



Legislative Update

By Otto Fajen
MNEA Legislative Director
Otto.fajen@mnea.org

Number 10
March 10, 2022
www.mnea.org

LEGISLATURE ADJOURNS FOR SPRING BREAK

The House and Senate adjourned on March 10 for a one-week spring break and will reconvene on March 21. When the legislature returns, there will be eight-session weeks remaining before the session ends on May 13. The operating budget bills for the next fiscal year must be finally passed one week earlier and no later than May 6.

CAPITOL ACTION DAYS

Capitol Action Days continued March 9, when members from Governance Districts 4 and 5 came to the Capitol. Capitol Action Days take place on most Wednesdays during session, beginning in February. Members unable to attend on the Capitol Action Day for their Governance District can sign up to attend another Capitol Action Day.

For more information and to register for your Capitol Action Day, please visit <https://www.mnea.org/CAD>

HOUSE PASSES OPEN ENROLLMENT BILL

The House gave final approval to HCS/HB 1814 (Pollitt) on March 9 by a vote of 85-66. The bill would create a public school open enrollment program. The Association believes that a public school choice plan must state its purpose and intended outcomes at the outset, be designed primarily to improve the quality of instructional and educational programs in the public schools, promote equal educational opportunity for all students, and operate in ways that facilitate better racial, ethnic, and socioeconomic balances in the public schools. The House adopted an additional amendment granting open enrollment options to a district based on property ownership in the district. The Association opposes the bill.

HOUSE PASSES CHARTER SCHOOL FUNDING BILL

The House gave final approval to HCS/HB 1552 (Richey) on March 9 by a vote of 85-67. The bill would revise the law specifying payments to charter schools and shift more local school funds to charter schools. The HCS version includes additional changes specific to the St. Louis City district. The House amended the bill to delay the effectiveness on St. Louis City for five years. The House defeated Rep. Francis' amendment to limit the bill to Kansas City school district. The Association opposes the bill.

Missouri NEA 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. School board sponsorship ensures that the board can plan the use of all school funds and implement the services and programs that meet the needs of all students in the community. The Association also believes that all 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.

SENATE PASSES READING BILL

The Senate gave final approval to SS/SCS/SBs 681 & 662 (O'Laughlin) on March 10 by a unanimous 30-0 vote. The bill revises several provisions related to literacy and reading instruction and creates school innovation waivers. The perfected bill contains many provisions from SB 1076 (Arthur), a similar bill, and the Association supports the bill. The bill repeals retention in grade requirements for struggling readers. The bill requires schools to provide reading instruction, with appropriate evidence-based reading intervention, in the elementary grades and requires assessment and intervention beginning in kindergarten. The bill requires systematic and explicit interventions for students with characteristics of dyslexia. An amendment offered by Sen. Arthur delays the implementation of the assessment and intervention provisions until January 1, 2023.

The bill includes specific requirements on DESE to support literacy and help train teachers. The bill also requires schools to provide in-service teachers with professional development opportunities in literacy and reading instruction. The bill requires teacher preparation programs to adequately prepare teaching students to provide effective literacy and reading instruction and revises the educator preparation advisory board to involve more classroom teachers in designing this training.

SENATE DEBATES NEW OFFENSE THAT SEEKS TO BAN BOOKS

The Senate debated SB 775 (Rehder) on March 8 but did not bring the bill to a vote. The bill creates new rights for sexual assault survivors and contains other provisions regarding sexual offenses.

Sen. Brattin offered an amendment to create a new criminal offense that would apply to personnel in public and private K-12 schools who provide vaguely-defined "obscene material" to students. The amendment followed a discussion about the recent, organized effort by a newly-formed group to force several Missouri school boards to ban controversial books from school libraries. Decisions regarding material and books in school libraries should be made under local policies by appropriate committees. The Association opposes unnecessary and vague penalty provisions that could have a chilling effect on the honest discussion of important and controversial topics that our students deserve.

GIFTED EDUCATION

The House gave final approval to HB 2366 (Shields) on March 10. The bill requires districts and charter schools to identify and provide services and programs for gifted children. The bill requires a district to establish a gifted education program if three percent or more are identified as gifted. The Association believes that gifted and talented students need a challenging curriculum and a program that identifies and supports their unique needs. The Association supports the bill.

