
Missouri National Education Association

Charles Smith, MNEA President
DeeAnn Aull, MNEA Executive Director

For Children and Public Education

Legislative Platform 2019

Appendix 1: Platform Rationales

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Otto Fajen, MNEA Legislative Director

New to the platform in 2019 is a shift to place the “rationale” language in a separate appendix, so that this history and explanation remains available as a resource document maintained by staff and allowing the Association to focus the Platform on core beliefs and corresponding legislative actions.

L-A1 SAFE SCHOOLS *

Rationale: House Bill 1301 (1996), known as the Safe Schools Act, was a laudable achievement for the citizens of Missouri. The bill addressed most of the recommendations from MNEA’s 1996 Legislative Platform. In 1999, the Missouri legislature addressed hate crimes by providing enhanced penalties based on motive. In 2000, the legislature updated and clarified the portion of the law dealing with legal and behavioral concerns to schools and education employees and created a funding stream for programs to prevent violence. However, some districts are not fully complying with the requirements of The Safe Schools Act, including providing educators with timely transfer of student records and discipline information.

H.B. 1543 (2010) enacted numerous changes relating to school safety, including a requirement to notify all instructional staff in a building regarding the enrollment of students with a history of acts of school violence, additional requirements regarding transfer of school safety information between schools and the authority for school districts to adopt dress codes. S.B. 523 (2014) prevents schools from requiring students to wear identification containing a radio frequency identification device (RFID). H.B. 242 (2015) would have required school districts to report terrorist threats under the Safe Schools Act, but the bill did not pass. H.B. 745 (2019) would have required courts to promptly notify school administrators of any change in a child's custody arrangement that affects who is permitted to take the child from school, but the bill did not pass.

L-A2 GUN-FREE SCHOOLS *

Rationale: S.B. 656 (2014) included language from S.B. 613 and H.B. 1439 which would have allowed school boards to designate staff to carry concealed weapons and detain persons for one hour on school grounds. The legislature overrode Governor Nixon’s veto and enacted the bill into law.

In H.B. 349 (2003), the General Assembly overruled the governor and a prior statewide referendum and passed legislation allowing carrying concealed weapons. This legislation has weakened existing prohibitions on possession of weapons on school property. S.B. 291 (2009) authorized the Blue Springs School District to commission school officers if all overlapping local law enforcement agencies sign an agreement to allow

1 such officers. H.B. 152 (2013) allows any school district to commission school officers. H.B. 105 (2019)
 2 would have allowed private institutions of higher education to appoint persons to be members of a campus
 3 police department, but the bill did not pass. H.B. 258 and S. B. 121 (2019) would have allowed concealed
 4 weapons on college campuses, but the bills did not pass.

5
 6 S.B. 75 (2013) allowed school districts and charter schools to annually train teachers and other school
 7 employees on how to respond to threatening situations on school property. The bill also stated that all
 8 school personnel shall participate in a simulated active shooter and intruder drill. Additionally, the bill
 9 allowed school districts to teach the Eddie Eagle Gun Safety program to first graders. S.B. 266 (2013) would
 10 have prevented school employees and health care professionals from asking about gun ownership at a
 11 student's home, but the bill did not pass.

12 13 **L-A3 IMMUNITY FROM LIABILITY ***

14
 15 **Rationale:** Education employees trying to make best use of school time and resources for the benefit of
 16 students continually encounter difficulties. Situations exist that, in the education employee's professional
 17 judgment, are disruptive or dangerous, but are allowed to continue despite the employee's protest. Such
 18 instances may include the denial of administrative assistance, the refusal of parents to administer prescribed
 19 medication, the lack of trained staff to perform medical services or the lack of other necessary support
 20 services. House Bill 1543 (2010) extends the existing liability protection for teachers and other school
 21 personnel from matters of school discipline to include other issues handled in conformity with the
 22 established policies of the school board. H.B. 1543 (2010) also authorizes school personnel to use reasonable
 23 force to protect persons or property.

24 25 **L-A4 BAN ON CORPORAL PUNISHMENT IN THE SCHOOLS ***

26
 27 **Rationale:** Missouri is one of 23 states that allow corporal punishment in public schools. Other methods of
 28 discipline exist and are effective. The Safe Schools Act requires districts to have a written policy on corporal
 29 punishment. S.B. 241 (2015) would have prohibited the use of corporal punishment and the use of spanking
 30 to discipline students in public schools, but the bill did not pass. H.B. 1023 (2019) would have modified
 31 provisions relating to seclusion and restraint policies in public schools, but the bill did not pass. H.B. 1023
 32 requires each school board to have a policy on seclusion and restraint and creates requirements for reporting,
 33 notice to parents, and appeals to the school board with review by DESE.

34 35 **L-A5 SAFETY STANDARDS ***

36
 37 **Rationale:** Currently, school districts across the state have allowed conditions of buildings, equipment, and
 38 vehicles to deteriorate to potentially dangerous levels. At present, many school facilities cannot meet
 39 applicable minimum safety standards. Districts also are using a variety of possibly harmful chemical agents
 40 in the schools and should be required to provide for the safety of the students, employees and the
 41 environment. H.B. 224 (2013) would have required the Department of Elementary and Secondary
 42 Education (DESE) to create rules allowing for advertising on school buses, but the bill did not pass.

43 44 **L-A6 MANDATED SEAT BELTS FOR SCHOOL BUSES**

45
 46 **Rationale:** School buses are now the safest transportation from home to school and back. National statistics
 47 show that less than one percent of injuries and deaths for those trips are on school buses. Research shows
 48 that the use of seat belts without shoulder harnesses could lead to additional injuries. Mandating safety belts
 49 require districts to purchase additional buses and will cost many millions of dollars each year. Supervision of
 50 students to make sure they are using the belts will either require an additional person on the bus or require
 51 much more time of the bus driver. Lawsuits could result if schools do not make sure everyone is belted in.
 52 House Bill 1356 (2008) would have required shoulder and lap belts in new school buses, but the bill did not
 53 pass.

54 55 **L-A7 CLIMATE CONTROLLED LEARNING ENVIRONMENT ***

56

1 **Rationale:** Currently, districts across the state fail to provide protection for its students and employees
 2 against extremes of temperatures within their buildings. Temperatures in classrooms and workspaces are
 3 disregarded, as are the discomfort and health risks experienced by students and employees.
 4

5 **L-A8 ENERGY ALTERNATIVES FOR SCHOOLS**

6
 7 **Rationale:** School district operating budgets are being negatively impacted by rising utility costs.
 8 Appropriate application of alternative measures and renewable energy resources can result in the reduction
 9 of tax dollars expended on operating costs and a reduction of the negative impact on our environment.
 10 Proposition C (2008) was approved by the voters and will require investor-owned utilities to use a
 11 progressively greater fraction of energy generated from renewable resources. This may generate
 12 opportunities for schools to generate revenues by selling excess energy generated on the electrical grid.
 13

14 **L-A9 TECHNOLOGY IN EDUCATION ***

15
 16 **Rationale:** Educators face increased pressure to improve students' performance. A lack of technology,
 17 appropriate training and technological support in public schools hampers student progress. Equipment is
 18 often limited, out of date and inaccessible.
 19

20 **L-A10 PROTECTION OF STUDENT INFORMATION TRANSMITTED ELECTRONICALLY ***

21
 22 **Rationale:** Currently, parents and students feel safe to call the school to ask about personal matters.
 23 However, court decisions have held that an employer need not have the permission of the employee to
 24 monitor phone, e-mail or fax communications. Some workplaces have adopted the practice of listening in on
 25 phone conversations. Companies are being created to provide the service of monitoring employees and their
 26 communications. Until confidentiality is assured in their district, parents should be informed by the central
 27 office within a district that e-mail, fax and telephone communication to all district employees may be legally
 28 monitored and are not confidential and private.
 29

30 **L-A11 POSTING STUDENT WORK ON TEACHER WEBSITES**

31 **Rationale:** Many educators are requested or required to design and work online (e.g.: website, Moodle,
 32 Blackboard, various blog-sites, etc.). Educators are often encouraged to publish student work on electronic
 33 networks.
 34

35 **L-A12 EMPLOYEE-STUDENT COMMUNICATIONS POLICY***

36
 37 **Rationale:** S.B. 54 (2011) requires school boards to adopt a policy regarding employee-student
 38 communications, including use of various forms of electronic communication. The bill specifically forbade
 39 teachers from granting exclusive access to their non-school social networking sites to current or former
 40 students under the age of 18 years. This specific provision was written without the flexibility to grant
 41 reasonable exceptions for communications based on non-school relationships, such as between family
 42 members or members of social groups. The provision was enjoined from effectiveness by court order in
 43 August 2011. The legislature approved S.B. 1 in the First Extraordinary Session of 2011 in September 2011,
 44 and Governor Jay Nixon signed the bill into law in October 2011. S.B. 1 repeals the specific ban on teacher-
 45 student communication via non-school websites and retains the broad mandate that school boards address
 46 the issue in some manner in board policy.
 47

48 ***Fulfill Missouri's Financial Obligation to Provide Great Public Schools and Public Colleges*** 49 ***and Universities***

50 51 **L-B1 CONSTITUTIONAL RIGHT TO A FREE PUBLIC EDUCATION**

52
 53 **Rationale:** In 2009, the Missouri Supreme Court declared that access to an equitably funded public
 54 education is not a fundamental right in Missouri (*Committee for Educational Equality, et al. vs. State of Missouri*).
 55 In part, the court looked to the United States Constitution to determine whether access to public education
 56 should be defined as a fundamental right in Missouri. Since there is no fundamental right to a free public

1 education in the U.S. Constitution, the court declined to find such a right in the Missouri Constitution. The
2 court's approach is insufficient because providing public education is a traditional role of state government,
3 while no parallel right exists in the U.S. Constitution. By establishing education as a fundamental right, the
4 legislature will have to determine and justify its standard of adequacy to meet a stronger level of scrutiny.
5 The legislature typically appropriates far less than the amount indicated by the Augenblick adequacy study
6 from 2001.

