



# Legislative Update

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## **LEGISLATURE CANCELS SESSION DUE TO WINTER STORM, WILL RETURN AFTER PRESIDENTS' DAY**

The House and Senate cancelled hearings and session on February 17 to allow legislators to leave and go home prior to the impending winter storm. Both chambers will observe the Presidents' Day holiday on February 21 and return to session on February 22.

## **SENATE PERFECTS TWO BILLS**

After an unsuccessful effort on February 15, the Senate again worked on perfection of Senate bills on February 16. Following some delaying tactics, the Senate eventually perfected two bills. First, the Senate perfected SS/SB 672 (Hough) to make several changes to the Fast Track workforce credential program. The Senate also perfected SS/SJR 33 (Koenig) to create a constitutional cap of 5.9% on the state income tax. Tax cut bills enacted since 2014 have already reduced the state income tax rate significantly below the prior level of 6.0% and will continue to reduce the top tax rate in future years.

## **CONGRESSIONAL REDISTRICTING DEBATE SIDELINED BY SENATE**

The Senate did not debate HCS/HB 2117 (Shaul) this week. Given the ongoing opposition to the "6-2" map passed by the House from those advocating for a "7-1" map, the Senate seems to have given up the effort. Instead, the Senate seems content to wait until a lawsuit is filed on behalf of a party or candidate once the filing window opens on February 22. In that case, the district map would be determined by the courts.

## **MEDICAID EXPANSION**

The House gave first round approval to HCS/HJR 117 (Smith) of February 15. The HJR would ask voters for permission for the legislature to not fund Medicaid expansion as approved by Missouri voters in 2020. The Association support implementation of this important, voter-approved program and opposes the joint resolution.

## **BUDGET**

The Senate Appropriations Committee approved a committee version of HCS/HB 3014 (Smith), the supplemental budget bill, on February 16. HB 3014 would appropriate the federal ESSER III funding

to school districts along with several provisions needed to fund Medicaid expansion this year as approved by voters. The Association urges the legislature to quickly approve this appropriation measure. The \$1.9 billion in federal ESSER III grant funding was approved by Congress last year and should be appropriated as soon as possible to allow the funds to be used according to district plans to provide a safe return to school, address learning loss and help students recover from the impact of the pandemic.

The House version of the bill would direct up to \$75 million of the ESSER III funds to a proposed tutoring grant program. This change does not appear to comply with the federal requirements that the funds be distributed under approved district plans. The Senate committee revised the bill back to the Governor's position that does not divert ESSER III funds from schools. If approved by the Senate, this would be an item for conference if the House does not agree to the Senate position. The Association supports the version recommended by the Governor and approved by the Senate committee.

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

The committee met on February 15 to hear three bills:

HB 1556 (David Gregory) related to literacy and reading instruction. The committee is likely to revise the bill to match the recently adopted SCS version for SBs 681 (O'Laughlin) and SB 662 (Arthur), a version supported by the Association. The SCS version of those bills: 1) repeals retention in grade requirements for struggling readers, 2) requires schools to provide reading instruction, with appropriate evidence-based reading intervention, in the elementary grades, 3) requires assessment and intervention beginning in kindergarten, 4) requires systematic and explicit interventions for students with characteristics of dyslexia, 5) includes specific requirements on DESE to support literacy and help train teachers, 6) requires schools to provide in-service teachers with professional development opportunities in literacy and reading instruction, 7) requires teacher preparation programs to adequately prepare teaching students to provide effective literacy and reading instruction, and 8) revises the educator preparation advisory board to involve more classroom teachers in designing this training.

HB 1858 (Baker) regarding parental rights in education. The sweeping language of the bill would overwrite existing policies protecting information shared by students regarding possible child abuse or neglect and sensitive school information regarding school safety plans. Association opposes the bill.

HB 1908 (Shaul) to require school districts to review all curricula intended for use in each school year. The bill requires all curricula to be reviewed annually and adopted in a public hearing. The Association believes this mandate will impose a large and unnecessary burden on staff and school boards and opposes the bill.

The committee also held a marathon executive session and voted on twelve previously heard bills:

HONESTY IN EDUCATION: HCS/HBs 1995 (Richey) and HB 1474 (Schroer) creates new requirements regarding the teaching of "controversial or divisive" topics. The bill creates mechanisms by which parents can object to instruction and materials based on their beliefs and creates an extensive mandate to put all school curriculum and all source materials. Curiously, the bill does not contain the "critical race theory" language from HB 1474 but does contain HB 2428 (Dogan) to impose restrictions relating to civil rights issues. The bill authorizes lawsuits against school employees for violations of the new requirements in the bill. The committee defeated Rep. Dogan's own amendment to clarify

language and remove the harmful lawsuit provisions. The Association is concerned that this new language will interfere with providing students the honest education they deserve and could subject school employees to frivolous lawsuits. The Association strongly opposes the bill. HB 2428 was also voted out separately.

