



Legislative Update

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FEW EDUCATION BILLS PASS AS REGULAR SESSION ENDS

The 2023 Regular Session of the General Assembly ended on May 12. The House convened on the final day of session and approved a number of bills. The Senate was again blocked from action by stalling tactics during the day.

Both chambers will convene for technical sessions to sign the final versions of approved bills and send them to the Governor for his signature or veto. The Governor has until July 14th (45 days following the official end of session on May 30) to decide whether to sign or veto each bill, though budget bills should be acted upon prior to July 1, 2023, when the new fiscal year begins.

The Association appreciates the support of the many members who participated in Missouri NEA's legislative advocacy throughout the session during this challenging time.

For more detailed information on other legislation, visit <https://www.mnea.org/get-involved/take-action-your-voice-matters> to view legislative updates and other related information.

SENATE ENDS SESSION SLOWED BY STALLING TACTICS

The session was dominated by priority bills being held hostage in exchange for action on other priority bills. This tactic bound together the fates of bills on many diverse topics, including the state budget, landfill siting, statewide mechanical contracting licenses, initiative petition, sports betting, gender affirming care, and police residency.

The last few weeks of Senate action were dominated by stalling tactics by several Senators seeking to delay Senate action to force action on one or more priorities of those holding up floor action. The net effect was a significant degree of deadlock, few bills being enacted into law and no major education bills passing during the entire session.

NO ACTION ON KEY EDUCATION TOPICS

The legislature did not enact any new legislation this session on the main topics discussed recently in the Senate, including open enrollment, tax credit vouchers, increases in school funding, minimum teacher salaries, full-time virtual schools, pupil assessment, accreditation and the numerous other topics proposed in recent substitute bills. The Association supported changes to pupil assessment, accreditation, school funding, and full-time virtual programs but opposed the open enrollment and tax credit voucher provisions.

NO ACTION ON HONESTY IN EDUCATION/PARENT RIGHTS

Despite the many bills filed on the topic, and the early passage of SB 4 (Andrew Koenig) by the Senate, the legislature did not enact new law this session pertaining to honesty in education or parent access to school information. The Association had concerns that SB 4 and the other related bills would adversely affect the freedom of teachers to provide the honest education our students deserve and interfere with existing policies respecting student and school privacy. The Association opposed the various bills filed and appreciates the advocacy of MNEA members in opposing the legislation.

NO CHANGE ON INITIATIVE PETITION PROCESS

The Senate did not debate or approve the conference committee (CCS) version of SS#3/HCS/HJR 43 (Henderson) prior to the end of session, so the proposal will not be placed on the statewide ballot. The CCS version would apply a statewide supermajority of 57% for the approval a constitutional change proposed by the people through the initiative process while allowing approval of constitutional changes proposed by the legislature by only a simple majority of those voting. The Association was concerned that the measure will make it more difficult for Missouri citizens to bring forward and gain approval on measures of interest brought by the initiative petition process and opposed the joint resolution.

BILLS THAT PASSED

FUNDING INCREASES FOR K-12 AND HIGHER EDUCATION

The legislature took advantage of unprecedented state revenues and balances and made significant investments in education funding this session. The Association thanks the legislature for investing significant new resources in public education and encourages the legislature to maintain existing state revenue sources so that the state can maintain as much of this investment as possible in future years.

The final budget is expected to fully fund the foundation formula and pupil transportation. The budget also maintains funding for the Career Ladder Program, and continued funding to encourage districts to raise minimum teacher pay from \$25,000 to \$38,000 per year.

The budget also provides additional core funding and significant capital projects funding to Missouri's public higher education institutions, including community colleges.

The House version would have stripped all state funding for public libraries in retaliation for their opposition to book banning policies and added language amendments to restrict any use of HB 2 (K-12) or HB 3 (higher education) funds for diversity, equity or inclusion programs.

The Senate version of the bill restored the recommended state funding for public libraries and removed the anti-DEI language.

The Association appreciates the leadership of Sen. Lincoln Hough (Senate Appropriations Chair), Sen. Lauren Arthur (Appropriations ranking member) and the Senate committee for undoing the problematic House positions and including additional investment in education and elsewhere.

In particular, the Senate committee also included \$15 million requested by MNEA in collaboration with Kim Bailey, a member of the State Board and part of the Culture and Climate Work Group, to fund training of teachers across the state by Mizzou's eMINTS program in prosocial education for students.

SCHOOL RETIREMENT PROVISIONS

The legislature approved several school retirement provisions in CCS/SB 20 (Mike Bernskoetter) and HCS/SS/SB 75 (Rusty Black). The Association supports the bills.