7 8 **L-B2 ADEQUATE AND EQUITABLE FUNDING FOR GREAT PUBLIC SCHOOLS FOR EVERY** 9 **CHILD**

10
11 **Rationale:** The Augenblick adequacy study, funded in part by Missouri NEA, released its conclusion that
12 Missouri's school funding, in 2001, was at least \$900 million short of the amount needed to meet state and
13 federal accountability measures. Senate Bill 894 (2006) requires all school districts with a tax rate below
14 \$3.43 to certify to the state whether the district provides an "adequate" education and, if not, the bill states
15 that the reason is presumed to be lack of local funding. On Jan. 6, 2004, the Committee for Educational
16 Equality filed suit in circuit court, alleging the State of Missouri is again in violation of constitutional
17 requirements to provide equitable and adequate funding for Missouri's public schools. On Aug. 29, 2007,
18 Cole County Judge Richard Callahan ruled against the CEE plaintiffs. Callahan's ruling upheld the current
19 formula, ruling that the legislature need only fund public education by appropriating at least 25 percent of
20 state revenues to the schools and that anything beyond that amount is "discretionary." The ruling was
21 appealed to the Missouri Supreme Court and, in a 2009 ruling, the Supreme Court upheld the current
22 formula and declared that access to an equitably funded public education is not a fundamental right in
23 Missouri.

24
25 The current formula was enacted in Senate Bill 287 (2005). The formula determines an "adequate" amount
26 of money per pupil, provides some weight for at-risk, disabled and English as a Second Language students,
27 allows a 15 percent regional cost of education factor and deducts local property revenues based on a
28 presumed tax rate of \$3.43, even if a district levies a lower or higher amount. S.B. 287 locked in roughly
29 \$800 million in underfunding of the S.B. 380 (1993) formula in 2005 and took seven years to phase in. The
30 bill provides no extra funding to encourage at-risk students to attend summer school. The base amount and
31 the additional funding for at-risk and special education students are all significantly less than the levels
32 determined in the Missouri adequacy study.

33
34 H.B. 1689 (2014) provides that any underfunding below full funding of the 2012 adequacy target must be
35 made by reducing payments to districts paid on the formula, with no reductions to nonformula districts paid
36 under some special provision providing a higher per pupil amount. H.B. 476 (2015) would have delayed
37 changes in school funding to districts crossing the 350-pupil threshold for Small Schools grants until the
38 status is maintained for two years, but the bill did not pass. H.B. 465 (2019) would have made several
39 changes to the parameters of the school funding formula, but the bill did not pass. H.B. 465 would begin to
40 move the local revenue deduction forward in time from the current 2004 base year.

41
42 The legislature overrode the Governor's veto of S.B. 586 (2016) and enacted the bill into law over his
43 objection. The bill revises the definitions used in calculating state aid for schools. The bill reinstates the 5%
44 cap on annual growth of the per pupil base amount known as the State Adequacy Target. Subsequent "full
45 funding" of the formula triggered additional funding eligibility for early childhood education programs in all
46 school districts in the state. S.B. 586 also provides that charter schools become eligible to receive state
47 funding for early childhood education at the same time as the district in which they are located becomes
48 eligible.

49
50 In 2016, the formula was about \$500 million short of full funding. The S.B. 586 (2016) formula revision
51 reduced the cost of the formula. H.B. 2 (2019) is the K-12 budget bill for the 2019-20 fiscal year, and the bill
52 is estimated to provide full funding of the revised school formula. H.B. 1689 (2014) allows state aid for at-
53 risk students in pre-K. H.J.R. 72 (2014) was approved by voters as Amendment 10 in November 2014 and
54 creates a process for the legislature to reconsider withholding of funds by the Governor during a fiscal year.

55
56 H.B. 2 (2019) language bans use of state assessment funds to pay either license fees or membership dues for
57 the Smarter Balanced Assessment Consortium (SBAC).

L-B3 PROTECTING STUDENTS FROM IMPACTS OF ATTACKS ON SCHOOL REVENUES

Rationale: Missouri currently faces a structural budget deficit of at least \$1 billion. The legislature failed to act to improve state revenue problems in the 2011 Regular Session and passed legislation making the problem worse by eliminating the corporate franchise tax with the passage of S.B. 19 (2011).

Missouri ranked 47th in state share of the revenues for public schools in FY 2011 and depended disproportionately on local levies (59 percent) to sustain our schools. S.B. 509 (2014) creates deductions for business income and reduces individual and corporate income taxes. The bill was vetoed by Governor Nixon but enacted into law over the Governor’s objections. S.B. 509 will continue to restrict state general revenues for many years, as additional income tax cuts will offset revenue growth in future years. H.B. 2540 (2018) makes changes to the state individual income tax. S.B. 509 provides for a reduction in the top rate of income tax over a period of years from 6% to 5.5%, with each cut becoming effective if net general revenue collections meet a certain trigger. Beginning in 2019, H.B. 2540 provides that the top rate of tax shall be reduced by an additional 0.4%. The bill also eliminates personal and dependent deductions and deduction of federal income tax liability.

Rex Sinquefield continues to be the single largest threat and aggressor to public education and other services in Missouri by pushing a regressive tax reform agenda and seeking ballot initiatives that will starve public schools of state revenue. Sinquefield single-handedly funded and passed a 2010 statewide ballot initiative petition to ban local earnings taxes and to require local referenda to repeal the existing earnings taxes in St. Louis and Kansas City. St. Louis and Kansas City voters overwhelmingly supported their earnings taxes in municipal elections in 2011, but will have to vote again in 2016, 2021 and so on to maintain this crucial source of local revenue. S.B. 575 (2016) would have phased out the St. Louis City earnings tax over a ten-year period but would not have affected the Kansas City earnings tax. However, the bill did not pass.

Sinquefield has spent over \$20 million of his personal fortune to support candidates and causes that would fundamentally change the way we fund public education by reducing sources of revenue. Missouri NEA is leading efforts to defend against this dangerous agenda by working with the Coalition for Missouri’s Future. This coalition is a nonpartisan group of concerned citizens from around the state who are working to develop consensus on a path to defeat Sinquefield’s anti-revenue, anti-public education agenda in 2012 and beyond. Missouri NEA continues to facilitate discussions among coalition partners for an initiative petition campaign that would seek a positive proposal on state revenues, one that will make state revenues more adequate and sustainable while also making state taxes fairer (based on the ability to pay). Senate Joint Resolution 11 (2015) would have placed an “Everything Tax” style tax change on the statewide ballot, but the resolution did not pass.

The American Legislative Exchange Council (ALEC) is instrumental in prohibiting legislation to increase funding for public education along with supporting efforts to decrease funding for education.

If unchecked, the current situation will lead to a two-class educational system in Missouri, one class in which affluent citizens retain their right to elect school board members and another class in which the state dissolves and outsources minority and impoverished districts to entities with an unproven ability to effectively educate students. This will jeopardize the state’s ability to meet its obligation to provide a quality, free public education for every student.

L-B4 HIGHER EDUCATION OPPORTUNITIES

Rationale: Recent state budget cuts in state higher education spending have forced many Missouri institutions to raise tuition, and Missouri now has been given failing marks in affordability of state colleges and universities in national rankings. The state of Louisiana adopted a scholarship known as the Taylor Plan, named after the bill’s sponsor, that guarantees funding for college education will be available to any at-risk youth who makes a commitment, while still in early elementary grade levels, to work diligently in school and graduate from high school. S.B. 733 (2010) revises the Access Missouri scholarship program to equalize maximum annual awards for recipients attending both public and private four-year institutions at \$2850 and increases maximum awards for recipients attending community colleges to \$1250. S.B. 68 (2019)

1 creates a new scholarship program called the Fast-Track Workforce Incentive Grant to encourage adults to
 2 go back and complete college. Recipients must be at least 25 years of age with income under \$80,000 per
 3 year for a couple or \$40,000 for an individual. Fast-Track scholarships last up to four semesters or until the
 4 student gets a bachelor's degree or other workplace credential.

