



Legislative Update

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TAX CREDIT VOUCHERS, CHARTER SCHOOL EXPANSION AND VIRTUAL EXPANSION

The House and Senate are considering numerous bills that include one or more of these three issues. Each proposal would divert valuable resources from Missouri's public schools and students and the Association opposes all of these bills:

- 1) SCS/SBs 55, 23 and 25 (O'Laughlin) includes tax credit style vouchers, charter school expansion, and full-time virtual school expansion. This bill is already out of committee and awaiting Senate floor debate. The SCS also includes school board recall provisions, term limits for members of the State Board of Education and home school student participation in MSHSAA activities.
- 2) HB 729 (O'Donnell) includes essentially the same tax credit style vouchers, charter school expansion, and full-time virtual school expansion as SCS/SB 55. The House Elementary and Secondary Education Committee heard HB 729 on February 2.
- 3) HB 349 (Christofanelli) contains essentially the same tax credit voucher provisions as are in SCS/SB 55. The House committee will vote on HB 349 on February 9.
- 4) HB 540 (Fitzwater) is a tax credit style voucher that puts some program administration under the control of the State Treasurer.
- 5) SB 30 (Cierpiot) contains essentially the same tax credit voucher provisions as are in HB 540. The Senate Education Committee heard SB 30 on January 26.
- 6) SB 95 (Onder) contains essentially the same full-time virtual school provisions as are in SCS/SB 55 and HB 729. The Senate Education Committee heard SB 95 on February 2.

SENATE PERFECTS COVID LIABILITY BILL

After fifteen hours of debate, the Senate gave first round approval (Perfection vote) to SS#2/SCS/SBs 51 & 42 (Luetkemeyer) on February 3. The bill pertains to liability protections for employers and other entities during declared emergencies, including the COVID-19 pandemic. The Senate Substitute makes several changes to the original language but retains the same problematic approach of the bill as filed. The bill will likely be taken up for final passage (Third Reading vote) early next week.

The Association has concerns regarding this type of sweeping liability waiver and opposes the bill. Fundamentally, if no one is responsible, no one is safe. Among several concerns, the products liability

waiver could put educators and many other workers at risk of using ineffective, inadequate, or unsafe products if manufacturers have no responsibility to maintain high product standards during the pandemic.

CHARTER FUNDING BILLS

The House Budget Committee is scheduled to vote on HB 137 (Richey) on February 9. HB 137 would revise the law specifying payments to charter schools and shift more local school funds to charter schools. The Senate Education Committee heard SB 218 (Luetkemeyer), a companion bill with the same language, on February 2. The Association opposes both bills.

The Association believes that charter schools should be sponsored by and accountable to the local community through the elected school board and approved only after an impact study is conducted by the district to consider the proposal. Charter schools should be subject to the same standards of accountability, transparency, and respect for the rights of students, parents and staff as are applicable to traditional public schools.

The Association also urges the legislature to provide an allowance in the calculation of charter school funding for maintaining district capacity to serve all students. Even charter school students rely on the district to remain capable to serve all students, especially in the case that one or more charter or district schools close. District schools also typically have higher enrollments and higher costs for special education and transportation. Funding should also be provided to maintain the other functions needed at the district level and within district schools.

"TEST, BLAME AND PUNISH" BILL

The House Elementary and Secondary Education Committee heard HB 942 (Haffner) on February 2. The bill is scheduled for a vote on February 9. The HB 942 would require district accreditation to be based at least seventy percent on student scores on standardized tests. The bill creates a similar accreditation process for individual school buildings and requires minimum percentages of both districts and schools to annually be labeled at the lower two levels of unaccredited and provisionally accredited. This bill hearkens back to the now-abandoned "test, blame and punish" mindset of the former, federal NCLB Act. The Association opposes the bill as drafted.

PUBLIC SCHOOL OPEN ENROLLMENT

The House Elementary and Secondary Education Committee will meet on February 9 to hear two bills that would create open enrollment in Missouri public schools: HB 303 (Wiemann) and HB 543 (Pollitt). These bills contain mostly similar provisions to allow students to request a transfer to attend another public school district. School districts would have the option to specify the number of transfer students they are willing to receive, but there would be no general limitation on the number of students who chose to leave the district. HB 543 includes the option for a district to adopt a diversity plan that could limit student transfers out of the district for transfers that would work against the diversity plan. Both bills contain complex funding provisions for transferring funds from the sending district to the receiving district.

The Association is concerned that many students may be left behind in such a transfer plan. Usually, the students with means and 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 those 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 factors. The Association opposes the bill.

