The Missouri NEA Legislative Platform now includes 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. H.B. 745 (2019) would have required courts to promptly notify school administrators of any change in a child's custody arrangement that affects who is permitted to take the child from school, 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
would have required every school to maintain an armed officer at all times during the school day at every
school site, but the bill did not pass. H.B. 1282 (2020) would have allowed private institutions of higher
education to appoint persons to be members of a campus police department, but the bill did not pass. S. B.
663 (2020) would have allowed concealed weapons on college campuses, but the bills did not pass.

S.B. 75 (2013) allowed school districts and charter schools to annually train teachers and other school
employees on how to respond to threatening situations on school property. The bill also stated that all
school personnel shall participate in a simulated active shooter and intruder drill. Additionally, the bill
allowed school districts to teach the Eddie Eagle Gun Safety program to first graders. S.B. 266 (2013) would
have prevented school employees and health care professionals from asking about gun ownership at a
student’s home, but the bill did not pass.

L-A3 IMMUNITY FROM LIABILITY *

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

L-A4 BAN ON CORPORAL PUNISHMENT IN THE SCHOOLS *

Rationale: Missouri is one of 23 states that allow corporal punishment in public schools. Other methods of
discipline exist and are effective. The Safe Schools Act requires districts to have a written policy on corporal
punishment. S.B. 241 (2015) would have prohibited the use of corporal punishment and the use of spanking
to discipline students in public schools, but the bill did not pass. H.B. 1568 (2020) would have modified
provisions relating to seclusion and restraint policies in public schools, but the bill did not pass. H.B. 1568
requires each school board to have a policy on seclusion and restraint and creates requirements for reporting,
notice to parents, and appeals to the school board with review by DESE.

L-A5 SAFETY STANDARDS *

Rationale: Currently, school districts across the state have allowed conditions of buildings, equipment, and
vehicles to deteriorate to potentially dangerous levels. At present, many school facilities cannot meet
applicable minimum safety standards. Districts also are using a variety of possibly harmful chemical agents
in the schools and should be required to provide for the safety of the students, employees and the
environment. H.B. 1682 (2020) prohibits vapor product usage in indoor areas of public schools or on school
buses. H.B. 2120 (2020) allows schools to access state approved testing labs to test drinking water for lead
content. If the test shows levels at or above EPA standards, the school shall inform all parents. H.B. 224
(2013) would have required the Department of Elementary and Secondary Education (DESE) to create rules
allowing for advertising on school buses, but the bill did not pass.

L-A6 MANDATED SEAT BELTS FOR SCHOOL BUSES

Rationale: School buses are now the safest transportation from home to school and back. National statistics
show that less than one percent of injuries and deaths for those trips are on school buses. Research shows
that the use of seat belts without shoulder harnesses could lead to additional injuries. Mandating safety belts
require districts to purchase additional buses and will cost many millions of dollars each year. Supervision of
students to make sure they are using the belts will either require an additional person on the bus or require
much more time of the bus driver. Lawsuits could result if schools do not make sure everyone is belted in.
House Bill 1356 (2008) would have required shoulder and lap belts in new school buses, but the bill did not
pass.
**L-A7  CLIMATE CONTROLLED LEARNING ENVIRONMENT** *

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

**L-A8  ENERGY ALTERNATIVES FOR SCHOOLS**

*Rationale:* School district operating budgets are being negatively impacted by rising utility costs. Appropriate application of alternative measures and renewable energy resources can result in the reduction of tax dollars expended on operating costs and a reduction of the negative impact on our environment. Proposition C (2008) was approved by the voters and will require investor-owned utilities to use a progressively greater fraction of energy generated from renewable resources. This may generate opportunities for schools to generate revenues by selling excess energy generated on the electrical grid.

**L-A9  TECHNOLOGY IN EDUCATION** *

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

**L-A10  PROTECTION OF STUDENT INFORMATION TRANSMITTED ELECTRONICALLY** *

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

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

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

**L-A12  EMPLOYEE-STUDENT COMMUNICATIONS POLICY** *

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

L-B1  CONSTITUTIONAL RIGHT TO A FREE PUBLIC EDUCATION

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

L-B2  ADEQUATE AND EQUITABLE FUNDING FOR GREAT PUBLIC SCHOOLS FOR EVERY CHILD

Rationale: The Augenblick adequacy study, funded in part by Missouri NEA, released its conclusion that Missouri’s school funding, in 2001, was at least $900 million short of the amount needed to meet state and federal accountability measures. Senate Bill 894 (2006) requires all school districts with a tax rate below $3.43 to certify to the state whether the district provides an “adequate” education and, if not, the bill states that the reason is presumed to be lack of local funding. On Jan. 6, 2004, the Committee for Educational Equality filed suit in circuit court, alleging the State of Missouri is again in violation of constitutional requirements to provide equitable and adequate funding for Missouri’s public schools. On Aug. 29, 2007, Cole County Judge Richard Callahan ruled against the CEE plaintiffs. Callahan’s ruling upheld the current formula, ruling that the legislature need only fund public education by appropriating at least 25 percent of state revenues to the schools and that anything beyond that amount is “discretionary.” The ruling was appealed to the Missouri Supreme Court and, in a 2009 ruling, the Supreme Court upheld the current formula and declared that access to an equitably funded public education is not a fundamental right in Missouri.
The current formula was enacted in Senate Bill 287 (2005). The formula determines an “adequate” amount of money per pupil, provides some weight for at-risk, disabled and English as a Second Language students, allows a 15 percent regional cost of education factor and deducts local property revenues based on a presumed tax rate of $3.43, even if a district levies a lower or higher amount. S.B. 287 locked in roughly $800 million in underfunding of the S.B. 380 (1993) formula in 2005 and took seven years to phase in. The bill provides no extra funding to encourage at-risk students to attend summer school. The base amount and the additional funding for at-risk and special education students are all significantly less than the levels determined in the Missouri adequacy study.

H.B. 1689 (2014) provides that any underfunding below full funding of the 2012 adequacy target must be made by reducing payments to districts paid on the formula, with no reductions to nonformula districts paid under some special provision providing a higher per pupil amount. H.B. 476 (2015) would have delayed changes in school funding to districts crossing the 350-pupil threshold for Small Schools grants until the status is maintained for two years, but the bill did not pass. H.B. 465 (2019) would have made several changes to the parameters of the school funding formula, but the bill did not pass. H.B. 465 would begin to move the local revenue deduction forward in time from the current 2004 base year.
The legislature overrode the Governor's veto of S.B. 586 (2016) and enacted the bill into law over his objection. The bill revises the definitions used in calculating state aid for schools. The bill reinstates the 5% cap on annual growth of the per pupil base amount known as the State Adequacy Target. Subsequent “full funding” of the formula triggered additional funding eligibility for early childhood education programs in all school districts in the state. S.B. 586 also provides that charter schools become eligible to receive state
funding for early childhood education at the same time as the district in which they are located becomes eligible.

In 2016, the formula was about $500 million short of full funding. The S.B. 586 (2016) formula revision reduced the cost of the formula. H.B. 2002 (2020) is the K-12 budget bill for the 2020-21 fiscal year, and the bill is estimated to provide full funding of the revised school formula. However loss of state revenues due to the economic effects of the pandemic led Gov. Parson to withhold a total of $458 million in education funding. Included in this total is a reduction of $286 million in K-12 education funding and $172 million from higher education. Currently, $123 million is withheld from the K-12 formula for 2020-21.

S.B. 528 (2020) would have required DESE to transfer any excess foundation formula funding to fund pupil transportation. Currently, excess formula funding reverts to general revenue and does not benefit public schools. Pupil transportation is only funded by the state at about 15% of districts' allowed costs, while the law calls for up to 75% state funding of allowed cost. However, the bill did not pass.

H.B. 1689 (2014) allows state aid for at-risk students in pre-K. H.J.R. 72 (2014) was approved by voters as Amendment 10 in November 2014 and creates a process for the legislature to reconsider withholding of funds by the Governor during a fiscal year.

H.B. 2 (2019) language bans use of state assessment funds to pay either license fees or membership dues for the Smarter Balanced Assessment Consortium (SBAC).

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

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

Missouri ranked 47th in state share of the revenues for public schools in FY 2011 and depended disproportionately on local levies (59 percent) to sustain our schools. S.B. 509 (2014) creates deductions for business income and reduces individual and corporate income taxes. The bill was vetoed by Governor Nixon but enacted into law over the Governor's objections. S.B. 509 will continue to restrict state general revenues for many years, as additional income tax cuts will offset revenue growth in future years. H.B. 2540 (2018) makes changes to the state individual income tax. S.B. 509 provides for a reduction in the top rate of income tax over a period of years from 6% to 5.5%, with each cut becoming effective if net general revenue collections meet a certain trigger. Beginning in 2019, H.B. 2540 provides that the top rate of tax shall be reduced by an additional 0.4%. The bill also eliminates personal and dependent deductions and deduction of federal income tax liability.

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

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

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

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

**L-B4** **HIGHER EDUCATION OPPORTUNITIES**

**Rationale:** Recent state budget cuts in state higher education spending have forced many Missouri institutions to raise tuition, and Missouri now has been given failing marks in affordability of state colleges and universities in national rankings. The state of Louisiana adopted a scholarship known as the Taylor Plan, named after the bill’s sponsor, that guarantees funding for college education will be available to any at-risk youth who makes a commitment, while still in early elementary grade levels, to work diligently in school and graduate from high school. S.B. 733 (2010) revises the Access Missouri scholarship program to equalize maximum annual awards for recipients attending both public and private four-year institutions at $2850 and increases maximum awards for recipients attending community colleges to $1250. S.B. 68 (2019) creates a new scholarship program called the Fast-Track Workforce Incentive Grant to encourage adults to go back and complete college. Recipients must be at least 25 years of age with income under $80,000 per year for a couple or $40,000 for an individual. Fast-Track scholarships last up to four semesters or until the student gets a bachelor’s degree or other workplace credential.

S.B. 638 (2016) allows nonpublic high schools to apply and be designated as A+ Schools upon meeting all program requirements applicable to public high schools. Qualifying students graduating from designated nonpublic A+ schools will be eligible to receive reimbursement of higher education costs through the A+ schools program. H.B. 604 (2019) allows A+ scholarship grants to reimburse for dual credit and dual enrollment courses. H.B. 604 (2019) also changes the A+ high school attendance requirement from three years to two years. H.B. 1744 (2018) and S.B.s 807 and 577 (2018) allow students enrolled in virtual institutions such as Western Governors’ University to participate in the Access Missouri Financial Assistance Program. H.B. 1744 (2018) modifies the A+ Schools Program by removing the requirement that the student’s attendance of public high school occur in the two years immediately prior to graduation. H.B. 1610 (2016) would have allowed two-year colleges to participate in postsecondary course options for high school students, but the bill did not pass. H.B. 1430 (2020) would have established a work-study program within the Department of Higher Education and Workforce Development, but the bill did not pass. H.B. 1508 and H.B. 2518 from 2020 would have required in-state public educational institutions to grant undergraduate course credit for students who score 3 or higher on advance placement examinations, but the bills did not pass.

The federal Public Service Loan Forgiveness Program (PSLF) provides loan forgiveness for educators who make ten years of on-time payments on federally administered student loans. The legislature passed S.B. 997 (2016), enacting into law Missouri NEA’s suggested language to ensure all public employees are notified of their eligibility for participation in the PSLF program. The bill requires the Department of Higher Education to maintain current information regarding public employee eligibility for participation in the PSLF program. The bill also requires public employers, including school districts, to provide notice to all new employees, and one-time notice to current employees, of their eligibility to participate in the PSLF program if they have qualifying student loan debt. S.B. 997 also requires the DHE website to maintain and publish a list of post-secondary educational institutions meeting certain requirements, creates a statewide student portal directing students to resources including academic programs, financial aid, and transferability of coursework for participating institutions and allows public colleges and universities to choose to join the Missouri Consolidated Health Care Plan.
S.B. 990 (2018) adds an additional process by which a school district may be added to the territory of a community college district. 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 under this process are borne by the community college.