SUBSTITUTE TEACHINGS/WORKING AFTER RETIREMENT

The House gave final approval to HCS/HB 2304 (Lewis) on March 1. The bill would create a state law establishing qualifications for substitute teachers that is similar to the State Board rule. The HCS also includes a provision for DESE to establish an anonymous, online survey tool for substitute teachers that will help collect relevant data regarding the pay, support, and experiences of substitute teachers across the state. The House adopted an amendment to revise language that provides a three-year waiver of the 550 hour/50% earnings limit for working after retirement to substitute teach on a part-time or temporary basis. The HCS also includes an emergency clause.

HIGHER EDUCATION STUDENT ORGANIZATIONS

The House gave final approval to HB 1724 (Hudson) on March 10. The bill revises policies of public higher education institutions in recognizing student associations. The bill would prevent a public college from limiting recognition to belief-based student associations that require leaders to adhere to its beliefs, practice requirements, or standards of conduct. The Association believes that organizations are strengthened by offering memberships on a nondiscriminatory basis. The Association opposes the bill.

PHOTO ID MANDATE

The House gave final approval on March 10 to two measures that would require registered voters to provide a government-issued photo identification: HB 1878 (Simmons) and HJR 94 (Simmons). The Association opposes barriers that keep eligible citizens from voting and being politically active and opposes both measures.

INITIATIVE PETITIONS

The House gave final approval to HCS/HJR 91 (Eggleston), another joint resolution pertaining to initiative petitions. The joint resolution would make it harder for citizens to use the initiative petition process in the future, and the Association opposes the measure.

HOUSE CREATES OMNIBUS EDUCATION BILL

The House gave first-round approval to HCS/HB 1750 (Basye) on March 9 after adopting a total of sixteen amendments. The resulting omnibus bill contains the provisions of a total of fifteen bills:

SCHOOL BOARD AND COMMUNITY RELATIONS: HCS/HB 1750 (Basye) itself requires each school board and charter school to adopt a policy on community engagement. The policy will allow interested community members to communicate with governing boards and school administrators on an issue related to school governance or operations. The policy may require the community member to speak with administrators before seeking board action. Rep. Basye offered an amendment that removed the authority for lawsuits to seek to require school employees and officials to perform actions required by school law.

GIFTED EDUCATION: HB 2366 (Shields) to require districts and charter schools to identify and provide services and programs for gifted children. The bill requires a district to establish a gifted education program if three percent or more are identified as gifted. The Association believes that gifted and talented students need a challenging curriculum and a program that identifies and supports their unique needs. The Association supports the bill.

CHILD ABUSE INVESTIGATIONS: HB 2095 (Hannah Kelly) to modify provisions relating to child abuse investigations in schools. The bill requires the Children's Division to conduct investigations of all allegations of suspected child abuse or neglect, including those involved with corporal punishment in public schools. The Association supports the bill. The House defeated an amendment by Rep. Nurrenbern to ban corporal punishment in schools, but the House adopted an amendment offered by Rep. Proudie to require parental consent before corporal punishment may be used.

SPECIAL EDUCATION FUNDING: HB 1469 (Pike) to revise the calculation of aid relating to the cost of serving high-needs students. The bill ensures that a district's per-pupil average used as a basis for the high-needs funding is not skewed by the high cost of serving those students. The Association supports the bill.

PRESCHOOL MAKEUP DAYS: HB 1471 (Pike) to ensure that make-up day requirements for half-day preschool programs are proportional to the program's schedule. The Association supports the bill.

SCHOOL INNOVATION WAIVERS: HB 2152 (Henderson) to provide for school innovation waivers to exempt schools from specific requirements imposed by statute or regulation. The Association believes this bill could be used to grant flexibility to improve pupil assessments and supports the bill.

TEACHER CERTIFICATION: HCS/HB 1928 (Pollitt) to revise the requirements for a visiting scholars certificate of license to teach. The HCS allows districts to employ teachers who complete an approved teacher preparation program but have not passed the exit exam and provides that such a teacher shall receive a state teaching certificate upon completion of three years of successful teaching.