If signed by the Governor, the provisions will go into effect on August 28, 2023, and the increased 2.55% factor for 32 or more years of service would not apply for school employees retiring at the end of this school year.

The final version of SB 20 includes several changes:

- 1) restores the 2.55% benefit factor for 32 or more years of PSRS service credit.
- 2) increases the earnings limit for PSRS retirees working part time in PEERS positions to 133% of the Social Security earnings limit (currently amounting to \$28,249) for the next five years and then 100% of the earnings limit (currently \$21,240) thereafter. In practice, this provision will be available next school year if signed by the Governor, since retirees will not exceed the existing \$15,000 earnings limit before the higher limit takes effect on August 28, 2023.
- 3) extends the critical shortage employment option from two years to four years and increases the allowed number of critical shortage teaching positions in a district to the greater of five or one percent of the total number of teaching and non-certified staff positions in the district. PSRS staff will be collaborating with employers to create a process where current critical shortage staff would be able to use the extended authorization next school year if needed.
- 4) preserves the PSRS-eligible status for speech implementers employed before August 1, 2022, who are employed on or after August 28, 2023, as a speech-language pathology assistant.

HCS/SS/SB 75 (Rusty Black) includes all four of these changes along with a provision that provides a same-sex domestic partner pop-up provision for retirees with similar documentation requirements to the divorce pop-up provision in current law.

REQUIREMENTS FOR FINGERPRINT BACKGROUND CHECKS

The legislature finally adopted the provisions of HCS/HB 669 (Ron Copeland) in several bills this session. The provision was enacted in SB 186 (Justin Brown), SB 28 (Justin Brown), and SB 40 (Holly Thompson Rehder). This provision eliminates the current law that schools and other employers using the Rap Back program for notifications of law violations must require all employees to undergo an additional fingerprint background check every six years. The Association appreciates this helpful change to remove a costly and unneeded burden on school employees and supports the bills. SB 40 also requires school districts to conduct criminal background checks on adult students enrolling in courses taught at public schools.

REDUCTION OF RETIREMENT INCOME TAXES

SS/SB 190 (Luetkemeyer) is intended to increase the eligibility for deduction of certain Social Security income and retirement income, including PSRS and PEERS pension income, by removing the income limitations on this deduction. If approved by the Governor, public pension income in Missouri, including PSRS and PEERS pensions, that does not exceed the maximum allowed amount (currently \$36,976) will be exempt from state income tax without an income or filing status restriction on eligibility.

HOMESTEAD PROPERTY TAXES

SB 190 also allows a county to vote to grant a homestead property tax credit to Social Security-eligible homeowners residing in the county. The credit will be the increase in homestead property tax liability from the year the taxpayer became eligible. The language could be interpreted to eliminate future increases in school property tax liability for those taxpayers in those counties where the credit is authorized.

TRANSGENDER SPORTS PARTICIPATION

SB 39 (Holly Thompson-Rehder) enacts a four-year moratorium on transgender athletic participation in competitive girl's or women's events in public and private middle schools and high schools and public and private colleges. This bill overrides MSHSAA and NCAA policies on transgender athletic participation that 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 SB 39.

ADULT HIGH SCHOOLS

SS/HB 447 (Bishop Davidson) allows siting a fifth adult high school in the Kansas City area. The bill also moves the administration of adult high schools from DESE to the Department of Social Services. The state currently has four adult high schools created under state contract by MERS Goodwill. Adult high schools allow adults to obtain industry certifications and complete high school work to obtain a State Board approved high school diploma. Adult high schools also offer job placement services.

SCHOOL FUNDING FOR STUDENTS IN FACILITIES

SS/HB 447 (Bishop Davidson) also includes the provisions of HCS/HB 715 (Hannah Kelly) to establish provisions relating to educational funding for students in state custody and students being treated at a residential treatment facility.

EDUCATIONAL STANDARDS

SS/HB 447 (Bishop Davidson) includes the provisions of SB 381 (Holly Thompson Rehder) to require DESE to convene a work group to develop academic performance standards for health and family education and change the require one-half credit in health education to health and family education. HB 447 also includes provisions from SB 340 (Greg Razer) to require DESE to establish language developmental milestones for children who are deaf and hard of hearing.

OPTIONAL COURSE IN THE BIBLE

SB 34 (Karla May) is a largely symbolic bill stating that public schools may offer elective courses in the Hebrew and Christian scriptures. Existing state law already provides that books of a religious nature may be used in public schools as part of instruction in elective courses in literature and history, if such books are used in a manner consistent with the Establishment Clause of the First Amendment to the United States Constitution.