RECORDING IEP MEETINGS

The House Elementary and Secondary Education Committee voted to approve HB 228 (Basye) to allow parents of special education students to make audio recordings of IEP meetings and 504 plan meetings with prior notice. The bill was approved as a Consent Bill and will not be subject to amendment on the House floor if it remains on the Consent Calendar.

COMPETENCY-BASED LEARNING

The House Emerging Issues Committee heard HB 624 (Richey) on February 2. HB 624 is a companion bill to SB 34 (Arthur) and creates an alternative graduation pathway for high school students. The bill allows an alternative diploma to be earned as early as the tenth grade, based upon demonstration skills and knowledge in core subject areas and satisfactory performance on examinations in subjects needed to prepare a student to enter postsecondary education without remedial or developmental coursework. The bill includes alternative funding provisions for the district, depending on whether the student remains enrolled after earning the alternative diploma or enrolls in postsecondary education.

HOUSE HIGHER EDUCATION COMMITTEE

The committee met on February 1 to hear HB 355 (Baker). The bill would require the Department of Higher Education and Workforce Development to annually collect information on a variety of topics, including the costs of four-year college and alternative career paths. School counselors will receive this information annually. Prospective students must verify that they have read the information prior to applying to a public institution.

SENATE EDUCATION COMMITTEE

The committee heard the following bills on February 2:

- 1) SB 134 (O'Laughlin) to allow parents of special education students to make audio recordings of IEP meetings and 504 plan meetings with prior notice. The House Elementary and Secondary Education Committee will vote on HB 228 (Basye), a companion bill, on February 2.
- 2) SB 139 (Bean) to create a workforce diploma program that assists students who are 21 years of age or older to obtain a high school diploma and develop employability and career and technical skills.

SENATE WAYS AND MEANS COMMITTEE

The committee met on February 4 and heard the several bills. The committee then voted to approve the following bills:

SB 22 (Koenig) regarding tax increment finance (TIF) projects. The bill would better define and focus the situations where TIFs can apply and ensure that a third party does the evaluation of whether the proposed project meets those definitions, rather than the developers. The Association supports the bill.

SB 24 (Eigel) to permanently eliminate 99.997% of the taxes on personal property within a five year period. by phasing out. Based on the official fiscal note for the bill, this change is expected to ultimately reduce local school revenues by roughly \$1 billion per year. The Association opposes the bill.

COUNTY SALES TAX FOR EARLY CHILDHOOD EDUCATION

The House Children and Families Committee heard HB 865 (Shields) on February 2. The bill allows any county or St. Louis City to approve, by simple majority vote, a property tax of up to 40 cents (per \$100 assessed value) to fund early childhood education services in that county or city for children under five years of age. The governing body of the county or city will appoint a governing board of seven residents to oversee the operation of the program. Funds may be used to establish an early childhood education program or to support local entities that provide early childhood education. The board may place limits regarding the children to be served and services provided based on funding and the needs of the children and community.

ELECTIONS

The Senate Local Government and Elections Committee heard two bills on February 3:

1) SB 86 (Hegeman) would revise the general restrictions on the use of any public funds in support or opposition to any ballot measure or candidate for office. The bill clarifies that this law applies to school districts and charter schools. While the Association supports clear restrictions on use of public funds for electoral purposes, the Association is concerned that the elevated penalty provision may have a chilling effect and deter school leaders and staff from providing the information the local community needs to make an informed decision on local school issues.

2) SB 149 (Onder) to modify laws pertaining to the initiative and referendum process. The bill imposes a \$500 filing fee on every filed proposal, along with a surcharge of \$25 per page over ten pages. The fee is refunded if the measure is certified for distribution. The bill also provides that all previously collected signatures are invalidated if a court orders a change to the ballot title. The Association is concerned that the bill will create barriers that make it harder for citizens to bring forward policies via petition.

The House Elections and Elected Officials Committee heard HB 850 (Wiemann) on February 3. The bill attempts to prohibit a court from changing a summary statement or ballot language approved by the General Assembly for a Constitutional amendment or a bill that is referred to voters by referendum clause. The Association is concerned that this bill attempts to violate the Constitutional separation of powers by prohibiting judicial review on ballot language. The Association opposes the bill.

LOCAL CONTROL OF PUBLIC HEALTH MEASURES

The House Special Committee on Small Business met on February 2 and voted to approve several bills pertaining to local control of public health measures, including HCS/HB 75 (Murphy), HCS/HBs 288, 444 & 392 (Henderson), HCS/HB 572 (Haffner) and HB 602 (Grier). The Association believes that every child should have a safe place to learn. The Association urges the legislature to ensure that any such legislation maintain an effective structure in place, where local and state public health officials can take appropriate and timely action to adopt and enforce provisions to help ensure students have safe schools.

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