SUBSTITUTE TEACHERS: HCS/HB 2304 (Lewis) to create a state law establishing qualifications for substitute teachers that is similar to the State Board rule. The HCS includes language to include a three-year waiver of the 550 hour/50% earnings limit for working after retirement. The HCS also includes a provision for DESE to establish an anonymous, online survey tool for substitute teachers that will help collect relevant data regarding the pay, support, and experiences of substitute teachers across the state. The HCS also includes an emergency clause.

EXTENDED LEARNING OPPORTUNITIES: HB 1856 (Baker) to create a policy that would allow students to receive credit for participation in out-of-classroom learning experiences as approved by the State Board of Education, a school board, or a charter school.

TRANSPORTATION: HB 1973 (Kurtis Gregory) to limit the definition of school bus to include vehicles designed to carry more than ten people. Schools would still be able to use other motor vehicles for pupil transportation.

SPECIAL EDUCATION: HB 2010 (Travis Smith) to place the burden of proof and production on school districts in due process hearings for children with a disability.

CURSIVE INSTRUCTION: HB 2073 (Bangert) to require school districts to provide instruction in cursive writing by the end of the fifth grade, including a proficiency test of competency in reading and writing cursive.

COMPENSATION INFORMATION: HB 2359 (Basye) to modify who is required to report and what information is reported to the Missouri Accountability Portal. The bill requires school salary and benefit information to be included on the Portal.

SUPERINTENDENT SHARING: HB 1721 (Shields) to allow school districts that share superintendents to receive additional state aid.

SCHOOL BOARD ELECTION SUBDISTRICT OPTION: HB 1804 (Viet) to allow school districts to change from at-large to subdistrict school board elections, including the local option for any district to vote to approve a change to elect some or all board members from subdistricts.

PROPERTY OWNERSHIP PUPIL TRANSFER: an amendment offered by Rep. Davidson and similar to a provision in HB 1814 (Pollitt) would allow students to transfer to a non-resident district if the family has owned a property in the non-resident district for at least three years and has paid a total of \$3000 or more in school property taxes in that non-resident district.

SUICIDE PREVENTION

The House-Health and Mental Health Policy Committee heard HB 2136 (Ann Kelley) on March 7. The bill enacts requirements relating to suicide prevention education and information. Districts are required to offer two hours of professional development and teachers may participate in the training. The bill also requires student ID cards to have suicide prevention contact information. The Association supports the bill.

TRANSGENDER ATHLETIC PARTICIPATION

The House General Laws Committee heard three bills affecting transgender athletic participation on March 7: HB 2197 (Cook), HB 2461 (Burger), and HB 2734 (Basye). HB 2197 and HB 2734 would prohibit transgender athletes from participating in competitive girls' or women's events in middle schools, high schools, and colleges. HB 2461 is similar but would only affect K-12 schools. The bills would override MSHSAA and higher education institution policies on transgender participation that generally align with NCAA and IOC policy and seek to balance fairness and inclusion for athletes. The Association believes that educators should continue to establish the policies and procedures that govern the activities of Missouri students who participate in school activities and opposes all three bills.

HOUSE-ELEMENTARY AND SECONDARY EDUCATION COMMITTEE

The committee heard seven bills on March 8:

HB 1469 (Pike) to revise the calculation of aid relating to the cost of serving high-needs students. The bill ensures that a district's per-pupil average used as a basis for the high-needs funding is not skewed by the high cost of serving those students. The Association supports the bill.

HB 1471 (Pike) to ensure that make-up day requirements for half-day preschool programs are proportional to the program's schedule. The Association supports the bill.

HB 2150 (Shields) would enact new provisions governing instruction for vision-impaired students. The bill is expected to increase the fraction of vision-impaired students receiving Braille instruction. The bill requires vision-impaired students to receive assessment and training in use of nonvisual accessible assistive technology and instruction for orientation and mobility. The Association supports the bill.

HB 2492 (Fitzwater) and HB 2618 (Davidson) to revise the laws governing adult high schools and expand opportunities for access. This bill allows synchronous instruction connecting students to a live classroom in a Missouri adult high school to be treated the same as in-person learning. The Association supports the bill.