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

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

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

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

**Rationale:** Currently, there are groups in Missouri that are advocating legislation that would give tax credits or tax deductions for tuition to private and religious schools, voucher plans, opportunity scholarships and privatization which would divert public funds to pay for private and religious school costs. S.B. 17 (2013) allows special education scholarship donations without tax credits that would reduce state revenues. H.B. 1614 (2014) includes dyslexia as a condition covered by such scholarships.

S.B. 707 and H.B. 1733 from 2020 would have created 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. H.B. 476 (2019) would have authorized state appropriations of state general revenue to fund special education scholarships to non-public schools for certain K-12 students, but the bill did not pass.

S.B. 882 (2018) revises the Missouri Higher Education Savings (MOST) Program to allow MOST funds to be moved to Missouri ABLE savings accounts. S.B. 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.

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

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

TABOR is a proposed limit on year-to-year growth in state appropriations according to a formula that uses Consumer Price Index plus population growth. This limit is more severe than the Hancock revenue limit based on growth in total personal income. Colorado is the only state that has TABOR and enacted it in 1992 with the promise that people would get to vote on every tax increase. The real consequence in Colorado was an ever-widening gap between the real needs for public sector investment and the state’s ever more insufficient ability to make that investment. In 2005, Colorado voted to suspend TABOR for a five-year period. Maine, Nebraska and Oregon defeated referenda to install TABOR in 2006. TABOR initiatives in Maine and Washington were defeated in 2009. House Joint Resolution 36 (2019) would have placed a TABOR-like provision before statewide vote, but the S.J.R. was not approved. Senate Joint Resolution 15 (2009) would have placed before statewide vote a proposal to prevent enforcement or limit the ability of the Missouri Supreme Court to enforce the state constitutional requirement for the General Assembly to adequately and equitably fund public schools, but the resolution did not pass.

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

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

Our heavy reliance on sales taxes on goods is a throwback to the early 20th century, when goods made up most of the state’s economic output. Now, services are the larger and faster growing share of output, but Missouri leaves most services untaxed. Internet and mail order sales continue to make sales taxes on goods more difficult to collect, while taxes on services can be connected to the locality. House Bill 444 (2007) will eliminate all state income tax on Social Security income along with certain other investment income and will eventually reduce state revenues by about $150 million per year. H.B. 1 (2007 Extraordinary Session) includes increased business tax credits that will reduce state revenues by about $70 million per year. H.B. 191 (2009) will increase business tax credits that will reduce state revenues by as much as to $60 million per year. Senate Bill 19 (2011) phases out the corporate franchise tax over five years and will ultimately reduce state revenues by about $87 million per year. S.B. 648 (2020) would have allowed state and local taxation of online and remote sales as allowed under the recent Wayfair decision by the U.S. Supreme Court, but the bill did not pass. S.B. 884 (2018) requires corporations to use a single-sales factor corporate income allocation method and disallows other corporate income allocation methods. S.B 884 also lowers the corporate income tax rate from 6.25 percent to 4.0 percent. S.B. 884 is projected to have little net effect on state revenues. S.B. 583 (2020) would have allowed for a state income tax deduction for educator expenses. The vast majority of public school teachers purchase school supplies for students out of their personal funds and these purchases are not typically reimbursed by the district. However, the bill did not pass.
L-B9  FAIR AND ADEQUATE LOCAL FUNDING FOR GREAT PUBLIC SCHOOLS

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

Currently, school district bonds must receive at least a four-sevenths majority approval. H.J.R. 6 (2015) would have allowed districts to approve debt up to 25% of district assessed value, but the joint resolution did not pass. H.B. 1478 (2016) requires school districts to have a single surety bond, rather than at least two. Districts only receive Consumer Price Index growth on assessments for one of the two years of each assessment cycle. Senate Bill 711 (2008) requires taxing entities other than school districts to roll back their tax rates, upon reassessment, from their current tax rate, rather than from their maximum authorized rate, known as a “tax rate ceiling.” S.J.R. 46 and S.J.R. 52 from 2020 would have created a minimum voter turnout threshold for state and local tax increase elections. The joint resolutions would nullify a state or local election to approve a new tax or increase an existing tax, even if it receives a qualifying majority of the those voting in favor, if fewer than the specified fraction of all qualified voters vote in the election. However, neither joint resolution was approved.

H.J.R. 77 (2020) would have removed the requirement for uniformity of assessments and allowed the legislature to pass laws to restrict assessments below true value based on the amount of increase from the previous assessment. H.B. 1710 would have implemented H.J.R. 77 by imposing a 10% cap on the increase of assessment of any residential real property (except for new construction and improvements). However, neither H.J.R. 77 or H.B. 1710 were passed. S.B. 676 (2020) revises the assessment process for property taxation. The bill also requires physical inspection of every residential property with an assessment increase over 15% and shifts the burden of proof on appeals to the assessor in such cases. S.B. 676 does not impose any caps on residential property assessment increases.

H.J.R. 23 (2019) would have eliminated all property taxes on personal property, but the joint resolution did not pass. The fiscal note for H.J.R. 23 estimates that 2,800 local governments, including all school districts, would lose a total of up to $1.5 billion in revenue, with up to $1 billion of this loss affecting school districts. H.B. 1513 (2018) would have limited 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. S.B. 634 (2016) would have reauthorized the Missouri Homestead Preservation tax credit program. The bill did not pass. The program, subject to appropriation, provides a property tax credit to qualifying seniors and persons with a disability to compensate for property tax increases of greater than five percent in a single year.

S.B. 569 (2012) eliminated the June election date for school districts and other political subdivisions and limits the February election date to bond elections. H.B. 1434 (2016) will limit the options for municipalities in first class charter counties in the St. Louis area (St. Louis, St. Charles and Jefferson Counties) to disregard the objections of the local TIF commission and approve a TIF project. If the local TIF commission, which includes school district representation, does not approve the project, the TIF may not exceed the cost of demolition of buildings and clearing and grading the land. H.B. 1236 (2018) and H.B. 1847 (2018) would allow a school board to vote to exempt revenues from its operating levy from reductions by tax increment financing for redevelopment projects, but neither bill passed. S.B. 570 (2020) would have allowed a school district to vote, by a two-thirds vote, to exclude the school district's operating levy from a TIF financing project, but the bill did not pass.

S.B. 202 (2019) provides that fifty percent of mining royalties from federal lands in the state shall be distributed to the public schools of the county. The county would distribute half of the school funds based on attendance and half based on the amount of federal lands in the district. However, Governor Parson vetoed the bill. H.B. 604 (2019) requires DESE to make a school funding formula adjustment to compensate for loss of school revenues due to the 2018 legislation reducing the financial institutions tax (FIT). H.B.
1818 (2020) would have removed increases in the amount received from fines for school purposes from the calculation of local effort for all school districts, but the bill did not pass.

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

**Rationale:** Because of services mandated by the federal Individuals with Disabilities Education Act (IDEA), school district costs to provide special education services will continue to escalate. In 2006, state special education funding was estimated to provide only 21.6 percent of districts’ special education funding needs and has fallen from about 30.3 percent in 2001. H.B. 2544 (2020) would have revised the per pupil cost calculation for special education extra cost funding, but the bill did not pass. S.B. 272 would have excluded special education high needs funds from the district average per pupil spending that determines the threshold for those funds and increase high needs funding eligibility for all districts receiving the funds, especially for small districts with students with very high needs.

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

**L-C1 STUDENT ATTENDANCE DAYS***

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

**L-C2 FOUR-DAY SCHOOL WEEK***

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

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

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

**L-C4 HIGH SCHOOL COURSE REQUIREMENTS**

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

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

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

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

**Rationale:** Most parents take the responsibility of their children’s success in school seriously. Unfortunately, parents are not held accountable for the unexcused absences of their children nor for a lack of commitment to educational success on the part of their children. Senate Bill 480 (2005) requires the State Board of Education to adopt a policy that encourages effective involvement by parents and families in support of the education of their children and requires each school board to adopt policies that encourage effective involvement by parents and families in support of their children and the education of their children. S.B. 291 (2009) creates the Volunteer and Parents Incentive Program to encourage additional support for students and schools. H.B. 2315 (2016) would have allowed parents to opt their children out of participating in standardized MAP testing. However, the bill did not pass. The Senate debated SCS/S.J.R. 12 (2015), but the bill did not come to a vote. S.J.R. 12 proposes a constitutional amendment granting parents the fundamental right to control the education of their minor children and would place existing law protections of home school curriculum in the Missouri Constitution. The House passed H.B. 557 (2015), but the bill did not pass the Senate. The bill contains similar language to S.J.R. 12 to grant parents the fundamental right to control the education of their minor children.

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

**L-C7 ALTERNATIVE SCHOOLS**

**Rationale:** Missouri law provides that a suspension or expulsion does not relieve the state or a student’s parent or other guardian of their respective educational responsibilities. Senate Bill 740 (1990) established a program of alternative education in Missouri. Some school districts have established alternative schools, either individually or in cooperation with other districts or education agencies. The Safe Schools Act added grant funding to support the establishment of alternative schools. This grant funding was eliminated from the budget in fiscal year 2010. The lack of funding for these programs and the rigid structure of regulation makes it difficult to try new approaches and serve these students’ needs. There is little funding for alternative schools serving students who are considered at-risk due to having a nontraditional learning style, have a disaffected family or need a fresh start, but are not considered disruptive to a regular classroom environment. High school equivalency program status is not recognized by the Department of Elementary and Secondary Education as an alternative education program. Students who drop out of a traditional high school program and pursue a high school equivalency credential are still categorized as dropouts.
L-C8  COMPULSORY SCHOOL ATTENDANCE-BEGINNING

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

L-C9  COMPULSORY SCHOOL ATTENDANCE-COMPLETION

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

L-C10  DROP-IN SCHOOLING AND SCHOOL FLEX PROGRAMS

Rationale: Current law allows students to satisfy the compulsory attendance requirement with part-time attendance at both public and nonpublic schools, and such public school attendance is known as “drop-in” schooling. Drop-in students should take classes when available, and school district schedules should not be revised or re-arranged to accommodate the drop-in student. Efforts should be made on both the part of the district and the parent to encourage participation at the public school for social activities to help drop in students benefit from not only curricular opportunities, but the social ones as well. Also, the Department of Elementary and Secondary Education should be a clearinghouse for all drop-in and home-schooled students. Parents of drop-in and home-schooled students would authorize DESE to release the digital records to the public school where a drop-in student is enrolling. Current state dropout and graduation rate definitions do not reliably verify whether a student who leaves a district has transferred to another district or has dropped out. If a student enrolls in a class to participate in a school musical or play, or play on a sports team, they should be required to finish the term and the transcript should reflect that.

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

S.B. 620 (2016) requires the State Board of Education to establish minimum graduation requirements for a career and technical education high school certificate, which may be earned in addition to a regular diploma. H.B. 456 (2019) would have authorized a STEM endorsement for high school diplomas, but the bill did not pass. S.B. 1 (2018, 1st Extra Session) establishes a statewide, online STEM career awareness program for middle school students. H.B. 1415 (2018) requires DESE to convene a task force to create a career readiness course for 8th and 9th grade students. H.B. 1606 (2018) specifies that DESE shall administer funds from career and technical student organizations. H.B. 1024 (2019) would have created a work group to do academic performance standards on workforce development and workplace skills, but the bill did not pass.