5
 6 S.B. 638 (2016) allows nonpublic high schools to apply and be designated as A+ Schools upon meeting all
 7 program requirements applicable to public high schools. Qualifying students graduating from designated
 8 nonpublic A+ schools will be eligible to receive reimbursement of higher education costs through the A+
 9 schools program. H.B. 604 (2019) allows A+ scholarship grants to reimburse for dual credit and dual
 10 enrollment courses. H.B. 604 (2019) also changes the A+ high school attendance requirement from three
 11 years to two years. H.B. 1744 (2018) and S.B.s 807 and 577 (2018) allow students enrolled in virtual
 12 institutions such as Western Governors' University to participate in the Access Missouri Financial
 13 Assistance Program. H.B. 1744 (2018) modifies the A+ Schools Program by removing the requirement that
 14 the student's attendance of public high school occur in the two years immediately prior to graduation. H.B.
 15 1610 (2016) would have allowed two-year colleges to participate in postsecondary course options for high
 16 school students, but the bill did not pass.

17
 18 The federal Public Service Loan Forgiveness Program (PSLF) provides loan forgiveness for educators who
 19 make ten years of on-time payments on federally administered student loans. The legislature passed S.B. 997
 20 (2016), enacting into law Missouri NEA's suggested language to ensure all public employees are notified of
 21 their eligibility for participation in the PSLF program. The bill requires the Department of Higher Education
 22 to maintain current information regarding public employee eligibility for participation in the PSLF program.
 23 The bill also requires public employers, including school districts, to provide notice to all new employees,
 24 and one-time notice to current employees, of their eligibility to participate in the PSLF program if they have
 25 qualifying student loan debt. S.B. 997 also requires the DHE website to maintain and publish a list of post-
 26 secondary educational institutions meeting certain requirements, creates a statewide student portal directing
 27 students to resources including academic programs, financial aid, and transferability of coursework for
 28 participating institutions and allows public colleges and universities to choose to join the Missouri
 29 Consolidated Health Care Plan.

30
 31 S.B. 990 (2018) adds an additional process by which a school district may be added to the territory of a
 32 community college district. The bill allows the community college board of trustees to propose attaching the
 33 school district to the community college district, levy the tax rate of the community college district in the
 34 attached district and call an election on the proposal. Election costs under this process are borne by the
 35 community college.

36 37 **L-B5 FAIR FUNDING FOR QUALITY PUBLIC HIGHER EDUCATION**

38
 39 **Rationale:** Senate Bill 389 (2007) imposes tuition caps on state colleges and universities. S.B. 389 also
 40 authorized the sale of assets of the Missouri Higher Education Loan Authority (MOHELA) to fund a short-
 41 term boost to capital spending for Missouri public higher education institutions. H.B. 1731 (2012) required
 42 the Joint Committee on Education to develop a comprehensive funding formula for Missouri public
 43 institutions of higher education by the end of 2013 and requires the General Assembly to implement a
 44 funding formula for higher education. S.B. 492 (2014) enacts a higher education funding formula with
 45 consideration of various performance factors. SCS/SBs 807 and 577 (2018) permits public colleges and
 46 universities to increase their tuition to compensate for the amount by which state operating support was
 47 reduced in the previous fiscal year.

48
 49 H.B. 2003 (2018) is the higher education budget bill for the 2019 fiscal year and maintains 2018 funding
 50 levels for institutions. S.B. 492 also requires the Department of Higher Education (DHE) to develop a
 51 program to offer information technology certification through technical course work. S.C.R. 66 (2016)
 52 convened an independent review commission appointed by the Speaker of the House and the Senate
 53 President Pro Tempore to review the University of Missouri System, with future System appropriations tied
 54 to implementation of the review's recommendations.

55 56 **L-B6 PUBLIC DOLLARS FOR PUBLIC SCHOOLS**

57

Rationale: Currently, there are groups in Missouri that are advocating legislation that would give tax credits or tax deductions for tuition to private and religious schools, voucher plans, opportunity scholarships and privatization which would divert public funds to pay for private and religious school costs. [Out-of-state interest groups, such as All Children Matter began massive campaign funding in 2004 to support election of pro-voucher candidates in Missouri and billionaire extremist Rex Sinquefeld has continued that funding. S.B. 17 (2013) allows special education scholarship donations without tax credits that would reduce state revenues. H.B. 1614 (2014) includes dyslexia as a condition covered by such scholarships. The Senate debated SS/S.B. 160 (2019), but the bill was not brought to a vote. S.B. 160 would have created a new 100% state tax credit capped at \$25 million per year for taxpayer contributions to third-party organizations that will use some of the proceeds to fund accounts that parents can use to pay private school tuition and other expenses for certain students. H.B. 476 (2019) would have authorized state appropriations of state general revenue to fund special education scholarships to non-public schools for certain K-12 students, but the bill did not pass.

S.B. 882 (2018) revises the Missouri Higher Education Savings (MOST) Program to allow MOST funds to be moved to Missouri ABLE savings accounts. S.B. 882 also clarifies that MOST accounts may be used as provided under the new federal tax law to fund tuition payments to qualified private K-12 institutions as well as higher education institutions. The State Treasurer administers the MOST program and has already interpreted the MOST law as allowing such payments under authorization from the federal law.

L-B7 MAINTAINING AND INCREASING INVESTMENT IN PUBLIC EDUCATION TO PROVIDE GREAT PUBLIC SCHOOLS FOR EVERY CHILD AND PROMOTE ECONOMIC SUCCESS FOR ALL MISSOURIANS

Rationale: The Hancock revenue limit's calculation caps state revenues to a fixed percentage of Missouri total personal income for a base year and requires the state to immediately refund all revenues that exceeded one percent above the threshold back to income taxpayers. During the growth of the 1990s, when state revenues exceeded the limits, the state legislature not only refunded the excess totaling \$973 million, it enacted roughly \$800 million in permanent tax cuts to annual general revenues along with new and increased tax credits. The tax cuts, coupled with the economic slowdown in 2000 and 2001, combined to cause state general revenue to stop growing and decline for several years. This revenue decline has had disastrous consequences for Missourians: the K-12 formula became so underfunded that it precipitated a lawsuit by students, parents and over 200 school districts. Funding for higher education scholarships has been held flat, while funding for public colleges and universities has gone down significantly, leading to massive increases in tuition to those institutions. Total state revenues are far below the limit and Missouri is not likely to ever approach the limit again, since significant tax increases now must be voted on by the entire state and any such increase will not count toward the revenue limit. Legislation was filed during the 2010 session to enact a progressive income tax, reform and limit state tax credits and collect state sales tax on more online and mail-order sales, but none of the legislation passed. S.B. 884 (2018) requires corporations to use a single-sales factor corporate income allocation method and disallows other corporate income allocation methods. S.B. 884 also lowers the corporate income tax rate from 6.25 percent to 4.0 percent. S.B. 884 is projected to have little net effect on state revenues.

TABOR is a proposed limit on year-to-year growth in state appropriations according to a formula that uses Consumer Price Index plus population growth. This limit is more severe than the Hancock revenue limit based on growth in total personal income. Colorado is the only state that has TABOR and enacted it in 1992 with the promise that people would get to vote on every tax increase. The real consequence in Colorado was an ever-widening gap between the real needs for public sector investment and the state's ever more insufficient ability to make that investment. In 2005, Colorado voted to suspend TABOR for a five-year period. Maine, Nebraska and Oregon defeated referenda to install TABOR in 2006. TABOR initiatives in Maine and Washington were defeated in 2009. House Joint Resolution 36 (2019) would have placed a TABOR-like provision before statewide vote, but the SJR was not approved. Senate Joint Resolution 15 (2009) would have placed before statewide vote a proposal to prevent enforcement or limit the ability of the Missouri Supreme Court to enforce the state constitutional requirement for the General Assembly to adequately and equitably fund public schools, but the resolution did not pass.

L-B8 FAIR, ADEQUATE AND SUSTAINABLE TAXATION TO SUPPORT PUBLIC EDUCATION

1
2 **Rationale:** State and local taxes on the 20 percent of Missouri’s families with the lowest income are about
3 10 percent of total income, roughly twice the net percentage paid by the Missouri families in the top one
4 percent of income, due to our heavy reliance on regressive sales taxes on goods and our essentially flat state
5 income tax. Following the permanent state tax cuts enacted in the 1990s, Missouri has struggled to provide
6 the essential services funded by state general revenues. The state’s K-12 education formula became so
7 underfunded that it precipitated a lawsuit in 2004, funding for college scholarships has stagnated while
8 funding for public colleges and universities has suffered real declines and Medicaid cuts have hurt thousands
9 of Missourians, especially the working poor.