HB 2575 (West) to establish several new requirements for school board meetings. The bill requires school boards to adopt a policy that provides more options for people to speak to or provide written comments to school boards.

HB 2606 (Pike) to designate the first week of February each year as "School Counseling Week" to recognize the importance of counselors in student success.

HB 2652 (Haffner) to change procedures for accreditation of public schools and school districts. Reminiscent of the "test and punish" mindset of the federal NCLB act, this bill would mandate that district accreditation be determined largely by scores on state-mandated tests, based on percentages specified in the bill. The Association opposes the bill.

The committee also voted to approve three bills on March 8. These bills resemble many of the other bills already heard in the committee this session. The Association believes that curriculum decisions are best made at the local level and opposes all three bills:

HB 1484 (Ann Kelley) regarding prohibitions on instruction relating to race and history. The bill seeks to prohibit certain "concepts" about individuals based upon race or gender from being included in courses.

HCS/HB 1835 (Wiemann) to mandate that a detailed list of topics be included in social studies academic performance standards and include prohibitions on instruction relating to race and history. The HCS modifies the prohibitions on including certain concepts in instruction.

HCS/HB 2189 (Mary Elizabeth Coleman) to place various restrictions on school curricula, place numerous restrictions on staff professional development and impose additional requirements for disclosure of curricula and instructional materials. The HCS removes restrictions on curricula while maintaining the other provisions.

SENATE EDUCATION COMMITTEE

The committee heard four bills on March 8:

SB 800 (Hegeman) to repeal the expiration date on the early learning quality assurance report program. The Association supports the bill.

SB 806 (Hoskins) to require districts and charter schools to identify and provide services and programs for gifted children. The bill requires a district to establish a gifted education program if three percent or more are identified as gifted. The Association believes that gifted and talented students need a challenging curriculum and a program that identifies and supports their unique needs. The Association supports the bill.

SB 818 (Bernskoetter) to authorize the Gasconade R-II school district, which crosses county boundaries, to use the county that yields the highest dollar value modifier under the school foundation formula.

SB 958 (Bean) to limit the definition of school bus to include vehicles designed to carry more than ten people. Schools would still be able to use other motor vehicles for pupil transportation.

The committee also voted to approve eight bills on March 8:

SCS/SB 659 (Cierpiot) to require district high schools and charter high schools to offer computer science courses or embedded instruction. The bill allows high schools the option to comply by informing students and parents of virtual course offerings in computer science.

SB 684 (May) to allow school districts to offer elective social studies courses on the Hebrew Scriptures and the New Testament.

SB 691 (Rehder) to require school districts to conduct criminal background checks on certain adults seeking enrollment in courses taught at public schools.

SCS/SB 703 (Eslinger) to strengthen provisions intended to make sure that all students consider their future plans and design their high school program to support those plans and prepare them for what comes after graduation. The bill ensures that all students will be expected to complete an individual and career academic plan that includes planning a transition to post-secondary training or employment. The Association believes that educational programs should be developed that offer career exploration on the secondary level and supports the bill.

SB 647 (Koenig) to establish a grievance process for parents and guardians of elementary and secondary school students. The Association is concerned that the bill would undermine local school governance and create an appeal process to DESE with no standard for consideration of such an appeal.

SB 660 (Arthur) to establish the Show Me Success Diploma Program, the Competency-Based Education Grant Program, the Competency-Based Education Task Force, and a competency-based credit system for high school students. The Association supports the bill.

SCS/SB 769 (O'Laughlin) to allow the creation of recovery high schools for students in recovery from substance use issues. The bill allows school districts or groups of districts to apply to DESE for authority to create recovery high schools in regions around the state. The Association supports the bill.

SCS/SB 781 (Moon) to prohibit transgender athletes from participating in competitive girls' or women's events in middle school, high schools, and colleges. The bill would override MSHSAA and higher education institution policies on transgender participation that generally align with NCAA and IOC policy. The Association believes that educators should continue to establish the policies and procedures that govern the activities of Missouri students who participate in school activities and opposes the bill.

Legislative Update 2022

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

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