H.B. 1189 (2014) allows agriculture or career and technical education courses to satisfy certain graduation requirements. H.B. 604 (2019) allows A+ scholarship grants to reimburse for dual credit and dual enrollment courses. H.B. 604 (2019) also changes the A+ high school attendance requirement from three
years to two years. S.B. 93 (2017) establishes a program to create adult high schools to be operated by a Missouri nonprofit organization.

**L-C11 ACADEMIC PROGRESS AND GRADUATION**

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

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

S.B. 966 and H.B. 2470 (2020) would have repealed existing reading intervention programs and established a new reading intervention program for students in kindergarten to third grade. H.B. 2650, H.B. 2671 and S.B. 1061 (2020) also addressed reading interventions in a comprehensive way, while leaving greater local flexibility in terms of assessment, intervention and notice requirements. But none of the bills passed.

H.B. 365 (2015) would have created high-stakes testing to determine whether a student receives a “state” diploma, but the bill did not pass.

**L-C12 ACCESS TO PUBLIC EDUCATION FOR RESIDENT STUDENTS**

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

Senate Bill 291 (2009) ensures that school districts will receive state aid for providing educational services to nonresident pupils staying temporarily in hospitals in the district. Senate Bill 590 (2012) would have required school districts to determine the immigration status of every enrolling student and report the data to DESE, but the bill did not pass. S.B. 306 (2019) allows remote registration of a public school student if one or both of the child’s parents are being relocated to Missouri under military orders. Proof of residency shall not be required at the time of registration but shall be required within 10 days of the student's attendance.

S.B. 117 (2013) allows any person leaving the U.S. military with an honorable or general discharge to be considered a resident student for admission and in-state tuition purposes at a Missouri public college or university. S.B. 306 (2019) establishes that the determination of eligibility for in-state tuition rates at public colleges and universities for military dependents stationed in Missouri shall be made at the time the dependent is accepted for admission.

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

**Rationale:** The U.S. Supreme Court has ruled that students, regardless of immigration status, may enroll in elementary and secondary public schools and that a state university may not set different tuition rates for students who are not legal residents of the United States but do reside in the state. Several states, including Kansas, have granted these students the opportunity to attend state universities with guidelines. Other states have passed legislation to allow undocumented students to pay in-state tuition. H.B. 3 (2019), the higher education budget bill for the 2019-20 school year, requires undocumented students attending Missouri public higher education institutions to pay at the highest tuition rate, the international student rate. S.B. 642 (2020) would have prohibited public institutions of higher education from offering in-state tuition to any undocumented student, including those who have attended and graduated from Missouri public schools, but
the bill did not pass. Many students have come to the United States with their undocumented parents and
have attended elementary and secondary public schools, and like their classmates have dreams of attaining
higher education. S.B. 224 (2015) requires that a student be a U.S. citizen or permanent resident to be
eligible to receive reimbursements from the A+ Schools Program. Gov. Nixon vetoed the bill, but the
legislature overrode the veto and enacted the bill into law.

L-C14 EARLY CHILDHOOD EDUCATION

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

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

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

sunset date of the pre-K quality assurance report.

H.B. 254 (2017) would exclude local early childhood education funds from the local tax revenue calculation
used to provide funding to charter schools, but the bill did not pass. H.B. 604 (2019) includes 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, provided these programs meet standards for program quality established
by DESE.

L-C15 DEVELOPMENT OF LEARNING STANDARDS AND CURRICULUM

Rationale: In S.B. 380 (Outstanding Schools Act of 1993), as part of education reform, educators were
required to provide leadership in the development of the learning standards and model curricula that would
be measured by the new Missouri Assessment Program (MAP). In 2001, the federal Elementary and
Secondary Education Act (ESEA), also known as the No Child Left Behind (NCLB) act, was passed and required all students to take state-mandated tests to assess school performance. This act required testing third-grade to eighth grade students annually in math and English language arts and high school students once in both subjects. In 2009, state leaders, through their efforts, began to develop the Common Core State Standards (CCSS). In 2011, states began their own processes for reviewing, adopting and ratifying the adoption of CCSS. In H.B. 1490 (2014), the legislature, in reaction to the movement to create national standards via Common Core State Standards, passed into law a requirement to establish new work groups, including educators, to make recommendations on new standards in four core subject areas (Communication Arts, Mathematics, Science, and Social Studies) within two years and granted a one-year moratorium on using pilot year assessment data to adversely affect teacher evaluations or district accreditation. H.B. 742 (2015) would have revised provisions relating to learning standards work groups, provided reimbursement to participating teachers and parents and extended, by one year, the moratorium on use of assessment scores to reduce district accreditation status or teacher evaluations, but the bill did not pass. H.B. 1024 (2019) would have created a work group to do academic performance standards on workforce development and workplace skills, but the bill did not pass.

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

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

**L-C17  HIGH STAKES TESTING**

**Rationale:** The Missouri School Improvement Program relies significantly on pupil testing on state assessments to evaluate and accredit school districts. The state does not provide full funding for staff training for implementation of the state-mandated and state-created tests under the Missouri Assessment Program (MAP). Student test scores do not affect state funding for school districts. While Missouri Assessment Program assessments are created under sections of law first enacted by S.B. 380 (1993), a bill known as the Outstanding Schools Act, section 160.257, RSMo., from H.B. 463 (1985), a bill known as the Excellence in Education Act, is still in effect. This section requires all districts to have a local pupil testing program in the subjects of English, reading, language arts, science, mathematics, social studies and civics. Standardized tests cannot adequately measure Missouri’s process standards and have been overused in some disciplines. Assessment of student learning can include multiple measures, including but not limited to: achievement tests, portfolios, grades, teacher recommendations, attendance, extracurricular activities, community involvement, 504 plans and IEP goals. Equitable assessments allow for review and revision of curricula and lesson plans based on student performance. A consortium of several New England states, the Great Schools Partnership, has been working on state and local policies to support proficiency-based learning. These policies address four main areas: graduation requirements, learning standards, proficiency-based learning and multiple/personalized pathways to graduation.

The State Board of Education has revised the high school assessment to allow the ACT test and include end of course exams but rejected a requirement for a high stakes exit exam as a condition for high school
graduation. The state currently provides funding for juniors in Missouri public high schools to take the ACT test one time. Gov. Greitens withheld funding for ACT testing for F.Y. 2018. H.B. 1415 (2018) will allow students to choose to take either the ACT or ACT WorkKeys test for their state-funded ACT test. H.B. 1646 and S.B. 638 (2016) change the currently required test over U.S. and Missouri Constitutions and American history to be a local option and require each student to pass a test based on the questions used for becoming an American citizen. H.B. 1528 (2018) will 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.

L-C18 ACCESS TO APPROPRIATE SPECIAL EDUCATION SERVICES

Rationale: The federal IDEA establishes the right of every student with a disability to receive free and appropriate public education as determined by a legally constituted IEP team. State law must remain in compliance with federal law and allow for effective operation of IEP teams at the local level. S.B. 365 (2015) would have made several changes to special education procedures and due process requirements, but the bill did not pass. H.B. 2379 and S.B. 638 (2016) create a task force on dyslexia and establish a schedule by which district and charter schools will conduct screenings and provide support. H.B. 1606 (2018) and S.B. 743 (2018) will 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. H.B. 1540 (2020) would have required all school districts to permit audio recording of IEP or Section 504 meetings by a student’s parent or legal guardian, but the bill did not pass.

L-C19 ASSESSMENT OF STUDENTS WITH SPECIAL NEEDS

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

L-C20 PLACEMENT OF EARLY CHILDHOOD STUDENTS IN SPECIAL EDUCATION PROGRAMS

Rationale: Senate Bill 874 (2002) establishes a preference when developing an IEP for a student who had received services pursuant to Part C of the Individuals with Disabilities Education Act, to continue services with the student’s Part C provider, unless this would result in a cost that exceeds the district’s average cost per student in Early Childhood Special Education. This arbitrary preference can cause school district ECSE programs to suffer financial hardship if private providers carefully adjust their operating cost to be lower than the school district’s cost by a small amount. Removing students from school district placement further exacerbates the financial hardship by leaving fewer students served in the district and no corresponding reduction in the district’s fixed cost to provide service. S.B. 42 (2005) attempted to correct the placement preference enacted by S.B. 874, and the language was passed in S.B. 500 (2005), and the sunset placed on the language was repealed by S.B. 112 in 2007.
L-C21 EDUCATION FOR GIFTED AND TALENTED STUDENTS

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

S.B. 17 (2013) enacted the provisions from S.B. 193 (2013) to create the Advisory Council on the Education of Gifted and Talented Children and require DESE to provide a staff person for educational programs for gifted and talented children. S.B. 638 (2016) restores the financial penalty for reductions in district gifted education programs. S.B. 743 (2018) will 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. H.B. 1606 (2018) will require each school district to establish a policy allowing acceleration for certain students. H.B. 1317 (2020) would have required a district to establish a gifted education program if three percent or more are identified as gifted, but the bill did not pass.

L-C22 HEALTHCARE FOR ALL CHILDREN

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

L-C23 COORDINATED SCHOOL HEALTH AND WELLNESS PROGRAMS

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

H.B. 1583 and H.B. 2379 (2016) require school districts to adopt a policy on youth suicide awareness and prevention and allow teachers to take training on suicide awareness as a part of professional development. H.B. 1606 (2018) provides that human sexuality instruction shall include instruction regarding sexual harassment and sexual violence. S.B. 52 (2017) requires colleges and universities to have suicide prevention policies and programs and address the problem of depression in medical school students. S.B.s 807 and 577 (2018) 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. H.B. 2129 (2018) 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. S.B. 514 (2019) revises the Health Professional Student Loan Repayment Program to include psychiatrists and will help create additional capacity of mental health service providers in areas of critical need around the state.
L-C24  **TRAUMA-SENSITIVE SCHOOLS**

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

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

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

L-C26  **NUTRITION OF SCHOOL MEALS**

**Rationale:** Currently, studies linking good nutrition and improved learning are well documented. Healthy eating patterns are essential for students to achieve their full academic potential, physical and mental growth, and lifelong health and well-being. H.B. 132 and H.B. 309 (2019) would require certain high poverty public schools to offer "breakfast after the bell." Neither bill was passed. Since so many children receive meals at school, it is vital that schools provide them with healthy choices. Many schools educate their students about healthy lifestyles through adequate exercise and nutritious eating habits. However, these same schools are not providing their students with adequate portions of well-balanced meals. Their meal programs consist of foods such as pizza, French fries, and ice cream, and sometimes even in the same sitting. Many school food programs contribute to this statistic by serving fattening and unhealthy foods.

L-C27  **PUBLIC SCHOOL ATTENDANCE OPTIONS**

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

House Bill 2310 (2020) would have established a public school open enrollment law that would allow public school students to leave the district in which they reside and enroll in any other public school district if space is available and the pupil’s parent or guardian provides transportation to the district. The bill was not enacted. Proponents argue that the most common situation aided by open enrollment is a parent who works in another district and wishes to have their student attend public school in the district where they work. However, children may be left behind in such a transfer plan. Usually, the students with some means or with parental and family support will be the most likely to take advantage of such an option. Those likely to be left behind are the neediest, most at-risk and usually most in need of special support services. Because Missouri relies heavily on local funding for public schools, issues will inevitably arise regarding equitable access to at-risk students, childcare, health problems, transportation, student athletics and activities recruitment, low incidence special education needs and other relevant factors. H.B. 1606 (2018) requires the Commissioner to approve transportation hardship waivers for students living in certain school districts based on long travel routes.
In *Turner v. Clayton*, the Missouri Supreme Court ruled that accredited school districts must allow students from other, unaccredited school districts to enroll in their district. The court remanded the case back to district court, and a trial court judge ruled in May 2012 that the transfer law was an unworkable and unfunded mandate and therefore void regarding students transferring from St. Louis City. In June of 2013, the Missouri Supreme Court reversed the decision, now named *Breitenfeld v. Clayton*, declaring that the transfer law is valid and enforceable. In the 2013-14 school year, more than 25% of students in Normandy and Riverview Gardens School Districts transferred to other districts under this provision, primarily to the districts designated for both tuition and transportation: Francis-Howell, Kirkwood, and Mehlville. The high tuition cost to these sending districts creates a severe drain on district resources. The legislature made a special one-time appropriation to ensure Normandy School District could complete the 2013-2014 school year.

