same day with a government-issued photo ID or the election authority verifies the signature of the voter against the signature on file. Missouri NEA opposes barriers that keep eligible citizens from voting and being politically active and opposes the bill.

## **HOUSE ELEMENTARY AND SECONDARY EDUCATION COMMITTEE**

In addition to re-approving the omnibus education bill, the committee approved several other bills on April 27:

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

HCS/HB 528 (Haffner) to authorize a tax deduction for up to \$1000 of expenses for children attending a private school or a home school. The HCS includes an amendment adding a revised version of HB 314 (Kelley) to provide a similar tax deduction of up to \$1000 per year for educator expenses. The Association supports the amendment.

HCS/HB 421 (Proudie) to create subdistricts within certain school districts in St. Louis County. The HCS version is similar to HB 164 (Veit) and would allow school districts to change from at-large to subdistrict school board elections, including the local option for any district to vote to approve a change to elect some or all board members from subdistricts.

HCS/SB 86 (Hegeman) to create new provisions prohibiting the use of public funds by an officer, employee, or agent of any school district to influence elections for public office or ballot measures. The HCS includes HB 229 (Basye) regarding school board member recall elections, language allowing an initiative petition for school board agenda items, and an amendment offered by Rep. Hill regarding restrictions on the use of public funds for political campaigns.

### **BILLS APPROVED BY THE SENATE EDUCATION COMMITTEE**

The committee approved three bills on April 26:

SCS/HB 228 (Basye) to allow parents of special education students to make audio recordings of IEP meetings and 504 plan meetings with prior notice. The SCS adds the provisions of HB 387 regarding requirements for seclusion and restraint policies in public schools.

HB 297 (Wallingford) regarding higher education. The bill would create a statewide mission for Southeast Missouri State University, allow Northwest Missouri State University to develop a statewide mission, provide information to students on the costs of four-year college and alternative career paths, rename the Missouri MOST 529 education savings plan, create a children's savings account program for children born in 2022 and thereafter, suspend the caps on tuition increases at public institutions of higher education and require Missouri public educational institutions to grant undergraduate course credit for students who score 3 or higher on advance placement examinations.

The Association supports the portion of the bill to suspend tuition caps for public institutions.

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

The committee approved the following bills on April 27:

SCS/HB 306 (Griesheimer) to require a district to establish a gifted education program if three percent or more are identified as gifted. The Association believes that gifted and talented students need a challenging curriculum and a program that identifies and supports their unique needs. The Association supports this portion of the bill. The bill would also protect A+ scholarship eligibility for students who have a negative change to their GPA from 2019-20 or 2020-21 due to the impact of COVID-19. The bill also renames the state's 529 education savings program to be the Missouri Education Program and includes all eligible educational institutions allowed under federal law. The SCS version adds HB 137 on charter school funding, SB 259 regarding recovery high schools and

language similar to SB 400 to create a school accountability council. The Association opposes the portion of the SCS regarding charter school funding.

HB 733 (Patterson) to enact several provisions regarding workforce development. The bill revises childcare and online attendance provisions for adult high schools, creates a new state-funded program for adults to earn workforce credentials, includes the school innovation waiver provision from HB 101 and includes the requirement for the State Board of Education to create a statewide plan for CTE certificate requirements as contained in HB 896.

SB 566 (Moon) to create an office of public policy events at each public institution of higher education. The office would be required to organize debates, group forums, and individual lectures representing opposing sides of public policy issues. The legislature may provide funds to establish these offices, but the Association is concerned the bill requires the institution to fund the mandated office if the legislature fails to fund the program.

### **BILLS HEARD IN SENATE EDUCATION COMMITTEE**

In addition to HB 137, the committee heard the following bills on April 27:

HCS/HB 320 (Fitzwater) to require computer science courses or imbedded instruction in elementary and secondary schools. The bill also now creates a process where voters of a school district could file a petition to require the school board to place a requested item on the next meeting's agenda and shall take a vote on the petitioned item. Petitions could seek to address board policy, administrative actions, curriculum, instruction or the school calendar. The bill also includes the language of HB 478 (Christofanelli) to rename the state's 529 education savings program to be the Missouri Education Program and include all eligible educational institutions allowed under federal law.

HCS/HB 151 (Shields) to allow school districts to share a superintendent and receive a financial bonus to be used on certain staffing expenditures. The bill also includes an innovation waiver program for one or more schools or districts to seek waivers of certain school requirements to improve educational outcomes. Waivers can affect most basic school laws, but would not affect teacher tenure, salary schedules or retirement.

HB 733 (Patterson) to enact several provisions regarding workforce development. The bill revises childcare and online attendance provisions for adult high schools, creates a new state-funded program for adults to earn workforce credentials, includes the school innovation waiver provision from HB 101 and includes the requirement for the State Board of Education to create a statewide plan for CTE certificate requirements as contained in HB 896.

#### **Legislative Update 2021**

Missouri National Education Association  
1810 East Elm Street  
Jefferson City, MO 65101-4174  
(573) 634-3202 or (800) 392-0236  
[www.mnea.org](http://www.mnea.org)

Phil Murray, President  
DeeAnn Aull, Executive Director  
Otto Fajen, Legislative Director  
Sandy Smith, Administrative Assistant