SCHOOL PROTECTION OFFICERS

SB 186 also includes the language of HB 70 (Chris Dinkins) to clarify that if a school board authorizes an employee to serve as a school protection officer, that employee may lawfully carry a weapon on school premises.

FINES AND PENALTIES TO SCHOOLS

SB 109 (Bernskoetter) includes language to ensure that the Iron County School District will not have a state aid reduction based upon receiving a financial payment from a certain environmental violation in the county.

BILLS THAT DID NOT PASS

HONESTY IN EDUCATION/PARENT RIGHTS/DON'T SAY GAY BILL

Despite the many bills filed on the topic, and the early passage of SB 4 (Andrew Koenig) by the Senate, the legislature did not enact new law this session pertaining to honesty in education or parent access to school information. The Association had concerns that those bills would adversely affect the freedom of teachers to provide the honest education our students deserve and interfere with existing policies respecting student and school privacy. The Association opposed SB 4 and the related bills on this topic.

EXPANSION OF TAX CREDIT VOUCHER BILL

Numerous bills were filed to expand the geographic eligibility, per pupil amounts or maximum amount of state obligation for the tax credit voucher approved in 2021 in HCS/HB 349 (Christofanelli). Several other bills, including SB 81 (Mary Elizabeth Coleman), were filed to create new schemes for using public funds to finance private school tuition. However, none of those bills passed. The Association opposed these bills.

CHARTER SCHOOL EXPANSION

SB 304 (Eigel) 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. The bill did not pass. The Association opposed 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. 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.

ACCREDITATION AND ASSESSMENT REFORMS

The legislature gave more attention this session given to bills seeking to reduce the negative effects of the misuse and overuse of standardized testing. HB 49 (Paula Brown) and SB 85 (Jill Carter) both contained related provisions to address this issue. The Association supported both bills. Neither bill passed, but both bills were voted out of committee with strong committee support. This issue is sure to factor into education discussions next session.

HB 49 (Paula Brown) would require the State Board of Education to recognize at least two national school accreditation organizations and allow districts to choose to gain accreditation by approval of such a group. The bill also directs the State Board to revise the MAP assessment based on improvements being implemented in other states under ESSA assessment waivers. The bill requires that the assessment system should be student-centered and use assessments across the school year that support teaching, learning, and program improvement, so that a summative profile is developed of the students learning.

SB 85 (Jill Carter) was a similar bill to address concerns relating to standardized testing and MSIP 6. The bill limited the use of state tests to the requirements of the federal ESSA and clarified that schools may also use and report results from locally developed assessments. SB 85 would also allow school districts to exempt themselves from MSIP, APRs and accreditation.

In contrast to the other bills on the topic, HB 558 (Haffner) would have required school building letter grades based primarily on student scores on standardized tests, but the bill did not pass. This bill hearkens back to the now-abandoned "test, blame and punish" mindset of the former, federal NCLB Act. The Association opposed the bill.

OPEN ENROLLMENT

HB 253 (Pollitt) and SB 5 (Koenig) would have created a public school open enrollment program, but the bills did not pass. The Missouri NEA believes that public school choice plans with state funding may harm students and our public schools unless essential criteria are in place for implementing, monitoring, and evaluating their effectiveness. The Association opposed both SB 5 and the perfected version of HB 253 based on this concern.

The bills would not have transferred local funds from the sending district. School districts would have the option to specify the number of transfer students they are willing to receive. SB 5 would have authorized transfers to charter schools or to full-time virtual schools, while HB 253 did not. Neither SB 5 nor the perfected version of HB 253 included specific provisions to mitigate the potential for open enrollment to increase racial, ethnic or socioeconomic segregation. Experience from other states has shown that open enrollment, particularly if including charter schools, tends to further increase segregation.

The Association remains concerned that some students may be left behind in such a transfer plan, particularly if funding is not provided to support the participation of students with special needs and at-risk students. Ongoing appropriations to the state fund created to support those transportation and special education expenses will be needed to implement the bill.

FULL-TIME VIRTUAL SCHOOLS

HB 827 (Phil Christofanelli) would have made minor revisions to clarify the new structure of accountability, enrollment, participation and finance created for full-time virtual schools last session in SS/HCS/HB 1552 (Richey). However, the bill did not pass. The Association supported the bill.

INITIATIVE PETITION

Many joint resolutions were filed to change the initiative petition process, but none were approved. HJR 43 (Henderson) would increase the number of signatures required and raise the approval requirements for constitutional amendments. However, the measure did not pass. The Association is concerned that HJR 43 will make it significantly more difficult for Missouri citizens to bring forward and gain approval on measures of interest brought by the initiative petition process. The Association opposed the HJR.