The transfer provision has created another type of open enrollment for students to move to the unaccredited district to attend another district. Students who can show sufficient connection to meet the standard for attendance in an unaccredited district can then require the district to pay tuition to another district, regardless of how high the tuition is in the receiving district. These decisions could have a profound and devastating impact on communities, their neighborhood schools and the students they serve. Communities will lose neighborhood schools, which serve as a central focus of activity and pride. Surrounding districts will be negatively impacted since they will be required to enroll students without regard to the receiving district’s resources or capacity. Parents will enroll their students in districts in which they have no right to vote for school board members or even speak at the district’s school board meetings.

The legislature approved H.B. 42 (2015) which would have revised the accreditation process to include building level accreditation, allowed transfers from unaccredited schools as well as districts, and expanded charter and private virtual schools. Governor Nixon vetoed the bill, and the bill did not become law. S.B. 559 and S.B. 587 (2018) would have addressed student transfers from unaccredited districts and included other provisions regarding school accreditation and school accountability, but neither bill passed. H.B. 604 (2019) enacts law regarding pupil transfers from unaccredited school districts. H.B 604 caps sending district tuition, allows receiving districts to specify capacity to receive students, clarifies transportation and allows in-district transfers.

**L-C28 ACCESS TO STUDENT INFORMATION**

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

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

H.B. 1490 (2014) requires DESE to create standards for student data accessibility, transparency, and accountability relating to the statewide longitudinal data system and strictly limits the conditions under which student data may be shared. H.B. 592 (2019) would have created additional requirements for protection of student data, but the bill did not pass. The protections apply to schools, contractors that are given access to student data and school website operators. H.B. 592 also establishes a task force to study
issues relating to student data privacy. H.B. 1606 (2018) requires school districts to report breaches of data containing personal information of students to parents, DESE, and the State Auditor.

**L-C29  BULLYING IN SCHOOLS**

**Rationale:** Current state law requires school districts to adopt a board policy regarding bullying of students but does not allow a district’s policy to enumerate specific categories or attributes that may be related to bullying of students. House Bill 458 (2015) would have allowed districts to enumerate specific categories or attributes that may be related to bullying, but the bills did not pass. House Bill 1543 (2010) requires that a district's bullying policy must address cyber-bullying. H.B. 1583 (2016) revises the laws regarding bullying in schools and establishes specific components that a district must include in its anti-bullying policy.

House Bill 2051 (2012) would have prevented school staff from discussing human sexuality outside of scientific instruction. However, this “Don’t Say Gay” bill did not pass. House Bill 501 (2015) requires course materials relating to sexual education to contain information regarding sexual predators, online predators, and the consequences of inappropriate text messaging. H.B. 169 (2019) would have required each school district to maintain a policy addressing appropriate education regarding Internet safety and social media awareness for students, but the bill did not pass. H.B. 604 (2019) requires students in grades six and higher to have age-appropriate training regarding sexual harassment.

**L-C30  EQUAL OPPORTUNITY AND SAFETY FOR ALL**

**Rationale:** House Bill 2051 (2012) is known as the "Don't Say Gay Bill." This bill would prohibit any "instruction, material, or extracurricular activity sponsored by a public school that discusses sexual orientation." The only discussion allowed would be in the context of scientific instruction concerning human reproduction. This bill did not pass. H.B. 2051 disrupts the core element critical to a successful school environment, which is to provide a safe place for all to learn. It infringes on the free speech rights of students and educators in Missouri schools. Further, the bill would prevent students from discussing issues regarding sexual orientation during an already vulnerable time with professional school personnel such as teachers, counselors or other students in an LGBTQ support group. H.B. 1565 (2020) would have modified provisions governing school district course materials or instruction on human sexuality or sexually transmitted diseases by radically expanding the definition of course materials and instruction to include nearly any form of communication with students in the school setting. The bill also would have targeted discussion of sexual orientation and gender identity for parental opt out and authorized citizen lawsuits for enforcement of the requirements of the bill, including the possibility that school districts would face punitive damages. However, the bill did not pass.

S.B. 690 (2018) 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, but the bill did not pass. S.J.R. 50 (2020) would have asked voters to approve a constitutional provision that specifically overrules current MSHSAA Board Policy on Transgender Participation as taken from existing NCAA policy and require students participating in any single-gender event or activity organized by MSHSAA or another statewide organization to participate in the event corresponding to the student's biological sex at birth. The joint resolution did not pass.

**L-C31  CAMPUS SAFETY AND ACCOUNTABILITY**

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

S.B. 259 (2019) would have revised Title IX procedures at higher education institutions, but the bill did not pass. S.B. 259 created a new procedure for due process proceedings in higher education institutions for
complaints made under Title IX of the Federal Education Amendments, which protects people from
discrimination based on sex in education programs.

L-C32 PUPIL TRANSPORTATION

Rationale: Current law requires that districts provide transportation for pupils living more than three and
one-half miles from school and for all special education pupils. Transportation to and from school can be a
hardship or safety concern, or both, for pupils living closer than three and one-half miles, particularly for
students living in families without a vehicle to provide transportation. S.B. 687 (2018) and H.B. 1606 (2018)
allow Kansas City school district to pay for high school students to use city buses for transportation to
extracurricular activities. H.B. 606 (2019) would have allowed school districts to contract with municipal
bus programs to transport pupils, but the bill did not pass. State funding for pupil transportation for fiscal
year 2019 totals $102 million. H.B. 604 (2019) includes an addition to the districts for which the
Commissioner is required to authorize pupil transportation hardship, if listed criteria are met. The
additional area is an unincorporated area in Maries County that also meets existing distance criteria for
school proximity.

L-C33 SUMMER SCHOOL

Rationale: In the Outstanding Schools Act of 1993, as part of education reform, districts were encouraged
to provide students in Missouri with summer school opportunities. To encourage districts to do this, they
allowed districts to count each student twice, making summer school a win-win situation for districts;
students get access to the remedial or additional education opportunities and the district gets enough state
funding to cover the cost of offering the programs. Due to the current financial situation in the state, many
districts have had to eliminate summer school, offer minimal course offerings, or charge students to attend.
Many students have also used summer school to fulfill their physical education requirements, making room
in their schedules for other courses during the year; such as foreign languages, fine and performing arts,
advanced science and math courses. Summer school has become part of the culture in Missouri. H.B. 1139
(2014) would have mandated school districts to require summer school for students scoring below proficient
on a statewide assessment, but the bill did not pass.

L-C34 RELIGIOUS NONPARTICIPATION IN INSTRUCTION

Rationale: The United States Constitution clearly provides religious freedom to all Americans.

Constitutional Amendment 2 passed in August 2012, added unnecessary provisions to the Missouri
Constitution. The amendment went further and added poorly defined provisions that will allow students to
opt out of learning, testing, and activities based on religious belief. From preschool to graduate school,
educators and public institutions held accountable for student learning are now faced with implementation
challenges. Frequent and long-term student opt outs can complicate required testing, school funding,
graduation requirements, and potentially evaluation and school accreditation. Students need a rigorous
broad based curriculum to compete in the 21st century global economy and this constitutional amendment
does not help meet that need.

H.B. 1303 (2014) includes a requirement that a school district create a limited forum for religious
discussions. This increases the likelihood that districts will be in conflict with the First Amendment. S.C.R.
13 (2019) encourages school districts to offer elective social studies courses on the Bible. H.B. 1345 (2020)
would have allowed schools to offer elective social studies courses on the Hebrew Scriptures and the New
Testament in public schools, but the bill did not pass. Regardless of any provision of a state law or
resolution, public school instruction about religion must adhere to U.S. Supreme Court case law regarding
the separation of church and state under the First Amendment. H.B. 604 (2019) includes an expansion of the
existing prohibition on religious discrimination in schools to apply to all persons, not just students and
parents.

L-C35 EXTENDED LEARNING TIME

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

**L-C36 Fair Housing Policy and Integration of Public Schools**

**Rationale:** Living in poverty creates challenges for student success in school and in life. These challenges affect the function and success of students and schools, particularly when school populations are concentrated with students living in poverty. Public housing policy, including programs to provide access to affordable public housing, can mitigate or compound the problems of segregation based upon poverty.

Housing policy can reduce segregation of society and improve student success when regional housing policy requires inclusionary zones and affordable housing throughout a diverse region. Conversely, housing policy that allows targeting of public housing subsidy solely in existing, high-poverty regions compounds the problems created by concentration of poverty.

**Ensure Effective and Accountable School Governance**

**L-D1 Autonomy of the State Board of Education**

**Rationale:** Senate Joint Resolution 45 (2010) would have merged oversight of pre-K, elementary, secondary, and higher education into a governing body of six members appointed for six-year terms and the appointment of the commissioner of education at the advice and consent of the Senate. Not only would this proposal politicize the commissioner position, but it would also reduce the number of current board members for pre-K-12 and higher education by nearly one-third while at the same time doubling the number of students the merged board would be responsible for educating. H.B. 383 (2015) would have established a limit of two terms for State Board of Education members, but the bill did not pass. State Board of Education terms are for eight years and until a successor is appointed and approved, and one member has served for over 24 years. S.B. 743 (2018) and H.B. 1606 (2018) add an active teacher as a non-voting member of the State Board of Education.

S.B. 794 (2018) would have enacted 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. However, the bill did not pass.

**L-D2 Nonpartisan Commission for Higher Education Board Appointments**

**Rationale:** Under current Missouri law, to be appointed to serve as a voting member on a governing board of a public institution of higher education, one must be appointed by the governor, by and with the advice and consent of the Senate. The qualifications for this position are limited to a geographic residence requirement with a limitation on the number of members affiliated with one political party. House Bill 174 and Senate Bill 163 (2011) were both enacted to revise the regional residence requirements for Curators of the governing boards of the University of Missouri and Lincoln University to accommodate the loss of one Missouri seat in the 2011 reapportionment of the United States Congress. Although Missouri institutions of higher education have benefited from the service of those members of individual governing boards, the present climate of accountability in higher education, the present financial conditions for public higher education in Missouri and the evolving nature of the tasks of these governing boards requires a selection process that results in members on governing boards who have sufficient qualification and experience for those tasks and that the members of these governing boards can be assured a selection process that provides them an office that carries the sense of authenticity that their tasks demand.
The Missouri Nonpartisan Court Plan is an essential way to limit partisan politics in the selection process for judicial appointments and is so effective that many states have adopted the "Missouri Plan." Virginia presently has legislation of this nature for the selection of governing board members for public colleges and universities. The Virginia Commission on Higher Education Board Appointments consists of five non-legislative citizen members appointed by the Governor plus the Commissioner of Higher Education and the Secretary of State serving as nonvoting, ex officio members. The non-legislative citizen members consist of: two non-legislative citizen members who are former members of governing bodies of Virginia's public institutions of higher education; one non-legislative citizen member who shall be either a former president, provost, or executive vice-president of a public institution of higher education; and two non-legislative citizen members who shall be citizens-at-large to be appointed by the Governor. The Commission maintains and oversees a process for evaluating potential appointees to higher education governing boards, based on substantive qualifications, including merit and experience and makes recommendations to the governor at least 30 days prior to the expiration of terms to fill vacancies on higher education governing boards. The National Governor's Association (NGA) observed that establishing an advisory board or review commission for certain high profile appointments could be of "particular benefit when the governor is looking to involve key stakeholders, get outside input from a variety of sources, and also to depoliticize a potentially difficult or highly visible appointment process." The NGA found that the Virginia commission has worked well to buffer the Governor from the nominating process and that less than a third of all higher education appointees are financial contributors to the Governor. The Association of Governing Boards of Universities and Colleges (AGB) observed that the Virginia legislation provides one of the clearest examples of state leaders working together to support public higher education governance.