10
11 Our heavy reliance on sales taxes on goods is a throwback to the early 20th century, when goods made up
12 most of the state’s economic output. Now, services are the larger and faster growing share of output, but
13 Missouri leaves most services untaxed. Internet and mail order sales continue to make sales taxes on goods
14 more difficult to collect, while taxes on services can be connected to the locality. House Bill 444 (2007) will
15 eliminate all state income tax on Social Security income along with certain other investment income and
16 will eventually reduce state revenues by about \$150 million per year. H.B. 1 (2007 Extraordinary Session)
17 includes increased business tax credits that will reduce state revenues by about \$70 million per year. H.B.
18 191 (2009) will increase business tax credits that will reduce state revenues by as much as to \$60 million per
19 year. Senate Bill 19 (2011) phases out the corporate franchise tax over five years and will ultimately reduce
20 state revenues by about \$87 million per year. H.B. 1479 (2018) and H.B. 1699 (2018) would have enacted
21 the Streamlined Sales and Use Tax Agreement in Missouri, but the bills did not pass. S.B. 884 (2018)
22 requires corporations to use a single-sales factor corporate income allocation method and disallows other
23 corporate income allocation methods. S.B. 884 also lowers the corporate income tax rate from 6.25 percent
24 to 4.0 percent. S.B. 884 is projected to have little net effect on state revenues.

25 26 27 **L-B9 FAIR AND ADEQUATE LOCAL FUNDING FOR GREAT PUBLIC SCHOOLS**

28
29 **Rationale:** Roughly 60 percent of Missouri school revenues come from local sources and most of that comes
30 from property taxes. Property taxes tend to be a flat or proportional tax across income groups from low to
31 high and tend to grow gradually and steadily over time. Studies by the University of Missouri St Louis
32 Public Policy Research Center show a wide variation from county to county in accuracy of assessments.
33 However, districts do not have a right to challenge the assessment methods used. Those few counties that
34 have been disciplined by the state tax commission have responded with much more accurate assessments.

35
36 Currently, school district bonds must receive at least a four-sevenths majority approval. H.J.R. 6 (2015)
37 would have allowed districts to approve debt up to 25% of district assessed value, but the joint resolution did
38 not pass. H.B. 1478 (2016) requires school districts to have a single surety bond, rather than at least two.
39 Districts only receive Consumer Price Index growth on assessments for one of the two years of each
40 assessment cycle. Senate Bill 711 (2008) requires taxing entities other than school districts to roll back their
41 tax rates, upon reassessment, from their current tax rate, rather than from their maximum authorized rate,
42 known as a “tax rate ceiling.”

43
44 H.J.R. 23 (2019) would have eliminated all property taxes on personal property, but the joint resolution did
45 not pass. The fiscal note for H.J.R.23 estimates that 2,800 local governments, including all school districts,
46 would lose a total of up to \$1.5 billion in revenue, with up to \$1 billion of this loss affecting school districts.
47 H.B. 1513 (2018) would have limited residential property assessment increases for the elderly and disabled
48 persons who own and live in their principal residence to be proportional to the increase of their Social
49 Security benefit. However, the bill did not pass. S.B. 634 (2016) would have reauthorized the Missouri
50 Homestead Preservation tax credit program. The bill did not pass. The program, subject to appropriation,
51 provides a property tax credit to qualifying seniors and persons with a disability to compensate for property
52 tax increases of greater than five percent in a single year.

53
54 S.B. 569 (2012) eliminated the June election date for school districts and other political subdivisions and
55 limits the February election date to bond elections. H.B. 1434 (2016) will limit the options for municipalities
56 in first class charter counties in the St. Louis area (St. Louis, St. Charles and Jefferson Counties) to disregard
57 the objections of the local TIF commission and approve a TIF project. If the local TIF commission, which

1 includes school district representation, does not approve the project, the TIF may not exceed the cost of
 2 demolition of buildings and clearing and grading the land. H.B. 1236 (2018) and H.B. 1847 (2018) would
 3 allow a school board to vote to exempt revenues from its operating levy from reductions by tax increment
 4 financing for redevelopment projects, but neither bill passed.

5
 6 S.B. 202 (2019) provides that fifty percent of mining royalties from federal lands in the state shall be
 7 distributed to the public schools of the county. The county would distribute half of the school funds based
 8 on attendance and half based on the amount of federal lands in the district. However, Governor Parson
 9 vetoed the bill. H.B. 604 (2019) requires DESE to make a school funding formula adjustment to compensate
 10 for loss of school revenues due to the 2018 legislation reducing the financial institutions tax (FIT).
 11

12 **L-B10 INCREASED FUNDING FOR SPECIAL EDUCATION**

13
 14 **Rationale:** Because of services mandated by the federal Individuals with Disabilities Education Act (IDEA),
 15 school district costs to provide special education services will continue to escalate. In 2006, state special
 16 education funding was estimated to provide only 21.6 percent of districts' special education funding needs
 17 and has fallen from about 30.3 percent in 2001. S.B. 272 (2019) would have revised the per pupil cost
 18 calculation for special education extra cost funding, but the bill did not pass. S.B. 272 would have excluded
 19 special education high needs funds from the district average per pupil spending that determines the threshold
 20 for those funds and increase high needs funding eligibility for all districts receiving the funds, especially for
 21 small districts with students with very high needs.
 22

23 *Ensure Children are in School, Ready to Learn*

24 **L-C1 STUDENT ATTENDANCE DAYS ***

25
 26
 27 **Rationale:** Many individuals are calling for additional school attendance days to improve the quality of
 28 education. Some districts already have extended the school year without appropriate increases in
 29 compensation to the education employees.
 30

31 **L-C2 FOUR-DAY SCHOOL WEEK ***

32
 33 **Rationale:** Senate Bill 291 (2009) allows districts to move from a five-day school week to a four-day school
 34 week. Financially-stressed districts should consider the following prior to implementing a four-day school
 35 week: 1) research shows the positive impact of uninterrupted learning; 2) student attention will suffer during
 36 the longer days; 3) many families will now need a full day of child care; 4) students on free and reduced
 37 breakfasts and lunches will be short those meals on the extra day off; 5) students will not have access to a
 38 safe school environment on the extra day off; and, 6) staff, such as bus drivers, will be short one-fifth of their
 39 routes and consequently could see a loss in wages, triggering financial stress for those families.
 40

41 **L-C3 EDUCATION OF FOSTER AND HOMELESS STUDENTS**

42
 43 **Rationale:** Many foster and homeless students face additional obstacles in pursuing their goal of graduating
 44 from high school and, consequently, in pursuing higher education. Senate Bill 291 (2009) includes
 45 provisions to help foster students, including educational liaisons, placements to promote educational
 46 stability, greater transferability of coursework and a diploma for students completing graduation
 47 requirements while under the jurisdiction of the juvenile court. Each foster student placed in a licensed
 48 residential facility is entitled to a full day of school unless a local district determines that fewer hours are
 49 warranted. House Bill 1577 (2012) strengthens the law to ensure foster students remain on track for on time
 50 graduation despite frequent moves. The bill requires receiving schools to waive course requirements if
 51 similar course work has been completed in another school or provide another means of meeting
 52 requirements for graduation on time and accept sending district or alternative testing or ensure the student
 53 receives a diploma from the sending school, if the student meets the graduation requirements of the sending
 54 school. S.B. 205 (2013) requires the state to ensure that every foster student 15 years or older receives a visit
 55 to a state university, community or technical college, or an armed services recruiter before leaving the state's
 56 custody or training. S.B. 208 (2013) allows re-entry in the foster care system up to age 21 years.

L-C4 HIGH SCHOOL COURSE REQUIREMENTS

Rationale: Currently, high school graduation requirements are established by the State Board of Education. Required courses may reduce student participation in important elective subject areas and, coupled with the federally-mandated testing focus on reading and mathematics, further reduce the incentive for schools to provide resources to maintain quality and diversity of course offerings in elective areas. S.B. 17 (2013) re-establishes the Advisory Council for Career and Technical Education. H.B. 1415 (2018) requires the Advisory Council to review, update and maintain a list of offerings, including industry certifications, professional licenses and competency assessments. S.B. 381 (2013) creates recognition and funding for innovative partnerships between districts, four-year institutions, two-year public institutions and businesses to lower student cost, shorten time to graduate, provide applied and project-based learning experiences and access to Missouri-based employment options with partner businesses. S.B. 894 (2018) would allow computer science to count as a science course for meeting high school graduation requirements, but the bill was vetoed by Governor Parson due to special language to fund a particular STEM career awareness program.

L-C5 COLLEGE REQUIRED CURRICULUM FOR THE PUBLIC SCHOOLS

Rationale: About one-third of high school graduates are now required to take remedial courses. Math is the most common course needed, although English and reading are also mentioned. House Bill 861 (2007) would have forced school districts to reimburse students for the costs of remedial courses they are required to take in Missouri higher education institutions, but the bill did not pass.