DIFFERENTIATED PAY SCHEDULES AND INCENTIVES

HB 190 (Lewis) would allow school districts to create differentiated teacher salary schedules. HB 471 (John Black) would have allowed school districts to offer financial incentives for employee retention and to reward "exemplary achievement". However, neither bill passed. The Association is concerned that the bills allow for differentiated pay or other incentives without requiring districts to first establish a strong salary schedule and negotiate fair and transparent stipends through a bargaining process.

TEACHER RECRUITMENT AND RETENTION SCHOLARSHIPS

HB 497 (Ed Lewis) would have renamed and revised the existing "Urban Flight and Rural Needs Scholarship Program". This program was created in the late 1990s but was defunded in the early 2000s. The bill would have increased the maximum number scholarships to 300 and provides scholarships for students who commit to teach in hard to staff schools or hard to staff subject areas. The Association supported the bill. The bill was passed by the House as an omnibus bill with many other provisions, but the Senate did not pass the bill.

SCHOOL FORMULA CHANGES

SB 17 (Lauren Arthur) would have revised the school funding formula, but the bill did not pass. The bill would increase the base per pupil amount, known as the State Adequacy Target (SAT), and increase the district poverty pupil weight for many districts. These changes are expected to increase the SAT from \$6375 to \$6679 and increase total formula cost by about \$284 million. The SAT will increase about 4.8%. This increase is greater than the entire net increase in the SAT since the current formula was created in 2005. HB 529 (John Black) would also have increased the SAT over time. The Association supports this long overdue reform to provide recognition of increasing school costs.

REDUCTION OF PERSONAL PROPERTY TAX

SB 8 (Eigel) would have significantly reduced local taxes on personal property, including school taxes. However, the bill did not pass. The Association opposed the bill. The original bill would have permanently eliminated the taxes on personal property. The Senate Substitute would have reduced the assessment ratio for personal property to 31% and depreciate the value of all motor vehicles and farm machinery over a ten year schedule from date of manufacture. The bill would stagnate or reduce local school revenues and local property taxes.

PROP C SALES TAX ON GROCERIES

SB 161 (Mary Elizabeth Coleman) would have removed the one cent of Prop C sales tax for schools currently applied to groceries, but the bill did not pass. The regular state sales tax does not currently apply to groceries, and very few states still have state sales tax on groceries. Such a tax is considered regressive since it has a proportionally higher impact on low income taxpayers. However, repeal of this portion of Prop C sales tax will remove about \$154 million per year from the School District Trust Fund. If this measure is adopted, the Association urges the legislature to offset this reduction in school revenues with another revenue source.

COVID-19 AND VACCINES

Numerous bills and amendments would have restricted the ability of the state or a school district from requiring students to have COVID-19 vaccine or any mRNA vaccine, but the provision did not pass. The Association believes state policy should follow best practice and scientific evidence regarding appropriate school vaccinations.

IN-STATE TUITION FOR MISSOURI RESIDENTS

HB 3 (Cody Smith), the higher education budget bill, requires public institutions of higher education to charge the higher, international tuition rate to any undocumented student, including those who have attended and graduated from Missouri public schools. The Association believes that a Missouri high school diploma or high school equivalency credential should provide documentation for undocumented students for verification of in-state tuition status. The Association opposes this provision in HB 3.

DRIVER'S EDUCATION COURSES

HB 603 (Reedy) would require the State Board to create a driver education program that public high schools, including charter high schools, will include in high school health curricula, but the bill did not pass. The program will include habits and skills needed for the safe operation of motor vehicles, distracted driving hazards, and traffic stop procedures. The program does not require operation of a vehicle.

CURSIVE WRITING INSTRUCTION

HB 232 (Bangert) would have required students to receive instruction in cursive handwriting. However, the bill did not pass.

SOCIAL MEDIA INSTRUCTION

HB 492 (Jim Murphy) would require DESE to create a media literacy and critical thinking pilot program, but the bill did not pass. The program will address media literacy, develop strategies for student learning in classroom curricula, and demonstrate various literacy strategies used.

STUDENT NEWSPAPERS

SB 440 (Washington) would have granted greater freedom for student journalists, but the bill did not pass. The bill includes anti-retaliation provisions to protect student communications sponsors and other staff from retaliation by boards or administration for granting students greater editorial latitude as provided by the bills. The Association supported the bill.