L-D3 SCHOOL ACCOUNTABILITY

Rationale: The federally mandated restrictions and punishment of standardized testing ended with the passage of ESSA. A key component of ESSA is to reduce the burden of over-testing students, allowing for local control of curriculum and authentic, developmentally appropriate and varied assessments. However, current DESE accreditation standards under the Missouri School Improvement Program (MSIP) V conflate accreditation and accountability, which have placed more high-poverty districts at risk of provisional or unaccredited status and eventual dissolution of the district under current law. Most states recognize the distinction between accreditation and accountability; both having their own independent place in the educational process.

Previous legislative efforts that have attempted to return local control of education policy, which would benefit Missouri students and teachers, include the following. H.B. 1499 (2016) would have created a Community Schools Program in St. Louis City, but the bill did not pass. H.B. 1023 would have substantially revised state accreditation of school districts by giving local control of assessment and reporting of school quality indicators designed to address community and student needs. H.B. 1606 (2018) requires DESE to create a program for recognition of district guidance programs. S.B. 743 (2018) requires DESE to create a program for recognition of district library and media programs. H.B. 485 (2019) would have required the State Board of Education to modify accreditation standards for special school districts to ensure the standards are applicable to a student population consisting entirely of students with an identified disability, but the bill did not pass.

Previous legislative efforts have attempted to pass the following legislation, which would be harmful to Missouri students and teachers, but failed. S.B. 643 (2018) would have required the State Board of Education to develop an annual report card and a single letter grade for each school building, but the bill did not pass. The legislature approved H.B. 42 (2015) which would have revised the accreditation process to include building level accreditation, allowed transfers from unaccredited schools as well as districts, and expanded charter and private virtual schools. Governor Nixon vetoed H.B. 42, and the bill did not become law. H.B. 604 (2019) authorizes appropriations to fund consultants that would help support instructional improvements in a set of schools identified by DESE for improvement.

L-D4 SCHOOL BOARD MEMBER ACCOUNTABILITY

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

### L-D5 \ School Board Member Training

**Rationale:** Presently the state requires that school board members complete 16 hours of training before they run for re-election. Most districts insist that board members receive that training immediately. The training is only provided by the Missouri School Board Association and the Missouri Association of Rural Educators. Most of their instruction deals with their model and philosophy of how boards should conduct themselves. H.B. 604 (2019) requires school board members to have additional training on identifying sexual abuse.

### L-D6 \ School Board Elections

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

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

After a census or consolidation, larger districts may qualify as an urban district. This classification changes school board terms to six years, limited to two terms and with elections held every other year. H.B. 63 maintains the current number, length of term and election process for the Springfield school board and changes St. Joseph school board terms to three years and removes the signature requirement to file as a candidate for that school board. H.B. 1602 (2016) would have revised the process for filling vacancies on school boards, but the bill did not pass. A 2016 federal court ruling found that the at-large school board member election required in the Ferguson-Florissant School District by Missouri law deprived black voters of an equal opportunity to elect representatives of their choice. The district court judge ordered the district to switch to cumulative voting, where voters cast as many votes as there are candidates and can use all their votes on one candidate but put the ruling on hold while the district appealed. In July 2018, the federal appeals court upheld the district ruling. S.B. 283 (2017) revises and staggers the terms of board members of the Kansas City school district.

H.B. 361 (2019) would have changed school board terms to four years and moved school board elections to the November general elections in even numbered years, but the bill did not pass. H.J.R. 19 (2019) would have moved all school bond and levy elections to the November general elections, but the resolution did not pass. H.B. 363 (2019) would have placed additional limitations on school board member and employee advocacy with the legislature and further restricted their involvement concerning local school ballot issues, but the bill did not pass.

### L-D7 \ Right to Local School Governance

**Rationale:** Local school boards are responsible for the quality of education of a school district. Citizens elect school boards and are responsible for holding the board of education accountable for the quality of education in a district. When a local school board is replaced by a state-appointed Special Administrative
Board, the community is unable to impact the quality of education through their right to vote. S.B. 125 (2013) allows earlier State Board intervention upon loss of accreditation, requires more substantive state engagement with local stakeholders prior to state takeover, allows additional interventions that do not require lapse and allows up to three years of time for improvement for a district with unaccredited status prior to lapse.

S.B. 521 (2014) would have required DESE to give a single letter grade for each public school building, but the bill did not pass. S.B. 701 (2014) allows school districts to share a superintendent. H.B. 1903 (2020) would have provided additional state aid for school districts that share superintendents, but the bill did not pass. H.B. 2564 (2020) would have limited superintendent salaries to three and a half times the average teacher's salary in the district and would have required a school superintendent to live in the employing district, but the bill did not pass.

S.B. 104 (2015) revises the process for determining the governing board of St. Louis Community College and adds an appointed member to the board. The Coordinating Board for Higher Education (CBHE) will select the appointed member to the board of St. Louis Community College. H.B. 2569 (2020) would have created 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, but the bill did not pass.

**L-D8 ACCESS TO SCHOOL INFORMATION**

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

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

**L-D9 PROTECT MISSOURI ACT**

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

Petition signature challenges in 2012 kept the Minimum Wage issue off the ballot because there was disagreement as to whether the SOS Voter File or the original voter registration card in each county clerk’s office would serve as the official record. Searching an antiquated card system is time consuming and expensive when time and cost are a factor for a citizens’ initiative struggling to meet legal deadlines. In addition, because signatures are often gathered over an extended period, people move after signing the petition and their new address in the SOS file at the time of signature verification does not match the address on the petition. This problem could be solved by allowing the address at the time of petition signing to be used in the signature verification process, since the SOS voter file indicates the previous address.
**L-D10  PROMOTING CITIZENSHIP AND PARTICIPATION IN ELECTIONS**

**Rationale:** The Missouri Supreme Court struck down the photo voter identification requirements enacted in Senate Bill 1019 (2006) as an unconstitutional restriction on voter access and found that this measure would have disproportionately suppressed voter turnout of the poor, minority and elderly voters. The secretary of state’s office has indicated to the legislature there have been no recent cases of voter misrepresentation in Missouri. Additionally, proponents of voter photo identification have not provided evidence showing photo identification would have prevented voter fraud. Senate Joint Resolution 2 (2011) would have placed voter identification requirements on a statewide ballot, but the proposal was blocked from the ballot when the ballot summary language was ruled inaccurate and voided by a court decision. The legislature approved H.J.R. 53 (2016), a joint resolution containing similar authorization for photo voter identification requirements. Voters approved the measure on the statewide ballot in November of 2016. The legislature approved photo voter identification implementing language in H.B. 1631 (2016) and overrode Governor Nixon’s veto to enact the bill into law. This new law went into effect on June 1, 2017, since voters approved the photo ID provisions from H.J.R. 53 in the November 2016 election. In 2020, H.J.R. 53 was blocked by a Missouri Supreme Court ruling that found the option to vote without a photo ID by giving a sworn statement was confusing for voters. H.J.R. 109 (2020) sought to reinstate a requirement registered voters to provide a government-issued photo identification and HCS/ H.B. 1600 (2020) would have implemented the photo ID requirement of H.J.R. 109. However, neither the joint resolution or bill were approved.

House Joint Resolution 90 (2014) was approved by voters in November 2014 and creates a six-day early voting window. Expanded voting options such as election day registration, election day holiday, and mail-in ballots would provide citizens more opportunities to cast their vote. In addition, a process to automatically register voters when they turn 18 years of age could increase voter turnout. H.B. 368 (2019) would have allowed voters to vote by absentee ballot without giving a reason, but the bill did not pass. H.B. 26 and H.B. 922 (2019) would have required established political parties to create a closed primary system, but neither bill passed. Only voters registered for that party would be able to vote in a closed primary election.

S.B. 631 (2020) adds a notary-free option for absentee voting in 2020 for those who have contracted COVID-19 or are in an at-risk category for contracting COVID-19 based on CDC recommendations. Voters using this option will not be required to obtain notarization of their absentee ballot envelope. This provision will only apply to municipal, primary and general elections in 2020 and will expire on December 31, 2020. S.B. 631 also allows notarized “mail-in” absentee ballots for other voters seeking to avoid risk of contracting or transmitting COVID-19 but who don’t qualify for the notary-free option. This “mail-in” absentee option is also limited to elections in 2020 and will expire on December 31, 2020. Some county election clerks are already encouraging voters to use an expanded interpretation of the current absentee options and to vote absentee to limit risks during the pandemic.

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

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

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

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

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

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

H.B. 604 (2019) enacts law regarding pupil transfers from unaccredited school districts. H.B 604 caps sending district tuition, allows receiving districts to specify capacity to receive students, clarifies transportation and allows in-district transfers.

**L-D13  ETHICS IN GOVERNMENT**

**Rationale:** For the past two decades, the current redistricting system has resulted in the courts making the final decision because partisan bias has created deadlock in the Missouri reapportionment commissions. The use of statistical measurement and nonpartisan mapping have been successful in other states and have resulted in fair and competitive legislative districts without requiring court intervention. The Senate passed S.J.R. 27 (2018), 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. The Clean Missouri initiative, approved by voters as Constitutional Amendment 1 in November 2018, will limit most gifts from lobbyists, restrict lobbying by legislators who leave the legislature, enact campaign finance reforms and create a fairer structure for redistricting.

H.J.R. 48 (2019) would have undone the redistricting reforms of Amendment 1, but the measure did not pass due to a procedural mistake in the Senate committee during the last week of session. The legislature approved S.J.R. 38 (2020). Pending completion of litigation regarding the ballot language, the joint resolution will be placed on a statewide ballot on the November 2020 election. S.J.R. 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. S.J.R. 38 also makes it harder to file suit against a faulty map and limits the remedies available to a judge in such a case.

Amendment 1 also establishes that legislative records are public records and subject to Missouri’s Sunshine Law. H.B. 445 (2019) would have created local government ethics reforms while crippling the Sunshine Law for all levels of government. S.B. 132 (2019) would have exempted many legislative records. However, neither of these bills passed. S.J.R. 31, H.J.R. 63, H.J.R. 97 and several others from 2020 would have made it harder for citizens to use the initiative petition process in the future by requiring more signatures in more parts of the state and then requiring a 2/3rds supermajority vote to pass a Constitutional amendment brought forward by initiative. However, these joint resolutions did not pass.

H.B. 1854 (2020) would increase the penalties on the use of any public funds in support or opposition to any ballot measure or candidate for office. However, Governor Parson vetoed the bill. H.B. 1777 and H.B. 1347 from 2020 would have attempted to restrict the ability of local public officials and school employees and other public employees to testify for or against or even provide education on any matter pending before the legislature, but the bills did not pass.
**Prepare and Evaluate Teachers and Provide Continuous Professional Development**

**L-E1  PROFESSIONAL STANDARDS BOARD**

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

**L-E2  PROFESSIONAL TEACHING STANDARDS**

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

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

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

**L-E4  PROFESSIONAL DEVELOPMENT COMMITTEES**

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

House Bill 1543 (2010) suspended the district requirement to spend one percent of state aid for professional development until FY 14, and many districts have responded by drastically reducing district attention and funding for professional development for instructional staff or transferring control of such funds to administrator-directed activities rather than those designated by the teacher-selected PDC. S.B. 687 (2018) will allow 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 state funding for pupil transportation is below 25% of total allowable cost.

