



# 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 these bills:

- 1) The Senate debate on SCS/SBs 55, 23 and 25 (O'Laughlin) was again delayed this week due to the absence of the bill's sponsor due to health reasons. The bill includes tax credit style vouchers, charter school expansion, and full-time virtual school expansion. 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) The House Elementary and Secondary Education Committee approved HB 349 (Christofanelli) on February 9. The bill contains essentially the same tax credit voucher provisions as are in SCS/SB 55. The House could bring up HB 349 for debate as early as next week.
- 3) The Senate Education Committee heard SB 296 (Brattin) on February 9. Yet another version of a voucher bill, this bill takes the full state and local funding from the district to fund a private school voucher for any eligible resident student. Eligible students are students from households with incomes not more than twice the income level to qualify for free or reduced-price lunch.
- 4) 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.
- 5) HB 540 (Fitzwater) is a tax credit style voucher that puts some program administration under the control of the State Treasurer.
- 6) 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.
- 7) 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.
- 8) HB 754 (Christofanelli) also contains essentially the same full-time virtual school provisions as are in SB 95, SCS/SB 55 and HB 729. HB 754 will be heard in the House Elementary and Secondary Education Committee on February 16.

## PAYCHECK DECEPTION

The Senate General Laws Committee will hear SB 244 (Onder) on February 16. The bill would enact onerous and intrusive restrictions on certain public employees regarding payroll deductions for dues and deductions for political action. HB 1413 from 2018, the anti-bargaining bill, was blocked by permanent court injunction resulting from a lawsuit filed by the Association and other public labor organizations. This permanent injunction strongly affirms public employees' constitutional right to bargain and their right to join the association of their choosing. An appeal of the court ruling is currently pending before the Missouri Supreme Court and a final decision is expected during this year's court term. The Association strongly opposes SB 244.

## HOUSE COMMITTEE APPROVES CHARTER FUNDING BILL

The House Budget Committee narrowly approved HCS/HB 137 (Richey) on February 9 by a vote of 14-13. HB 137 would revise the law specifying payments to charter schools and shift more local school funds to charter schools. The Association opposes the bill.

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.

## HOUSE COMMITTEE APPROVES "TEST, BLAME AND PUNISH" BILL

The House Elementary and Secondary Education Committee approved HCS/HB 942 (Haffner) on February 9, and the bill could be taken up as soon as next week. 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.

## PUBLIC SCHOOL OPEN ENROLLMENT

The House Elementary and Secondary Education Committee heard two bills on February 9 that would create open enrollment in Missouri public schools: HB 303 (Wiemann) and HB 543 (Pollitt). Both bills are scheduled for a committee vote on February 16. The Association opposes both bills.

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.

## EDUCATION APPROPRIATIONS

The House Budget Committee heard a budget presentation from the Department of Elementary and Secondary Education on February 10. The DESE budget documents alone comprise three books and 968 pages. Primary among the state's funding provisions for public schools, of course, is the foundation formula for basic school aid. The budget requests only about \$9 million to maintain full funding and the base per pupil amount (known as the State Adequacy Target or SAT) will remain at \$6,375 per weighted ADA count.

Overall growth of this fundamental factor of school funding has been minimal since the adoption of the current formula in 2005. The average yearly growth from the initial value of \$6,117 per weighted ADA in FY 2007 to \$6,375 for FY 2022 is only 0.3% per year over that fifteen year span, far below the actual increase in the cost of education and far below even CPI growth over that span of years.

A significant factor in this minimal overall growth was legislative action in 2016 to reduce the SAT. The SAT peaked in FY 2014 at \$6,716 and fell as low as \$6,241 in FY 2017 due to the legislative changes that reduced the funding call of the formula by roughly \$450 million. The Association urges the Governor and legislature to work together to make the investments that fulfill the promise of a quality education for all Missouri students, regardless of where they live.