HCS/HJR 110 (Christofanelli) to propose a constitutional amendment relating, at least in part, to parental involvement with public schools. The resolution also includes sweeping changes regarding access to other information, including labor contract negotiations. The HCS adds provisions similar to HB 2428 on civil rights issues, mandates school building grade cards, makes state accreditation based on state-mandated tests, and establishes open enrollment. The Association strongly opposes the measure.

VIRTUAL SCHOOLS: HCS/HB 1903 (Christofanelli) to modify provisions related to the virtual school program. The Association opposes the bill. The bill removes important safeguards for students, including ensuring an enrolling student receives all services needed for a free and appropriate public education.

BOARD ELECTIONS: HCS/HB 2306 (Christofanelli) to move school board elections to the November general election. The Association is concerned that moving school board elections to November will reduce the ability of voters to focus on the local issues of the school board during the hectic, partisan November general election. Voter attention will be drawn to the many offices higher up on the ballot. Also, the available public and media attention will be taken up by those higher office races, leaving less time, less access and less attention on school boards and school issues. The Association opposes the bill.

OPEN ENROLLMENT: HCS/HB 1814 (Pollitt) to 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 bill still lacks necessary provisions to ensure equal opportunity for all students. The Association opposes the bill.

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.

HB 2011 (Travis Smith) to require parental consent for changes to individualized education programs (IEPs).

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.

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.

## **SENATE EDUCATION COMMITTEE**

The Committee heard several bills on February 15:

SB 659 (Cierpiot) to require district high schools and charter high schools to offer computer science courses or imbedded 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.

SB 703 (Eslinger), a companion bill to HB 2171 (Francis), 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.

## **EARLY CHILDHOOD EDUCATION**

The House Emerging Issues Committee voted to approve two bills pertaining to early childhood education on February 15:

HB 2365 (Shields) to make the early learning quality assurance reporting program permanent and authorizes the program to provide continuous improvement and ongoing updated consumer education. The Association supports the bill.

HB 2341 (Shields) to increase the fraction of pre-K pupils eligible for free or reduced price lunch (FRPL) that may be counted by a district or charter school for state aid under the school funding formula. Currently the fraction of FRPL eligible pupils may not exceed 4% of the total FRPL eligible pupils in grades K-12 in the district. The bill raises the allowed percentage to 10%. The Association supports the bill.

## **INITIATIVE PETITION**

The House perfected HJR 70 (Davidson) on February 16. The Association opposes HJR 70. The measure would require a majority of all registered voters to vote for the approval of any future constitutional amendment submitted by the initiative petition, regardless of the percentage of those voting on the measure who vote in favor. This requirement creates a strange incentive that will sometimes discourage eligible and interested voters from voting. The provision would encourage those who oppose a very popular measure not to vote, in the hope that a massive boycott by those in opposition could cause the turnout to drop below 50%, making it impossible for the measure to pass. The Association is concerned that this measure would discourage voting and may cause the initiative

petition process to no longer be a realistic option for Missouri citizens to bring issues of concern forward for public consideration.

The Senate Local Government and Elections Committee heard SJR 37 (Crawford) and SJR 31 (Onder). SJR 37 increases the required approval for constitutional changes to 60%, but only for those brought by initiative petition. SJR 31 raises that approval threshold to 66 2/3% and massively increases the required number of signatures needed to place an initiative on the ballot. Both joint resolutions would make it harder for citizens to use the initiative petition process in the future, and the Association opposes these measures.

## **PHOTO ID MANDATE**

The House Elections and Elected Officials Committee completed the hearing on HB 2113 (McGaugh). The bill includes many changes to election law, including a mandate that registered voters provide a government-issued photo identification when voting. The Association opposes barriers that keep eligible citizens from voting and being politically active and opposes this portion of the bill.

## **HOUSE WORKFORCE DEVELOPMENT COMMITTEE**

The committee heard several bills on February 14, including HB 2190 (Henderson) regarding liability claims in work-based educational settings. The bill would exempt participating businesses from claims regarding negligent acts of students, while providing that schools may provide insurance to cover claims relating to work-based programs. The Association will work to make sure the bill addresses liability concerns and supports expanded opportunities for safe, work-based learning programs for students.

The committee also voted to approve two bills:

HCS/HB 2171 (Francis) 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.

HB 2493 (Rusty Black) to make several changes relating to teacher career plans. The state is not currently funding this program.

## **HOUSE HIGHER EDUCATION COMMITTEE**

The Committee heard two bills on February 14:

HB 1683 (Chris Brown) to require in-state public educational institutions to grant undergraduate course credit for students who score 3 or higher on advance placement examinations.

HB 2105 (Schnelting) to revise laws regarding speakers on campuses of public institutions of higher education. The bill focuses on preventing the censoring of those speaking on behalf of political parties and espousing positions from political party platforms.

**HOUSE SPECIAL COMMITTEE ON GOVERNMENT ACCOUNTABILITY**

The Committee heard several bills on February 14, including HB 1955 (Richey) to require that MSHSAA staff shall be considered mandatory reporters of suspected child abuse or neglect and creating additional provisions regarding the hiring of staff of MSHSAA.

**Legislative Update 2022**

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