H.B. 604 (2019) increases opportunities for teacher externships by giving teachers credit for externships on teacher salary schedules.
L-E5 PERFORMANCE OF MEDICAL PROCEDURES *

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

L-E6 CERTIFICATION STANDARDS

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

S.B. 1066 (2008) mandates state certificate status for the American Board for Certification of Teacher Excellence (ABCTE), a new entry-level certification established by a private entity that focuses on content knowledge and lacks a substantial examination of teaching ability. The ABCTE certificate will function like a regular professional certificate rather than an alternative certificate, and no additional course work in teaching competencies is required once the candidate passes the ABCTE test. S.B. 17 (2013) enacted the provisions of H.B. 808 (2013) to permanently extend the ABCTE certificate, which had an initial six-year sunset. S.B. 782 (2014) authorizes an ABCTE certificate for elementary education. S.B. 291 (2009) requires the State Board of Education to create a new, alternative certification for personal finance instructors, and educators so certified will be banned from gaining tenure status within a school district. House Bill 1803 (2012) provides reciprocity for school social worker education programs at Missouri colleges and universities but does not create a Missouri certification for school social workers. S.B. 492 (2014) creates an advisory panel on standards for teacher preparation programs. H.B. 1665 (2018) creates a visiting scholar's certificate of license to teach limited to school/business partnership programs such as Partners in Prosperity. H.B. 2435 (2020) would have added an additional category to the visiting scholar's certificate to allow for certification in a specialized area for teachers with a master's or Doctoral degree in that area, but the bill did not pass.

S.B. 318 and H.B. 564 (2019) would have revised laws pertaining to state licensing authorities, but neither bill passed. These bills would allow licensing authorities to disqualify a person from a professional license for a prior conviction of a crime only 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, and disqualification for an offense shall not last longer than five years, except for violent or sexual offenses.

H.B. 2046 (2020) creates 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. H.B. 1511, S.B. 656 and S.B. 718, all enacted in 2020, grant greater teacher license flexibility for military spouses.
L-E7  **PEER ASSISTANCE AND REVIEW***

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

L-E8  **HIGH QUALITY EVALUATION SYSTEM FOR TEACHERS***

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

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

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

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

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

L-F1  **CLASS SIZE***

**Rationale:** Currently, class size and student-teacher ratios vary greatly in Missouri schools, often within the same district. Currently, many teachers see over 500 students a week in their roles as librarians, counselors, teachers of music, art, physical education, exploratory and elective classes and multiple sections of grade levels per class meeting. Missouri classification standards currently deal only with the size of individual classes and not with total student contacts, nor the number of sections per class meeting, nor with total contacts with students with exceptional needs. Currently, school districts are only required to report the district ratio of students to classroom teachers, not detailed data on actual class sizes in the various schools, programs, grade levels and classes.
L-F2 **SUPPORT SERVICES RATIOS**

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

L-F3 **TEACHER PLANNING TIME**

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

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. 2317 (2020) 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 because 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**

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

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

Senate Bill 576 (2012) expands the authority for charter schools statewide under school board sponsorship and allows other sponsors to establish charter schools in unaccredited and provisionally accredited districts.

The bill also expands the list of entities allowed to sponsor charter schools, creates a statewide chartering commission and makes some of the changes needed to improve the accountability and transparency of charter sponsors and charter schools. The new state charter commission is solely an additional sponsor and does not improve accountability. H.B. 1894 (2014) would have required unaccredited and provisionally accredited school districts to give charter schools the first option in buying or leasing vacant or unused school buildings within the district, but the bill did not pass. S.B. 743 (2018) includes language to allow charter schools to revise the enrollment process to increase enrollment of at-risk students. H.B. 42 (2015) [would have revised the accreditation process to include building level accreditation, allowed transfers from unaccredited schools as well as districts, required districts to sell unused buildings to charter schools and expanded charter and private virtual schools. H.B. 42 also included the provisions of H.B. 550, with several revisions to charter school law reflecting consensus recommendations from the 2014 working group established by DESE. Gov. Nixon vetoed H.B. 42, and the bill did not become law. S.B. 638 (2016) revises the charter school law, and addresses financial stress, closure, academic performance standards, approval of charters and expansion of the transfer law to include charter schools.

S.B. 603 and S.B. 649 (2020) 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, but the bill did not pass. S.B. 271 (2019) would have moved state authority to oversee charter school sponsors from the State Board of Education to the Charter School Commission, but the bill did not pass. H.B. 2200 (2018) included language to allow districts to create so-called “Innovation Schools.” The bill contained problematic provisions regarding bargained agreements, the teacher tenure law, salary schedules and school funding equity; however, the bill did not pass. H.B. 604 (2019) includes authority for charter schools to add an enrollment preference for students qualifying for free or reduced price lunch.

HCS/ H.B. 1664 (2020) would have revised the law specifying payments to charter schools and shifted more local school funds to charter schools. H.B. 1487 (2020) and S.B. 525 (2020) would have allowed a drug recovery charter school to be established in Kansas City. The bills would give the school the ability to enroll non-resident pupils from other districts. However, neither bill was passed.
L-G2  VIRTUAL SCHOOLS

Rationale: Recent developments in so-called “virtual schools” include attempts to divert public education resources away to for-profit companies. Senate Bill 912 (2006) authorized and instructed the Department of Elementary and Secondary Education to develop a Missouri virtual public school using policies and procedures that promote equitable access, target students that can make best use of the resource, students with the greatest educational needs for such resources, ensure high instructional standards and public accountability. The Missouri Virtual Instructional Program began operation in fiscal year 2008 for elementary and high school age students. S.B. 291 (2009) allows school districts to receive state aid for virtual course attendance hours for resident students. H.B. 1823 and S.B. 522 (2014) would have created statewide virtual school open enrollment, but the bills did not pass. H.B. 1389 (2014) enacts State Authorization for Reciprocity Agreements (SARA) to allow higher education virtual education reciprocity with other states. The legislature approved H.B. 42 (2015) which would have revised the accreditation process to include building level accreditation, allowed transfers from unaccredited schools as well as districts, and expanded charter and private virtual schools. Governor Nixon vetoed H.B. 42, and the bill did not become law.

S.B.s 603, 576 and 898 (2018) establish a new course access program related to MoVIP. The program would be available for students enrolled full-time in public school and allows a proportionate share of per pupil funding to be used for approved virtual courses. S.B. 996 and H.B. 2491 from 2020 would have eliminated local district input on the enrollment of district students in the virtual school program and transferred that authority to DESE. The bills also would have created full-time virtual programs as separate educational agencies with no public accountability to the State Board of Education and with specific requirements that would force the state to pay far about the market necessary costs for those programs.

L-G3  SCHOOL CALENDARS *

Rationale: In 2003, the General Assembly passed Senate Bill 686, which allowed school districts to start school whenever they choose. Most school districts in Missouri begin the school year in mid to late August and end in late May or early June. However, schools receive no increase in per pupil compensation for an extended school term. S.B. 64 (2007) requires a school board to hold a hearing prior to establishing a school start date more than 10 calendar days prior to Labor Day. H.B. 1606 (2018) and S.B. 743 (2018) remove requirements for a minimum number of school days, requiring only a minimum number of hours. H.B. 604 (2019) prevents local school districts from setting an opening date for the school term that is more than 14 calendar days prior to the first Monday in September (Labor Day). This new restriction will not apply to the 2019-20 school year and will take effect in the 2020-21 school year.

There are many school buildings and classrooms without climate control. For a school to provide an extended school term or use a year-round school schedule, all school facilities need climate control. Comprehensive, long-term requirements regarding school calendars and make up days were enacted in S.B. 64 (2007). H.B. 604 (2019) allows school districts to implement alternative methods of instruction to avoid up to six make-up days, with DESE approval of the implementation plan. H.B. 604 also includes forgiveness for excess inclement weather days during the 2018-19 school year, but the emergency clause was not adopted, so the provision will not take effect until August 28, 2019, and may not impact 2018-19 school calendars.

L-G4  ADULT LITERACY

Rationale: Many Missouri’s adults have problems with basic literacy skills and many lack a high school diploma. For integration into American culture, English is recognized as the most common language in Missouri. State law provides assistance, educational materials and grants to local agencies to provide English language instruction. The Family Support Division within the Department of Social Services is authorized to provide grants to programs for resettling refugees and legal immigrants to help arrange day care and transportation, which will help these persons, access English language services.
L-G5  SUPPORT FOR EXCELLENCE IN HIGHER EDUCATION *

Rationale: Missouri fails to meet demand by underfunding higher education. As a result, colleges and universities are losing positions and programs and students must pay higher tuition. Across the country, as in Missouri, tenure-line positions are being eliminated and replaced with jobs held by less than optimally trained teachers. These teachers are commonly less capable of representing their disciplines since they are denied the academic freedom, which sustains all academic work in the classroom and beyond. Because they are subject to arbitrary dismissal, such teachers lack the latitude to update their pedagogy and draw from the best current practices and materials. Furthermore, academics are increasingly subjected to extra-disciplinary management, which threatens to damage higher education in the same way such regimes have harmed the medical profession. Ultimately, students stand to lose the most if their educations are directed not by professionals, but by outside managers whose primary interests are to drive down wages, require endless and excessive testing, and ensure that nothing controversial or unpopular ever gets said in a classroom or published in a scholarly venue. S.B. 334 (2015) broadens the degree-granting authority of Harris-Stowe State University and expands the service territory of Northwest Missouri State University. S.B.s 807 and 577 (2018) codify a process for approval of programs among the CBHE and two-year and four-year public institutions in the state. The process emphasizes collaboration among existing institutions and programs rather than the creation of entirely new programs. SCS/S.B.s 807 and 577 (2018) creates 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.

L-G6  INTELLECTUAL DIVERSITY *

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

L-G7  HIGH STANDARDS FOR SCIENCE EDUCATION *

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

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

Rationale: Recently, there have been efforts by some legislators to pass legislation requiring MSHSAA to follow certain restrictions. For example, proposed legislation would force the association to rescind rules that require private schools to increase the population factor that determines their classification for the playoffs. H.B. 2273 and S.B 857 (2020) would have allowed home-schooled students who have no public school attendance to participate in activities on their local public school teams without meeting MSHSAA
standards, but the bill did not pass. Athletes would be allowed to participate in the same sport with non-
school teams during the same season.

L-G9 SEX EDUCATION

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

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

L-H1 TEACHER SALARIES *

Rationale: Missouri public school teachers receive salaries, including alternative pay structures, and
employee benefits that remain not only well below typical compensation in other professions, but also below
the national average salary of teachers. Missouri ranked 42nd among the 50 states in average teacher salary
for the 2017-18 school year. The average Missouri teacher salary was $11,374 below the national average.
Missouri is estimated to have ranked 45th among the 50 states in average teacher salary for the 2018-19
school year with an average teacher salary $12,285 below the national average. Many teachers in the
Missouri public school system receive the minimum salary required by state law regardless of experience. In
addition, inequities exist in some districts regarding salaries afforded beginning teachers in comparison with
salaries for experienced teachers. H.B. 299 and H.B. 364 (2019) would have given a full deduction for up
$500 of unreimbursed expenses of a full-time teacher toward professional development or classroom supplies
and equipment, but neither bill passed.