HIGHER EDUCATION FREE SPEECH ISSUES

HB 136 (Hudson) would have prevented 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, but the bill did not pass. The Association believes that organizations are strengthened by offering memberships on a nondiscriminatory basis. The Association opposed the bill.

EARLY CHILDHOOD EDUCATION FUNDING

HB 495 (Shields) would 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, but the bill did not pass. 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.

SUMMER SCHOOL

SB 246 (Arthur) would allow students to attend multiple public summer school programs non-concurrently, but the bill did not pass. The Association supports the bill.

STUDENT ATTENDANCE

SB 122 (Karla May) would have excused students from attendance at elementary and secondary schools if the students are unable to attend due to mental or behavioral health concerns. However, the bill did not pass.

EXTENDED LEARNING OPPORTUNITIES

HB 483 (Baker) would 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, but the bill did not pass.

A+ SCHOLARSHIPS

HB 76 (Ann Kelley) would have expanded the A+ Schools scholarships to include attendance in industry credential programs lasting less than one standard school semester. However, the bill did not pass.

SCHOOL MEALS

SB 321 (Angela Mosley) would have increased students' access to school meals, regardless of income, but the bill did not pass. Schools will still determine student eligibility for free or reduced price lunch support under the federal lunch program. The bill creates a fund that will be used to reimburse schools for the costs of student meals that are not otherwise reimbursed by federal funds. The Association believes that proper nutrition is essential to student success. For many students, school meals are their primary source of nutrition. The Association supported the bill.

PARENT INVOLVEMENT IN IEP PROCESS

HB 1163 (Tara Peters) would require parental consent for changes to individualized education programs (IEPs), but the bill did not pass.

ANTI-BULLYING POLICIES

HB 1087 (Tricia Byrnes) would have required each school district to adopt specific anti-bullying policies, including restricting zero-tolerance disciplinary policies for any student that is a victim of bullying or is defending a victim of bullying. However, the bill did not pass.

PUPIL SUSPENSIONS

HB 159 (Ian Mackey) requires school districts and charter schools to document school suspensions and report the information to DESE, but the bill did not pass. School districts will include disaggregated school discipline and suspension data on the district's annual report card. The bill also requires school boards to consider alternatives to suspension and prohibits the suspension of students for truancy, absences, or prior offenses. Schools are prohibited from suspending students in preschool to 3rd grade, except in certain circumstances.

SCHOOL SAFETY GRANTS

HB 1068 (Phil D'Amato) would create a school safety construction grant program for school districts, but the bill did not pass. Subject to appropriation, school districts could apply for state matching funds for certain school safety projects with project costs of \$200,000 or less. Higher per pupil spending districts would have a 50/50 state local match, while lower spending districts would receive up to an 80% state match. The Association believes this is a timely program that could capitalize on the state's current high fund balances to support important local school safety improvements and supported the bill.

HOME SCHOOL ACTIVITY PARTICIPATION MANDATES

SB 411 (Ben Brown) would have required MSHSAA to allow home school students to participate in activities or member schools would lose state funding, but the bill did not pass. The Association believes that educators should continue to establish the policies that govern student activities.

PROTECTION AGAINST DISCRIMINATION

SB 60 (Razer) would revise the Missouri Human Rights Act regarding employment, disability and housing to make discrimination based upon a person's sexual orientation or gender identity an unlawful discriminatory practice. The Association supported the bill.

BACKGROUND CHECKS AND HIRING OF COACHES

HB 139 (Richey) would require that MSHSAA staff should be considered mandatory reporters of suspected child abuse or neglect and creating additional provisions regarding the hiring of staff of MSHSAA and of athletic coaches, but the bill did not pass.

STAFF TRAINING REQUIREMENTS

HB 633 (Ann Kelley) would have granted flexibility to schools for certain school employee training requirements, but the bill did not pass. Schools may place current annual requirements on a rotating basis based on school and employee needs. The Association believes this will allow more efficient use of staff training time and better meet student and school needs. The Association supported the bill.

SCHOOL BOARD AND MUNICIPAL ELECTION DATE

SB 234 (Ben Brown) would have changed the general municipal election for schools and local governments from April to November, but the bill did not pass. This change would make it harder for school board candidates and school issues to receive as much attention during the November election cycle when attention will be taken up by partisan contests for federal, statewide and legislative offices and statewide ballot issues.

SCHOOL BOARD MEMBER RECALL

SB 508 (Ben Brown) would have established a process for school board member recall elections, but the bill did not pass. The bill lists many grounds for seeking a recall. Some of the listed grounds reflect a form of official misconduct while others reflect a disagreement on policy or process.

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