L-C6 PARENTAL INVOLVEMENT IN STUDENT SUCCESS

Rationale: Most parents take the responsibility of their children’s success in school seriously. Unfortunately, parents are not held accountable for the unexcused absences of their children nor for a lack of commitment to educational success on the part of their children. Senate Bill 480 (2005) requires the State Board of Education to adopt a policy that encourages effective involvement by parents and families in support of the education of their children and requires each school board to adopt policies that encourage effective involvement by parents and families in support of their children and the education of their children. S.B. 291 (2009) creates the Volunteer and Parents Incentive Program to encourage additional support for students and schools. H.B. 2315 (2016) would have allowed parents to opt their children out of participating in standardized MAP testing. However, the bill did not pass. The Senate debated SCS/S.J.R. 12 (2015), but the bill did not come to a vote. S.J.R. 12 proposes a constitutional amendment granting parents the fundamental right to control the education of their minor children and would place existing law protections of home school curriculum in the Missouri Constitution. The House passed H.B. 557 (2015), but the bill did not pass the Senate. The bill contains similar language to S.J.R. 12 to grant parents the fundamental right to control the education of their minor children.

Missouri was the first state in the nation to establish a Parents as Teachers program, and the program serves as a national model. Recent state revenue declines have led to reduction in state funding for Parents as Teachers. House Bill 1543 (2010) allows districts to charge a means-tested fee for Parents as Teachers services.

L-C7 ALTERNATIVE SCHOOLS

Rationale: Missouri law provides that a suspension or expulsion does not relieve the state or a student’s parent or other guardian of their respective educational responsibilities. Senate Bill 740 (1990) established a program of alternative education in Missouri. Some school districts have established alternative schools, either individually or in cooperation with other districts or education agencies. The Safe Schools Act added grant funding to support the establishment of alternative schools. This grant funding was eliminated from the budget in fiscal year 2010. The lack of funding for these programs and the rigid structure of regulation makes it difficult to try new approaches and serve these students’ needs. There is little funding for alternative schools serving students who are considered at-risk due to having a nontraditional learning style, have a

1 disaffected family or need a fresh start, but are not considered disruptive to a regular classroom
 2 environment. High school equivalency program status is not recognized by the Department of Elementary
 3 and Secondary Education as an alternative education program. Students who drop out of a traditional high
 4 school program and pursue a high school equivalency credential are still categorized as dropouts.

6 **L-C8 COMPULSORY SCHOOL ATTENDANCE-BEGINNING**

8 **Rationale:** Currently, the State of Missouri sets the start age for mandatory student attendance at age seven.
 9 Kindergarten attendance is left to parental option and school districts are not required to offer full-day
 10 kindergarten. Research has shown that the brain is at its optimum for learning between the ages of three and
 11 eight.

13 **L-C9 COMPULSORY SCHOOL ATTENDANCE-COMPLETION**

15 **Rationale:** Current state dropout and graduation rate definitions do not reliably verify whether a student
 16 who leaves a district has transferred to another district or has dropped out. A recent national study indicates
 17 that Missouri, like many other states, underreports dropouts and overestimates graduation rates since many
 18 students who have dropped out are not included in the calculations because they are erroneously regarded as
 19 having transferred. Senate Bill 291 (2009) requires school attendance until age 17 or successful completion of
 20 16 credits. S.B. 638 (2016) requires districts to implement a program to identify students who are at risk of
 21 not being ready for college-level work or entry-level career positions. S.B. 638 also ensures that students
 22 may create plans of study for high school and post-graduation plans. H.B. 1606 (2018) provides financial
 23 support to compensate first time test takers of the high school equivalency exam.

25 **L-C10 DROP-IN SCHOOLING AND SCHOOL FLEX PROGRAMS**

27 **Rationale:** Current law allows students to satisfy the compulsory attendance requirement with part-time
 28 attendance at both public and nonpublic schools, and such public school attendance is known as “drop-in”
 29 schooling. Drop-in students should take classes when available, and school district schedules should not be
 30 revised or re-arranged to accommodate the drop-in student. Efforts should be made on both the part of the
 31 district and the parent to encourage participation at the public school for social activities to help drop in
 32 students benefit from not only curricular opportunities, but the social ones as well. Also, the Department of
 33 Elementary and Secondary Education should be a clearinghouse for all drop-in and home-schooled students.
 34 Parents of drop-in and home-schooled students would authorize DESE to release the digital records to the
 35 public school where a drop-in student is enrolling. Current state dropout and graduation rate definitions do
 36 not reliably verify whether a student who leaves a district has transferred to another district or has dropped
 37 out. If a student enrolls in a class to participate in a school musical or play, or play on a sports team, they
 38 should be required to finish the term and the transcript should reflect that.

40 S. B. 291 (2009) establishes the School Flex Program to allow eligible students to pursue a timely graduation
 41 from high school. The program is available for 11th and 12th graders who have been identified by their
 42 principal and parent or guardian. Students must attend school a minimum of two instructional hours per
 43 school day within their school district of residence; pursue a timely graduation; provide evidence of college
 44 or technical career education enrollment and attendance, or proof of employment and labor that is aligned
 45 with the student's career academic plan; refrain from being expelled or suspended; pursue course and credit
 46 requirements for a diploma; and, maintain a 95 percent attendance rate. Students participating in the
 47 program will be considered full-time students of the school district and be counted in the school's average
 48 daily attendance for state aid purposes.

50 S.B. 620 (2016) requires the State Board of Education to establish minimum graduation requirements for a
 51 career and technical education high school certificate, which may be earned in addition to a regular
 52 diploma. H.B. 456 (2019) would have authorized a STEM endorsement for high school diplomas, but the
 53 bill did not pass. S.B. 1 (2018, 1st Extra Session) establishes a statewide, online STEM career awareness
 54 program for middle school students. H.B. 1415 (2018) requires DESE to convene a task force to create a
 55 career readiness course for 8th and 9th grade students. H.B. 1606 (2018) specifies that DESE shall
 56 administer funds from career and technical student organizations. H.B. 1024 (2019) would have created a
 57 work group to do academic performance standards on workforce development and workplace skills, but the
 58 bill did not pass.

1
2 H.B. 1189 (2014) allows agriculture or career and technical education courses to satisfy certain graduation
3 requirements. H.B. 604 (2019) allows A+ scholarship grants to reimburse for dual credit and dual
4 enrollment courses. H.B. 604 (2019) also changes the A+ high school attendance requirement from three
5 years to two years. S.B. 93 (2017) establishes a program to create adult high schools to be operated by a
6 Missouri nonprofit organization.

7 8 **L-C11 ACADEMIC PROGRESS AND GRADUATION**

9
10 **Rationale:** Many programs to address the needs of students at risk for dropping out are costly. Senate Bill
11 291 creates a Persistence to Graduate Fund in which the Department of Elementary and Secondary
12 Education will establish a procedure for school districts to apply for grants to implement drop-out
13 prevention strategies. Grants may be available, subject to appropriation, to school districts that have at least
14 60 percent of students eligible for a free or reduced-price lunch.

15
16 Equitable assessments allow for review and revision of curricula and lesson plans based on student
17 performance. A consortium of several New England states, the Great Schools Partnership, has been working
18 on state and local policies to support proficiency-based learning. These policies address four main areas:
19 graduation requirements, learning standards, proficiency-based learning and multiple/personalized
20 pathways to graduation.

21
22 S.B. 349 and H.B. 464 (2019) would have repeal existing reading intervention programs and establish a new
23 reading intervention program for students in kindergarten to third grade, but the bills did not pass.

24
25 H.B. 365 (2015) would have created high-stakes testing to determine whether a student receives a “state”
26 diploma, but the bill did not pass.

27 28 **L-C12 ACCESS TO PUBLIC EDUCATION FOR RESIDENT STUDENTS**

29
30 **Rationale:** House Bill 1549 (2008) provides that undocumented persons are banned from most state or local
31 public benefits, but current federal case law guarantees K-12 education to all residents, regardless of
32 immigration status and the Department of Elementary and Secondary Education interprets this to include
33 all services provided to students by public schools.

34
35 Senate Bill 291 (2009) ensures that school districts will receive state aid for providing educational services to
36 nonresident pupils staying temporarily in hospitals in the district. Senate Bill 590 (2012) would have
37 required school districts to determine the immigration status of every enrolling student and report the data to
38 DESE, but the bill did not pass. S.B. 306 (2019) allows remote registration of a public school student if one
39 or both of the child's parents are being relocated to Missouri under military orders. Proof of residency shall
40 not be required at the time of registration but shall be required within 10 days of the student's attendance.

41
42 S.B. 117 (2013) allows any person leaving the U.S. military with an honorable or general discharge to be
43 considered a resident student for admission and in-state tuition purposes at a Missouri public college or
44 university. S.B. 306 (2019) establishes that the determination of eligibility for in-state tuition rates at public
45 colleges and universities for military dependents stationed in Missouri shall be made at the time the
46 dependent is accepted for admission.