## RENEWAL OF CONTRACTS OF SCHOOLS AND OTHER LOCAL GOVERNMENTS

The House Downsizing State Government Committee heard HB 323 (Hill) on February 10. The bill prohibits political subdivisions from automatically renewing contracts without taking a definite action. The bill also limits contract renewals to no earlier than three months from the expiration of the contract. The sponsor focused on questions regarding renewal and buyout of multi-year contracts for school superintendents. The Association expressed its concern that the broad language of the bill might interfere with the timelines for renewal of probationary teacher contracts by disallowing the current policy that a contract will be renewed automatically for the next school year if a probationary teacher is not notified of non-renewal by April 15.

## POLICIES ON SECLUSION AND RESTRAINT

The House Elementary and Secondary Education Committee also heard HB 387 (Bailey). The bill would revise the requirements for seclusion and restraint policies in public schools. The bill defines seclusion and restraint, requires parental notice if either seclusion or restraint is used on a student and contains reporting requirements on the incident. The Association will continue to monitor legislation on this issue to ensure that it allows school boards to maintain a policy that respects the safety and dignity of both students and staff.

## LOCAL CONTROL OF PUBLIC HEALTH MEASURES

The Senate debated SCS/SBs 12, 20, 21, 31, 56, 67, & 68 (Onder) on February 10 but did not bring the bill to a vote. The bill pertains to local control of public health measures by city and county health agencies and limits the period that public health agencies may issue emergency orders without approval by the city or county governing body. The Association believes that every child should have a safe place to learn. The Association urges the General Assembly to ensure that any such legislation maintain a structure 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.

## TAXATION OF ONLINE AND REMOTE SALES

Several committees heard bills this week that would allow state and local taxation of online and remote sales as allowed under the recent Wayfair decision by the U.S. Supreme Court.

The House Ways and Means Committee heard several bills on this topic. HB 644 (Falkner) addresses the online and remote sales tax issue and would increase state and local sales taxes and prevent revenue declines in future years as the fraction of remote and online sales continues to increase. The Association supported this bill to make the state sales tax fair for local businesses and maintain state revenues in the future. The Senate Committee on Local Government and Elections heard SB 287 (Crawford) on February 10, and the Senate Ways and Means Committee heard SB 97 (Hoskins) and SB 248 (Arthur) on February 11. These bills also address taxation of online and remote sales.

Several alternate versions that couple the online sales tax provision with state income tax cuts are also being heard this week. The House Ways and Means Committee also heard HB 554 (Eggleston) and HB 555 (Eggleston) on February 10. The Senate Ways and Means heard SB 153 (Koenig) on February 11. Each of these bills contain somewhat similar provisions regarding online sales taxes but also include additional income tax cuts to reduce state revenues and offset the possible increase of funds from the sales tax changes. The Association urges the legislature to address the online sales tax provision without further cuts to the income tax.

## HOUSE HIGHER EDUCATION COMMITTEE

The committee met on February 8 to hear HB 856 (Richey). The bill would suspend the existing tuition caps on community colleges and public four-year institutions for a period of five years. Missouri NEA believes that quality public institutions of higher education are one of the most important public assets in Missouri. The Association urges the legislature to adequately fund both the operations and capital needs of public colleges and universities. The state should also provide students

with a comprehensive college guarantee program that provides sufficient funding to ensure that all qualified Missourians are able to attend college or other post-secondary training.

#### SENATE EDUCATION COMMITTEE

In addition to the latest voucher bill, SB 296, the committee heard two other bills:

SB 136 (Rehder) to revise requirements that school districts conduct criminal background checks for persons having contact with students.

SB 151 (Hoskins) to require districts and charter schools to identify and provide services and programs for gifted children. The bill would require a district to establish a gifted education program if three percent or more are identified as gifted. Districts with an average daily attendance of 350 students or less will not be required to provide services by a teacher certified to teach gifted education. 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.

#### INITIATIVE PETITION BALLOT LANGUAGE

The House Elections and Elected Officials Committee approved HB 850 (Wiemann) on February 10. 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.

**Legislative Update 2021**

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