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

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

L-H2 LIVING WAGE FOR EDUCATION SUPPORT PROFESSIONALS *

Rationale: Presently, education support professionals’ salaries and benefits remain below the level of those
in comparable positions outside education. In some districts, these salaries remain below the federal poverty
level and below what is considered a living wage. Missouri voters approved Proposition B in November
2018 to raise the minimum wage in Missouri. Proposition B will gradually increase the minimum wage
from $7.85 in 2018 to $12.00 in 2023. Thereafter, the minimum wage will increase or decrease each year based on changes in the CPI. Proposition B exempts government employers, including school districts, from the minimum wage increase. H.B. 1559 (2020) would have exempted private schools from the minimum wage increases of Proposition B, but the bill did not pass.

L-H3 Minimum Salary Schedules *

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

L-H4 Teacher Retention *

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

L-H5 Teacher Recruitment

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

L-H6 Eliminating Inequities in Compensation *

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

L-H7 Prompt Payment for Contracted Duties If Desired *

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

L-H8 Insurance Coverage for Health Care and Accidents *

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

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

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

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

Missouri voters approved Medicaid expansion by approval of Amendment 2 in August 2020. H.J.R. 106 (2020) would have made Medicaid subject to appropriation, imposed work restrictions on adult Medicaid recipients, and prohibited health insurance plans from imposing restrictions on pre-existing conditions, but the joint resolution did not pass. H.B. 2379 (2020) would have allowed children eligible for healthcare coverage under Mo HealthNet to maintain continuous eligibility for a twelve month period, but the bill did not pass.

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

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

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

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

In 2004, Missouri adopted new rules strengthening state supervision over long-term care policies created and approved after 2004, but there are still no official approvals or disapprovals to rate increase filings. As more and more Missourians drop their long-term care insurance protection, they will be forced to look to the State of Missouri to assist them in paying for their long-term health care needs. Senate Bill 979 (2010) would have authorized the MDI to review and approve rates for new policies and require MDI approval for increases of over 15 percent per year for existing LTC policies, with consideration of the overall experience of the company in all states where it sells such policies, but the bill did not pass.
L-H10 NONRESIDENT PUPILS AND SCHOOL EMPLOYEES *

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

L-H11 HIGHER EDUCATION AFFORDABILITY

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

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

L-I1 MEMBER CONTROL OF RETIREMENT SYSTEM

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

L-I2 PROTECTION OF THE RETIREMENT SYSTEM

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

L-I3 PROTECTION OF RETIREMENT BENEFITS

Rationale: The Public School Retirement System and the Public Education Employee Retirement System, like all public pension plans, suffered system investment losses in 2008 and 2009. These investment losses reduced the system’s asset value and increased the system’s unfunded liability. Based on an in-depth actuarial study concluded in 2011, the PSRS/PEERS Board of Trustees adopted a Funding Stabilization Policy. The Board adopted a 30-year fixed amortization period with the goal of paying off the unfunded actuarially-accrued liability, reaching 100 percent funded status within that 30-year period. The Board conducted an updated actuarial study in 2016 and adopted a revised policy regarding COLA adjustments and may choose to increase the contribution rate above the current rate of 14.5 percent. Senate Bill 842
would have enacted the 2011 Funding Stabilization Policy into law, thus eliminating the ability of the Board of Trustees to make future adjustments to this policy without passage of additional legislation, but the bill did not pass. S.B. 892 (2018) revises the contribution rate provisions for the Kansas City school retirement system to improve system funded status.

Recently, legislative attempts have been made to create a new “second-tier” retirement plan for new school employees. House Bill 2113 (2010) would have put all new public employees on a defined contribution (DC) plan, rather than the existing defined benefit (DB) plans. H.B. 409 (2011) would have placed all new public education employees in a new, defined contribution plan, unless they opt to participate in the current, defined benefit plan. H.B. 864 (2019) would have created a defined contribution option for PSRS active members, but the bill did not pass. H.B. 1 (2010 1st Extraordinary Session) enacted a new “second tier” plan for new employees in the Missouri State Employees' Retirement System and the MoDOT and Patrol Employees Retirement System, including many school employees in Missouri’s four-year colleges and universities. The second-tier plan requires a four percent contribution rate, extends the vesting period to ten years, establishes a normal retirement age of 67 for most employees and creates a “rule-of-90” for retirement.

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

H.B. 1783 (2016) would have allowed PSRS retirement accounts to be treated as marital property and subject to court-ordered division in divorce proceedings. However, the committee approved an amendment to exempt PSRS retirement and leave the current policy in place. In addition, the bill did not pass. S.B. 62 (2017) created a pop-up for retired PSRS members who divorce after retirement, provided the divorce decree grants the member sole retention of all rights in the retirement allowance. S.B. 17 (2019) allows the divorce pop-up to apply to divorces occurring prior to September 1, 2017, provided that an amended or modified divorce decree allows the member sole retention of all rights in the retirement allowance.

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

**L-14 EARNING CAP FOR DETERMINING FINAL AVERAGE SALARY**

**Rationale:** The final average salary is used by the retirement system in the formula to determine retiree benefits. It is determined by the average of the three highest consecutive years of service. Some educators have been concerned that spiking of salaries occurs in certain districts during those last three years, and those retirees receive unfairly inflated retirement benefits. The retirement system did an in-depth study and declared there was no problem with spiking. However, Senate Bill 406 (2007) requires the PSRS system to accept only 10 percent increases each of the last three years. The estimate is that five percent of the new retirees next year will lose retirement benefits that they legitimately earned because of this change. S.B. 994 and House Bill 1774 (2008) would have restored the 20 percent rule for allowable Final Average Salary yearly increases, but the bills did not pass.
L-I5  **Fair and Equitable Retirement Compensation**

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

L-I6  **Graduated Multiplier from 25 to 35 Years of Service**

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

L-I7  **Gain Sharing**

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

L-I8  **Cost-of-Living Adjustments**

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

L-I9  **Increase in Retirement Benefits for the Public Education Employee’s Retirement System**

**Rationale:** In 2001, the General Assembly enacted legislation that adjusted the benefits of the PEERS by increasing the multiplying factor to 1.61, increasing the factors for the graduated 25-and-Out and providing a one-time 7.1 percent increase to those already retired. A temporary multiplier was increased from .4 percent to .8 percent for those who satisfy the Rule of 80 or who have 30 years of service credit and who retire before Social Security eligibility age, then this multiplier drops back when Social Security starts. The cost-of-living cap was raised from 75 percent to 80 percent.
L-I10  ACCESS TO REASONABLY PRICED HEALTH INSURANCE AND PRESCRIPTION DRUGS FOR RETIRED EDUCATION EMPLOYEES *

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

L-I11  RIGHT TO PURCHASE RETIREMENT SYSTEM CREDIT

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

L-I12  RETIREMENT CONTRIBUTION RATE

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

L-I13  IMPACT OF MANDATORY SOCIAL SECURITY ON RETIREMENT PROVISIONS

Rationale: Currently, Missouri educators pay 14.5 percent of their salary into PSRS. Missouri law provides that, in the event federal law changes to mandate Social Security coverage for teachers, retirement contributions and benefits would be reduced to 2/3 of their current rate. If this took place, members would then pay nine and two-thirds percent into PSRS, plus 6.2 percent to Social Security and perhaps 1.45 percent for Medicare. This would mean that teachers would be paying 17.32 percent of their salary in total retirement contributions and, when matched by the district, would total 34.63 percent of salary. The Social Security Administration has changed its interpretation and is seeking to require Social Security coverage for PSRS members based upon their employment position, not based on certification status per current state law. This change, if enforced, would adversely affect many PSRS members, especially retired teachers now working part-time in Education Support Professional positions.
**L-I14 DISABILITY**

**Rationale:** The Public School Retirement System and Public Education Employee Retirement System provide benefits to permanently disabled education employees with five years of experience in districts included within the retirement systems. The disability benefit ranges from 50 percent to 75 percent depending on years of service.

**L-I15 PARTIAL DISABILITY RETIREMENT BENEFITS**

**Rationale:** Currently, teachers must draw total disability from the Missouri Public School Retirement System even if they can teach a few hours a day.

**L-I16 SURVIVOR BENEFITS**

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

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

**Rationale:** Retired PSRS members may work in a PSRS position for up to 550 hours in a school year and continue to receive retirement benefits. There are further limits in earning no more than 50 percent of the annual compensation that would be paid to a full-time employee given such a person’s level of experience and education. PSRS’ tracking of hours worked is difficult because the system must rely on school district reporting. Currently, there is a disparity of conversion of course hours to clock hours in community colleges, making it difficult for retirees to accurately track hours worked. S.B. 62 (2017) applies the existing 550-hour limitation on PSRS retirees working for a school district to teaching work in a district while employed by a third-party agency.

S.B. 892 (2018) allows any PSRS retiree to work in a PEERS position while receiving their PSRS retirement benefit if 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. H.B. 77 (2019) restores the 550 hour limit for PSRS retirees employed as community college teachers. H.B. 77 was enacted with an emergency clause and became effective on April 16, 2019. An amendment adopted by the Senate onto H.B. 563 would have refunded community college payments to the system due to the requirements of H.B. 892 from 2018 regarding WAR requirements for PSRS retirees working as community college teachers. However, H.B. 563 did not pass. This type of refund provision is not permissible for the PSRS system under federal tax requirements of the IRS.

H.B. 2291 and H.B. 2460 from 2020 would have extended the critical shortage working after retirement option for teachers from two years to four years. H.B. 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.

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

**Rationale:** Currently, educators receiving pensions from the Public School Retirement System are paying state income taxes on a larger portion of their pension income than those being paid by recipients of Social Security. House Bill 444 (2007) eliminated state income tax on PSRS and PEERS pension income for individuals who are at least 62 years of age. The income tax deduction is limited to the maximum Social Security benefit for the current year and is reduced for taxpayers with incomes over $100,000 for married combined returns and $85,000 for other filing statuses.
**L-119 PENSION DEDUCTION**

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

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

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**L-120 ACTUARIAL STUDIES**

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

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**L-121 IMPACT OF SOCIAL SECURITY OFFSETS ON EDUCATORS RECEIVING PUBLIC PENSIONS (GPO/WEP)**

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

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**L-122 DISTRICT 403(b) PLANS**

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

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

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**L-J1 COLLECTIVE BARGAINING**

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

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

H.B. 1413 (2018) contains many harmful provisions that will interfere with employee participation in unions and local control of public sector bargaining, such as mandatory recertification elections every three years, prescriptive financial reporting mandates and problematic restrictions on bargained agreements. The bill applies to many public labor organizations, but exempts law enforcement, fire fighters, corrections officers and emergency medical personnel. The paycheck portion of the bill requires annual authorization for payroll deduction of payments for association dues and annual authorization of member contributions for political action. The bill allows paid release time for some non-bargaining union activities and 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.

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

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

H.B. 1413 (2018) contains many harmful provisions that will interfere with employee participation in unions and local control of public sector bargaining, such as mandatory recertification elections every three years, prescriptive financial reporting mandates and problematic restrictions on bargained agreements. The bill applies to many public labor organizations, but exempts law enforcement, fire fighters, corrections officers and emergency medical personnel. Enforcement of H.B. 1413 is currently blocked by a permanent court injunction, and the case is under appeal by the state. The paycheck portion of the bill requires annual authorization for payroll deduction of payments for association dues and annual authorization of member contributions for political action. The bill allows paid release time for some non-bargaining union activities and 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.

S.B. 701 and H.B. 2431 from 2020 would have enacted onerous and intrusive restrictions on certain public employees regarding payroll deductions for dues and deductions for political action. However, neither bill was approved.