47 48 **L-C13 IN-STATE TUITION FOR UNDOCUMENTED STUDENTS**

49
50 **Rationale:** The U.S. Supreme Court has ruled that students, regardless of immigration status, may enroll in
51 elementary and secondary public schools and that a state university may not set different tuition rates for
52 students who are not legal residents of the United States but do reside in the state. Several states, including
53 Kansas, have granted these students the opportunity to attend state universities with guidelines. Other states
54 have passed legislation to allow undocumented students to pay in-state tuition. H.B. 3 (2019), the higher
55 education budget bill for the 2019-20 school year, requires undocumented students attending Missouri public
56 higher education institutions to pay at the highest tuition rate, the international student rate. Many students
57 have come to the United States with their undocumented parents and have attended elementary and

1 secondary public schools, and like their classmates have dreams of attaining higher education. S.B. 224
 2 (2015) requires that a student be a U.S. citizen or permanent resident to be eligible to receive
 3 reimbursements from the A+ Schools Program. Gov. Nixon vetoed the bill, but the legislature overrode the
 4 veto and enacted the bill into law.

6 **L-C14 EARLY CHILDHOOD EDUCATION**

8 **Rationale:** Thirty years ago, Missouri was a leader in Early Childhood Education. The Parents as
 9 Teachers (PAT) program began in the Ferguson-Florissant School District in St. Louis County and became
 10 an international model. Early childhood programs, in conjunction with PAT, worked to develop skills and
 11 abilities, making the transition to kindergarten easier for students, parents, and teachers. Today, many
 12 districts want to offer full-time pre-kindergarten for all students but are unable to afford such programs. In
 13 addition, although the parent educator program is required throughout Missouri, the funding has not been
 14 adequate to provide appropriate programs, meet the needs of all families and adequately compensate
 15 personnel. As a result, Missouri is no longer a leader in Early Childhood Education. Instead, Missouri lags
 16 other states in providing these vital services.

18 Legislative action in this area has been inconsistent and inadequate. Funding has been limited, as have been
 19 policies that support access to early childhood education and that support educators in these programs.
 20 Efforts to create standards for programs have also had limited success. The legislature committed a portion
 21 of the tobacco settlement funds to Early Childhood Education in 2001. Constitutional Amendment 3 (the
 22 so-called “Raise Your Hand For Kids” or RYH4K proposal), would have increased the state sales tax on
 23 cigarettes, dedicated the tax proceeds primarily to early childhood education, placed distribution of the
 24 funds and oversight of the programs in the charge of an unelected, state-level commission, rather than local
 25 school boards, and allowed distribution of the funding to private and religious schools, but voters defeated
 26 the measure in the November 2016 election. Senate Bill 266 (2005) removes access to tenure for pre-
 27 kindergarten teachers teaching in programs where a certificate is not required due to the requirements of
 28 state or federal funding and where fees are charged for attendance in the program. House Bill 1511 (2006)
 29 requires the State Board of Education to establish high standards for early childhood education services
 30 provided by school districts.

32 S.B. 4 and H.B. 387 (2009) would have established a quality rating system for early childhood programs and
 33 S.B. 94 (2009) would have enhanced eligibility for child care assistance for low-income working parents, but
 34 these bills did not pass. S.B. 291 (2009) creates the Missouri Preschool Plus Program to provide early
 35 childhood education to students in unaccredited school districts. S.B. 1007 (2010) allows the legislature to
 36 eliminate the sudden and complete loss of eligibility for state child-care subsidy through the appropriations
 37 process, to allow low-income parents to retain partial child-care support as their income surpasses the
 38 threshold for full benefits. H.B. 1311 (2010) requires private insurance providers to provide autism health
 39 benefits for covered children under the age of 18 years who have autism spectrum disorder. These bills
 40 passed and helped Missouri to meet the goal of providing quality education to many pre-K students. H.B.
 41 1689 (2014) allows state aid for at-risk students in pre-K.

43 S.B. 638 (2016) establishes an early learning quality assurance pilot program. S.B. 743 (2018) extends the
 44 sunset date of the pre-K quality assurance report.

46 H.B. 254 (2017) would exclude local early childhood education funds from the local tax revenue calculation
 47 used to provide funding to charter schools, but the bill did not pass. H.B. 604 (2019) includes at-risk students
 48 who attend early childhood education programs that are under contracts with districts or charter schools to
 49 be included for school formula aid, provided these programs meet standards for program quality established
 50 by DESE.

52 **L-C15 DEVELOPMENT OF LEARNING STANDARDS AND CURRICULUM**

54 **Rationale:** In S.B. 380 (Outstanding Schools Act of 1993), as part of education reform, educators were
 55 required to provide leadership in the development of the learning standards and model curricula that would
 56 be measured by the new Missouri Assessment Program (MAP). In 2001, the federal Elementary and
 57 Secondary Education Act (ESEA), also known as the No Child Left Behind (NCLB) act, was passed and

1 required all students to take state-mandated tests to assess school performance. This act required testing
 2 third-grade to eighth grade students annually in math and English language arts and high school students
 3 once in both subjects. In 2009, state leaders, through their efforts, began to develop the Common Core State
 4 Standards (CCSS). In 2011, states began their own processes for reviewing, adopting and ratifying the
 5 adoption of CCSS. In H.B. 1490 (2014), the legislature, in reaction to the movement to create national
 6 standards via Common Core State Standards, passed into law a requirement to establish new work groups,
 7 including educators, to make recommendations on new standards in four core subject areas
 8 (Communication Arts, Mathematics, Science, and Social Studies) within two years and granted a one-year
 9 moratorium on using pilot year assessment data to adversely affect teacher evaluations or district
 10 accreditation. H.B. 742 (2015) would have revised provisions relating to learning standards work groups,
 11 provided reimbursement to participating teachers and parents and extended, by one year, the moratorium on
 12 use of assessment scores to reduce district accreditation status or teacher evaluations, but the bill did not
 13 pass. H.B. 1024 (2019) would have created a work group to do academic performance standards on
 14 workforce development and workplace skills, but the bill did not pass.

15 16 **L-C16 TEACHER ACCOUNTABILITY FOR STUDENT PERFORMANCE**

17
18 **Rationale:** Student preparation and student performance are cumulative and not directly indicative of
 19 individual teacher performance. While research shows many factors affect student achievement, some local
 20 school districts still consider classroom teachers solely responsible for student learning in Missouri schools.
 21 Congress approved the Every Student Succeeds Act (ESSA) in December 2015. The bill revises federal law
 22 regarding K-12 education and repeals the “test, blame and punish” structure of the No Child Left Behind
 23 (NCLB) Act from 2001. The bill also eliminates federal waivers approved by the Obama Administration
 24 from some of those NCLB requirements. DESE applied for and received a “waiver” from many NCLB
 25 provisions under the flexibility plan. The application includes a model teacher and administrator evaluation
 26 plan and requires all districts to make sure their evaluation systems meet the state requirements. The model
 27 evaluation system meets most of the principles of the NEA Policy Statement on Teacher Evaluation and
 28 Accountability. The model evaluation system requires that student performance be considered as a factor in
 29 teacher evaluations, but leaves that, along with many other decisions, to local control. The ESSA offers
 30 more state flexibility in the use of standardized test scores in educator evaluations, district accreditation and
 31 accountability.

32 33 **L-C17 HIGH STAKES TESTING**

34
35 **Rationale:** The Missouri School Improvement Program relies significantly on pupil testing on state
 36 assessments to evaluate and accredit school districts. The state does not provide full funding for staff
 37 training for implementation of the state-mandated and state-created tests under the Missouri Assessment
 38 Program (MAP). Student test scores do not affect state funding for school districts. While Missouri
 39 Assessment Program assessments are created under sections of law first enacted by SB 380 (1993), a bill
 40 known as the Outstanding Schools Act, section 160.257, RSMo., from HB 463 (1985), a bill known as the
 41 Excellence in Education Act, is still in effect. This section requires all districts to have a local pupil testing
 42 program in the subjects of English, reading, language arts, science, mathematics, social studies and civics.

43
44 Standardized tests cannot adequately measure Missouri’s process standards and have been overused in some
 45 disciplines. Assessment of student learning can include multiple measures, including but not limited to:
 46 achievement tests, portfolios, grades, teacher recommendations, attendance, extracurricular activities,
 47 community involvement, 504 plans and IEP goals.

48
49 Equitable assessments allow for review and revision of curricula and lesson plans based on student
 50 performance. A consortium of several New England states, the Great Schools Partnership, has been working
 51 on state and local policies to support proficiency-based learning. These policies address four main areas:
 52 graduation requirements, learning standards, proficiency-based learning and multiple/personalized
 53 pathways to graduation.

54
55 The State Board of Education has revised the high school assessment to allow the ACT test and include end
 56 of course exams but rejected a requirement for a high stakes exit exam as a condition for high school
 57 graduation. The state currently provides funding for juniors in Missouri public high schools to take the ACT

1 test one time. Gov. Greitens withheld funding for ACT testing for F.Y. 2018. H.B. 1415 (2018) will allow
 2 students to choose to take either the ACT or ACT WorkKeys test for their state-funded ACT test. H.B. 1646
 3 and S.B. 638 (2016) change the currently required test over U.S. and Missouri Constitutions and American
 4 history to be a local option and require each student to pass a test based on the questions used for becoming
 5 an American citizen. H.B. 1528 (2018) will require any student attending a public college or university to
 6 score at least 70% on the Missouri Higher Education Civics Achievement Examination as a condition of
 7 graduation.
 8

9 **L-C18 ACCESS TO APPROPRIATE SPECIAL EDUCATION SERVICES**

10
 11 **Rationale:** The federal IDEA establishes the right of every student with a disability to receive free and
 12 appropriate public education as determined by a legally constituted IEP team. State law must remain in
 13 compliance with federal law and allow for effective operation of IEP teams at the local level. S.B. 365
 14 (2015) would have made several changes to special education procedures and due process requirements, but
 15 the bill did not pass. H.B. 2379 and S.B. 638 (2016) create a task force on dyslexia and establish a schedule
 16 by which district and charter schools will conduct screenings and provide support. H.B. 1606 (2018) and
 17 S.B. 743 (2018) will provide that a student receive instruction in Braille reading and writing as part of his or
 18 her individualized education plan unless instruction in Braille is determined not appropriate for the child.
 19

20 **L-C19 ASSESSMENT OF STUDENTS WITH SPECIAL NEEDS**

21
 22 **Rationale:** The Missouri Assessment Program is not a valid measurement for some students with special
 23 needs. The alternative is Missouri Assessment Program-Alternative. The Association commends the
 24 Department of Elementary and Secondary Education and the state for the attempt to address problems with
 25 developing an appropriate instrument to measure progress for students with severe impairments. The state
 26 has contracted with Measured Progress to accomplish this task. Measured Progress provides a program for
 27 measuring progress on Alternative Grade Level Equivalents (ALTGLLES). Measured Progress' method has
 28 three major flaws that need to be addressed. First, the process for constructing and writing the test items is
 29 placed on the special educator. Experts in the field have difficulty getting agreement 50 percent of the time
 30 on whether a test item is valid or not. Second, it has been reported that identical items and results are scored
 31 differently, thus producing inconsistent results. The inconsistencies raise serious questions about the validity
 32 and usefulness of test results. Third, the amount of time taken away from instruction and the associated
 33 paperwork required to complete the MAP-A are counterproductive to achieving Adequate Yearly Progress.
 34 Also, school districts that use MAP-A are penalized by the state as the student is rated at a "level not
 35 determined." House Bill 1711 (2002) requires the State Board of Education to use a teacher panel and to
 36 determine if appropriate alternate assessments exist for students who receive special education services. If no
 37 appropriate instrument exists, then the panel is charged with creating such an assessment. If it is determined
 38 by the student's Individualized Education Plan team that the alternative assessment is more appropriate for
 39 the student, the student will take the alternative assessment. Accountability requirements under No Child
 40 Left Behind will require restructuring and rewriting of MAP-A to include grade-level equivalents.
 41

42 **L-C20 PLACEMENT OF EARLY CHILDHOOD STUDENTS IN SPECIAL EDUCATION PROGRAMS**

43
 44 **Rationale:** Senate Bill 874 (2002) establishes a preference when developing an IEP for a student who had
 45 received services pursuant to Part C of the Individuals with Disabilities Education Act, to continue services
 46 with the student's Part C provider, unless this would result in a cost that exceeds the district's average cost
 47 per student in Early Childhood Special Education. This arbitrary preference can cause school district ECSE
 48 programs to suffer financial hardship if private providers carefully adjust their operating cost to be lower
 49 than the school district's cost by a small amount. Removing students from school district placement further
 50 exacerbates the financial hardship by leaving fewer students served in the district and no corresponding
 51 reduction in the district's fixed cost to provide service. S.B. 42 (2005) attempted to correct the placement
 52 preference enacted by S.B. 874, and the language was passed in S.B. 500 (2005), and the sunset placed on
 53 the language was repealed by S.B. 112 in 2007.
 54

55 **L-C21 EDUCATION FOR GIFTED AND TALENTED STUDENTS**

56

1 **Rationale:** For many years, funding for gifted education was a dedicated item in the state budget; requiring
 2 school districts to comply with DESE regulations in offering locally designed programs for gifted and
 3 talented students. In 2005, when the foundation formula was re-written by S.B. 287, dedicated funding for
 4 gifted programs was included in the general funds with no specific requirements or guidelines for how those
 5 funds were to be spent, but with a penalty clause that withholds funds from school districts whose gifted
 6 services are reduced by more than twenty percent of the 2005 level. In the 2011-12 school year, 255
 7 Missouri districts had a gifted program, while 69 districts received a penalty and another 40 had no gifted
 8 program. About \$1.0 million was withheld from districts during the 2011-12 school year due to the formula
 9 penalty. S.B. 599 (2012) requires school districts to include reporting of gifted education programs in their
 10 district report cards but does not include any funding for these programs.

11
 12 S.B. 17 (2013) enacted the provisions from S.B. 193 (2013) to create the Advisory Council on the Education
 13 of Gifted and Talented Children and require DESE to provide a staff person for educational programs for
 14 gifted and talented children. S.B. 638 (2016) restores the financial penalty for reductions in district gifted
 15 education programs. S.B. 743 (2018) will require any district with a state-approved gifted education
 16 program to have a process that allows parents or guardians to appeal a determination that their child does
 17 not qualify for gifted services. H.B. 1606 (2018) will require each school district to establish a policy
 18 allowing acceleration for certain students. H.B. 112 (2019) would have required a district to establish a
 19 gifted education program if three percent or more are identified as gifted, but the bill did not pass.

20 21 **L-C22 HEALTHCARE FOR ALL CHILDREN**

22
 23 **Rationale:** Thousands of Missouri children live in poverty and many live in substandard conditions and
 24 without the benefit of proper healthcare services. Children who suffer from undiagnosed or untreated
 25 medical conditions are generally less able to learn than children who have access to adequate medical,
 26 mental, dental and vision health care. Students do not check their poverty-related problems at the
 27 schoolhouse door before entering the classroom.

28 29 **L-C23 COORDINATED SCHOOL HEALTH AND WELLNESS PROGRAMS**

30
 31 **Rationale:** Currently, the state does not require school health services for students. Senate Bill 291 (2009)
 32 imposes additional requirements for physical activity for elementary students. Previous law required all
 33 children entering public school in either kindergarten or first grade to have a comprehensive vision exam,
 34 but that law expired on June 30, 2012. Senate Bill 649 (2012) and House Bill 1333 (2012) would have
 35 followed the recommendations of the Children’s Vision Commission to make vision screenings mandatory
 36 in kindergarten, first and third grade, but the bills did not pass. H.B. 675 (2013) creates guidelines for serving
 37 students requiring diabetes care or self-care. S.B. 711 and S.B.638 (2016) require CPR instruction for all high
 38 school students as a requirement for graduation.

39
 40 H.B. 1583 and H.B. 2379 (2016) require school districts to adopt a policy on youth suicide awareness and
 41 prevention and allow teachers to take training on suicide awareness as a part of professional development.
 42 H.B. 1606 (2018) provides that human sexuality instruction shall include instruction regarding sexual
 43 harassment and sexual violence. S.B. 52 (2017) requires colleges and universities to have suicide prevention
 44 policies and programs and address the problem of depression in medical school students. S.B.s 807 and 577
 45 (2018) require each public institution of higher education to measure and report its compliance with
 46 recognized counseling services standards relating to mental health services provided on campus. H.B. 2129
 47 (2018) requires school boards to allow qualified national organizations to present information to the board
 48 regarding organ, eye and tissue donation education. The board shall consider the information and decide
 49 whether to present the information to students and parents. Students will not be required to participate in
 50 such instruction. S.B. 514 (2019) revises the Health Professional Student Loan Repayment Program to
 51 include psychiatrists and will help create additional capacity of mental health service providers in areas of
 52 critical need around the state

53 54 **L-C24 TRAUMA-SENSITIVE SCHOOLS**

55
 56 **Rationale:** Schools can help children reach their potential by partnering with families and strengthening
 57 traumatized children’s relationships with adults in and out of school, helping children to modulate and self-

1 regulate their emotions and behaviors; and enabling children to develop their academic potential. S.B. 638
2 (2016) requires DESE to establish a trauma-informed schools initiative and pilot program.

4 **L-C25 SOFT DRINK AND SNACK CONSUMPTION**

5
6 **Rationale:** Currently, our country is experiencing a dramatic rise in children’s obesity. Contributing to this
7 problem is the consumption by children of soft drinks and snacks with poor nutritional value. Recent
8 medical evidence suggests that an extra soft drink a day gives children a 60 percent greater chance of
9 becoming obese. The acid and sugar in these drinks can lead to tooth decay. In the Child Nutrition and WIC
10 Reauthorization Act of 2004, the U.S. Congress established a new requirement that all school districts with
11 a federally funded school meals program develop and implement wellness policies that address nutrition and
12 physical activity by the start of the 2006-2007 school year.