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

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

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

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

A teacher performance evaluation initiative, the Missouri Teacher Performance Evaluation, appeared on the November 2014 ballot as Amendment 3. The proposal was overwhelmingly defeated by a vote of 76% in opposition. The Association worked to defeat the measure as a core member of the Coalition to Protect Local Schools. The ballot initiative would have mandated teacher performance evaluations dominated by student scores on standardized tests, and these results would be used to determine whether a teacher should be dismissed, rehired, demoted or promoted. It would also have prevented collective bargaining on these evaluation tools and eliminated due process rights unless an existing contract was in effect.
**L-J3**  **Procedural and Substantive Due Process for all Education Employees** *

**Rationale:** In Missouri, probationary teachers and all noncertified employees are currently subject to non-renewal of contracts without due process. Some Missouri teachers are even denied procedural due process when cooperating districts for special needs shift governance of these teachers. The current law does not require substantive due process for any education employee. These provisions of Missouri’s law could unwisely tempt boards of education to replace qualified education employees without valid reasons. Most other public employees receive such procedural and substantive due process guarantees after no more than one year. House Bill 1543 (2010) provides substantive due process for tenured teachers for St. Louis City schools only. H.B. 604 (2019) allows the use of a hearing officer for tenured teacher hearings in St. Louis City to continue once the State Board of Education removes the Special Administrative Board (SAB) and restores full control of the district to the elected school board in July of 2019. Senate Bill 291 (2009) removed the due process rights for all new noncertified employees in St. Louis City schools. House Bill 1526 and Senate Bill 806 (2012) would have repealed the due process rights of teacher tenure and allowed teachers only contracts of one to three-year duration, and later versions would have extended the probationary period for teachers to ten years or weakened tenure in the layoff process, but the bills did not pass. S.B. 1007 (2018) 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. Senate Bill 595 (2012) revises special education due process hearings and will have appeals from district decisions heard before the AHC.

The legislature passed H.B. 1432 (2016) and overrode Governor Nixon’s veto to enact the bill into law. The bill requires a hearing to be held within 60 days if a public employee is placed on administrative leave to determine if the employee engaged in misconduct. The final version contains an extension up to 180 days for good cause, but with no definition of cause. The bill’s hearing and determination requirements are not consistent with the various existing timelines and provisions relating to investigations and hearings for public employees on administrative leave.

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

**L-J4**  **Confidentiality and Job Security** *

**Rationale:** Although students who seek treatment for chemical dependency or mental health-related concerns are protected by laws governing confidentiality and guaranteeing education, in some districts, education employees’ jobs are at risk if treatment is sought for these illnesses. In addition, students testing positive for HIV/AIDS are not automatically removed from school, but some district policies allow for immediate removal of teachers from the work place for HIV/AIDS. Furthermore, drug testing may result in violating privacy rights for the employee. House Bill 1543 (2010) requires implementation of a drug and alcohol testing program for school construction employees. S.B 694 (2019) revises employer access to the federal and state background check resources known as the RAP Back program for many private employers. Senate Bill 510 2014) revises the definition of the allowable causes for former employees to be disqualified from unemployment compensation. The legislature approved H.B. 150 (2015). The bill makes several changes to unemployment compensation, including shortening the period of benefits to as little as 13 weeks, depending on general unemployment figures. The Governor vetoed H.B. 150 and the House overrode the veto during Regular Session. The Senate overrode the veto during Veto Session, thus enacting the bill into law. In July 2016, the Missouri Supreme Court overturned H.B. 150 and ruled that the bill was improperly enacted and that the legislature may only use the Veto Session for veto overrides on bills returned by the Governor within five days before the end of Regular Session or after the end of session.
L-J5  ACADEMIC FREEDOM FOR HIGHER EDUCATION *

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

L-J6  PROTECTION FROM BULLYING, HARASSMENT AND DISCRIMINATION IN THE WORKPLACE *

Rationale: Existing laws require harassment to be discriminatory before disciplinary action may be taken, and this discrimination must be shown on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age or sexual orientation. Workplace bullying, however, includes interpersonal mistreatment, harassment and psychological violence and poses an occupational health hazard. Significant business losses in sick leave and retraining accrue to Missouri businesses. Workplace bullying directly affects approximately one out of every six American workers. S.B. 43 (2017) will substantially weaken existing prohibitions on discrimination in the workplace. S.B. 620 (2018) and S.B. 585 (2018) would each have repealed key provisions from S.B. 43 (2017), but neither bill passed. S.B. 786 (2018) would have expanded whistle-blower protections to all public employees and expanded the scope of the protections, but the bill did not pass. H.B. 1527 and H.B. 1763 (2020) would have extended the protections of the Missouri Human Rights Act to protect sexual orientation and gender identity in housing, disability and the workplace, but the bills did not pass. S.B. 154 (2019) would have revised arbitration agreements between employers and at-will employees and may have allowed employers to pressure employees to accept unfavorable arbitration terms that reduce the ability to hold employers accountable for discriminatory acts, but the bill did not pass. S.B. 98 (2017) would have prohibited paying any employee wages less than those paid to employees of the opposite gender for the same work, but the bill did not pass. S.B. 695 (2016) would have prohibited paying any employee wages less than those paid to employees of the opposite gender for the same work, but the bill did not pass.

L-J7  CHANGE OF EMPLOYMENT BETWEEN DISTRICTS *

Rationale: Currently, school districts can set their own experience-credit limitations that most often penalize new employees who have previous public school teaching experience.

L-J8  EMPLOYEE RIGHTS DURING ANNEXATION, DISSOLUTION OR STRUCTURAL CHANGE *

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

L-J9  EMPLOYEE RIGHTS DURING STRUCTURAL CHANGE FOR ST. LOUIS COUNTY

Rationale: Currently, there is no protection for the education employees who provide services to 20 percent of the state's students with special needs if the SSD is re-structured.
L-J10  REDUCTIONS IN FORCE *

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

L-J11  SPECIAL EDUCATION COOPERATIVES *

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

L-J12  CHANGING SPECIAL SCHOOL DISTRICTS

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

L-J13  EDUCATION EMPLOYEE PROTECTION FROM FALSE CHARGES *

Rationale: Currently, the laws to protect children do not afford education employees the right to have false allegations expunged from their records. False allegations of child abuse or other false allegations of misconduct could conceivably be the reason some districts decide not to hire education employees even when they have not done anything harmful to children. Senate Bill 54 (2011) was enacted and establishes many new provisions relating to reports of child abuse or neglect against school employees. S.B. 54 contains provisions regarding employee references and reports to the Children’s Division that refer to the undefined term “allegations of sexual misconduct.” These provisions have caused confusion and difficulties for districts and for employees seeking employment in other settings. H.B. 604 (2019) requires school districts and charter schools to contact former school district employers before offering employment to new employees. H.B. 604 also requires school districts and charter schools to provide information about former employees to prospective employers concerning any violation of board regulation related to sexual misconduct with student. Any such determination shall be made only after the employee has the right to request a substantive due process hearing before the board.

L-J14  HOT-LINE PROCEDURES

Rationale: Under the provisions of House Bill 505 (2013), teachers, nurses and other mandatory reporters must directly report all suspected child abuse or neglect to the Children’s Division. The Children’s Division within the Department of Social Services investigates all charges made via the child abuse hot line. If the charges are found not to be substantiated, the charge remains on the record of the accused for five years. It is possible that students and/or their parents could use this hot-line system to harass an education employee for retaliation or other reasons, when in fact no abuse has occurred. House Bill 1453 (2004) provides that mandated reporters of suspected child abuse, including teachers and counselors, may not make reports anonymously. Senate Bill 155 (2005) requires the Children’s Division to expunge the information from reports against mandatory reporters when the report was found to be malicious, for purposes of harassment, or in retaliation, and such information shall be expunged 45 days after the conclusion of the investigation.
For reports filed by a mandatory reporter, where insufficient evidence of abuse or neglect is found by the
division, the identifying information shall be retained for five years from the conclusion of the investigation.
House Bill 505 (2013) prohibits schools from designating a reporting agent for suspected child abuse or
neglect and requires all mandatory reporters, including teachers and nurses, to individually report suspected
child abuse or neglect. H.B. 505 also strengthens the prohibitions on inhibiting reports and retaliations
against employees for making reports and guarantees relief from other duties and phone access to make
required reports. H.B. 1562 (2016) restricts access to forensic evidence, such as photographs and interview
videos, created in the investigation of alleged child abuse or neglect. H.B. 604 (2019) specifies that child
abuse definitions apply to school staff and volunteers when outside of regular school hours or off school
grounds.

**L-J15  TENURE AND TENURE RETENTION * **

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

**L-J16  EQUAL RIGHTS **

**Rationale:** The Equal Rights Amendment was proposed by Congress in 1972 with a seven-year deadline on
the state ratification process. The deadline was extended until 1982, but only 35 of the 38 required state
ratifications were obtained by 1982. The ERA has been reintroduced in the United States Congress.
Acceptance of the “Madison Amendment” concerning changes in congressional pay, passed by Congress in
1789 and ratified in 1992 as the 27th Amendment to the Constitution, has provided support for the position
that Congress has the power to maintain the legal status of the ERA’s existing 35-state ratifications. State
ratification efforts continue in many of the remaining states. In Illinois, for example, a ratification resolution
has passed the House and has moved through the Senate committee. In addition, legislation has been
introduced in the Missouri General Assembly to provide for gender-neutral language in existing laws that
discriminate based on gender.

**L-J17  POLITICAL INVOLVEMENT * **

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

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>ABCTE</td>
<td>American Board for Certification of Teacher Excellence</td>
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<td>ABLE</td>
<td>Achieving a Better Life Experience</td>
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<td>ACT</td>
<td>American College Test</td>
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<td>AED</td>
<td>Automated External Defibrillator</td>
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<td>AHC</td>
<td>Administrative Hearing Commission</td>
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<td>AIDS</td>
<td>Acquired Immunodeficiency Syndrome</td>
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<td>ALEC</td>
<td>American Legislative Exchange Council</td>
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<td>ALTGLES</td>
<td>Alternative Grade Level Equivalents</td>
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<td>ARRA</td>
<td>American Recovery and Reinvestment Act</td>
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<td>AYP</td>
<td>Adequate Yearly Progress</td>
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<td>CEE</td>
<td>Committee for Educational Equality</td>
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<td>COLA</td>
<td>Cost-of-Living Adjustment</td>
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<td>CPI</td>
<td>Consumer Price Index</td>
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<td>CPR</td>
<td>Cardiopulmonary Resuscitation</td>
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<td>CURP</td>
<td>College and University Retirement Plan</td>
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<td>DB</td>
<td>Defined Benefit</td>
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<td>DC</td>
<td>Defined Contribution</td>
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<td>DESE</td>
<td>Department of Elementary and Secondary Education</td>
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<td>ECSE</td>
<td>Early Childhood Special Education</td>
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<td>ERA</td>
<td>Equal Rights Amendment</td>
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<td>ESEA</td>
<td>Elementary and Secondary Education Act</td>
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<td>ESL</td>
<td>English as a Second Language</td>
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<td>ESP</td>
<td>Education Support Professional</td>
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<td>ESSA</td>
<td>Every Student Succeeds Act</td>
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<td>FY</td>
<td>Fiscal Year</td>
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<td>GASB</td>
<td>Governmental Accounting Standards Board</td>
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<td>Government Pension Offset</td>
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<td>H.B.</td>
<td>House Bill</td>
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<td>HIV</td>
<td>Human Immunodeficiency Virus</td>
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<td>HJR</td>
<td>House Joint Resolution</td>
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<td>Individuals with Disabilities Education Act</td>
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<td>IEP</td>
<td>Individualized Education Plan</td>
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<td>IRS</td>
<td>Internal Revenue Service</td>
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<td>LEA</td>
<td>Local Education Agency</td>
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<td>LTC</td>
<td>Long Term Care</td>
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<td>MACCE</td>
<td>Missouri Advisory Council for the Certification of Educators</td>
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<td>MOHELA</td>
<td>Missouri Higher Education Loan Authority</td>
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