14 **L-C26 NUTRITION OF SCHOOL MEALS**

15
16 **Rationale:** Currently, studies linking good nutrition and improved learning are well documented. Healthy
17 eating patterns are essential for students to achieve their full academic potential, physical and mental
18 growth, and lifelong health and well-being. H.B. 132 and H.B. 309 (2019) would require certain high
19 poverty public schools to offer "breakfast after the bell." Neither bill was passed. Since so many children
20 receive meals at school, it is vital that schools provide them with healthy choices. Many schools educate
21 their students about healthy lifestyles through adequate exercise and nutritious eating habits. However, these
22 same schools are not providing their students with adequate portions of well-balanced meals. Their meal
23 programs consist of foods such as pizza, French fries, and ice cream, and sometimes even in the same
24 sitting. Many school food programs contribute to this statistic by serving fattening and unhealthy foods.

26 **L-C27 PUBLIC SCHOOL ATTENDANCE OPTIONS**

27
28 **Rationale:** Currently, most children attending public school attend a school in their district of residence.
29 However, several forms of public school attendance options exist in Missouri. Some districts operate magnet
30 schools with a specific subject matter or educational approach emphasis that are available through a lottery,
31 and some districts offer a broad intra-district enrollment option that usually includes a requirement that
32 parents provide for transportation to a school outside of the regular attendance zone. Other forms of public
33 school attendance options include voluntary inter-district transfer options for school districts, charter schools
34 in St. Louis and Kansas City, school employee enrollment options and the Missouri virtual public school.
35 Some of these public school attendance options are created by legislation, while others are in response to
36 various school or community needs. Senate Bill 291 (2009) requires the Joint Committee on Education to
37 conduct a study of open enrollment programs in other states and report to the legislature. The committee
38 report shows Missouri ranks below nearly all the states with statewide open enrollment in terms of state
39 education funding.

40
41 S.B. 603 (2010) and House Bill 2462 (2010) would have established a public school open enrollment law that
42 would allow public school students to leave the district in which they reside and enroll in any other public
43 school district if space is available and the pupil’s parent or guardian provides transportation to the district.
44 The bills were not enacted. Proponents argue that the most common situation aided by open enrollment is a
45 parent who works in another district and wishes to have their student attend public school in the district
46 where they work. However, children may be left behind in such a transfer plan. Usually, the students with
47 some means or with parental and family support will be the most likely to take advantage of such an option.
48 Those likely to be left behind are the neediest, most at-risk and usually most in need of special support
49 services. Because Missouri relies heavily on local funding for public schools, issues will inevitably arise
50 regarding equitable access to at-risk students, childcare, health problems, transportation, student athletics
51 and activities recruitment, low incidence special education needs and other relevant factors. H.B. 1606
52 (2018) requires the Commissioner to approve transportation hardship waivers for students living in certain
53 school districts based on long travel routes.

54
55 In *Turner v. Clayton*, the Missouri Supreme Court ruled that accredited school districts must allow students
56 from other, unaccredited school districts to enroll in their district. The court remanded the case back to
57 district court, and a trial court judge ruled in May 2012 that the transfer law was an unworkable and

1 unfunded mandate and therefore void regarding students transferring from St. Louis City. In June of 2013,
 2 the Missouri Supreme Court reversed the decision, now named *Breitenfeld v. Clayton*, declaring that the
 3 transfer law is valid and enforceable. In the 2013-14 school year, more than 25% of students in Normandy
 4 and Riverview Gardens School Districts transferred to other districts under this provision, primarily to the
 5 districts designated for both tuition and transportation: Francis-Howell, Kirkwood, and Mehlville. The high
 6 tuition cost to these sending districts creates a severe drain on district resources. The legislature made a
 7 special one-time appropriation to ensure Normandy School District could complete the 2013-2014 school
 8 year.

9
 10 The transfer provision has created another type of open enrollment for students to move to the unaccredited
 11 district to attend another district. Students who can show sufficient connection to meet the standard for
 12 attendance in an unaccredited district can then require the district to pay tuition to another district,
 13 regardless of how high the tuition is in the receiving district. These decisions could have a profound and
 14 devastating impact on communities, their neighborhood schools and the students they serve. Communities
 15 will lose neighborhood schools, which serve as a central focus of activity and pride. Surrounding districts
 16 will be negatively impacted since they will be required to enroll students without regard to the receiving
 17 district's resources or capacity. Parents will enroll their students in districts in which they have no right to
 18 vote for school board members or even speak at the district's school board meetings.

19
 20 The legislature approved H.B. 42 (2015) which would have revised the accreditation process to include
 21 building level accreditation, allowed transfers from unaccredited schools as well as districts, and expanded
 22 charter and private virtual schools. Governor Nixon vetoed the bill, and the bill did not become law. S.B.
 23 559 and S.B. 587 (2018) would have addressed student transfers from unaccredited districts and included
 24 other provisions regarding school accreditation and school accountability, but neither bill passed. H.B. 604
 25 (2019) enacts law regarding pupil transfers from unaccredited school districts. H.B 604 caps sending district
 26 tuition, allows receiving districts to specify capacity to receive students, clarifies transportation and allows
 27 in-district transfers.

28 29 **L-C28 ACCESS TO STUDENT INFORMATION**

30
 31 **Rationale:** Currently, the Missouri Student Information System (MOSIS) tracks information for each
 32 student enrolled in a Missouri public school and uses a randomly generated number to identify each student,
 33 rather than using the student's Social Security number as the student identifier. The Social Security number
 34 may be included and used to eliminate duplicate entries but is not publicly available within the system.
 35 Federal law allows school districts to ask for a student's Social Security number but requires the school
 36 official to disclose to the student that giving the Social Security number is completely voluntary and cannot
 37 be required for enrollment in school or participation in a school program. Currently, some schools are
 38 asking enrolling students for their Social Security number, but not informing students or their parents that
 39 giving the Social Security number is voluntary. This may serve as a barrier to enrollment for any student
 40 who resides in the district and is entitled to enroll but is reluctant to reveal their Social Security number or
 41 for any resident student who does not have a Social Security number.

42
 43 Senate Bill 291 (2009) allows school districts to maintain permanent school records in digital and electronic
 44 formats. There is no common, required data format for student records. Schools are often unaware of
 45 important information when a student enrolls, such as safe school violations, suspensions, expulsions,
 46 attendance records, Individualized Education Plan status and any other pertinent information.

47
 48 H.B. 1490 (2014) requires DESE to create standards for student data accessibility, transparency, and
 49 accountability relating to the statewide longitudinal data system and strictly limits the conditions under
 50 which student data may be shared. H.B. 592 (2019) would have created additional requirements for
 51 protection of student data, but the bill did not pass. The protections apply to schools, contractors that are
 52 given access to student data and school website operators. H.B. 592 also establishes a task force to study
 53 issues relating to student data privacy. H.B. 1606 (2018) requires school districts to report breaches of data
 54 containing personal information of students to parents, DESE, and the State Auditor.

55 56 **L-C29 BULLYING IN SCHOOLS**

57

1 **Rationale:** Current state law requires school districts to adopt a board policy regarding bullying of students
 2 but does not allow a district’s policy to enumerate specific categories or attributes that may be related to
 3 bullying of students. House Bill 458 (2015) would have allowed districts to enumerate specific categories or
 4 attributes that may be related to bullying, but the bills did not pass. House Bill 1543 (2010) requires that a
 5 district’s bullying policy must address cyber-bullying. H.B. 1583 (2016) revises the laws regarding bullying
 6 in schools and establishes specific components that a district must include in its anti-bullying policy.

7
 8 House Bill 2051 (2012) would have prevented school staff from discussing human sexuality outside of
 9 scientific instruction. However, this “Don’t Say Gay” bill did not pass. House Bill 501 (2015) requires
 10 course materials relating to sexual education to contain information regarding sexual predators, online
 11 predators, and the consequences of inappropriate text messaging. H.B. 169 (2019) would have required each
 12 school district to maintain a policy addressing appropriate education regarding Internet safety and social
 13 media awareness for students, but the bill did not pass. H.B. 604 (2019) requires students in grades six and
 14 higher to have age-appropriate training regarding sexual harassment.

15 16 **L-C30 EQUAL OPPORTUNITY AND SAFETY FOR ALL**

17
 18 **Rationale:** House Bill 2051 (2012) is known as the "Don't Say Gay Bill." This bill would prohibit any
 19 "instruction, material, or extracurricular activity sponsored by a public school that discusses sexual
 20 orientation." The only discussion allowed would be in the context of scientific instruction concerning
 21 human reproduction. This bill did not pass. H.B. 2051 disrupts the core element critical to a successful
 22 school environment, which is to provide a safe place for all to learn. It infringes on the free speech rights of
 23 students and educators in Missouri schools. Further, the bill would prevent students from discussing issues
 24 regarding sexual orientation during an already vulnerable time with professional school personnel such as
 25 teachers, counselors or other students in an LGBTQ support group. S.B. 690 (2018) would require that all
 26 school restrooms, locker rooms, and shower rooms accessible for use by multiple students shall be
 27 designated for and use by male or female students only, but the bill did not pass.

28 29 **L-C31 CAMPUS SAFETY AND ACCOUNTABILITY**

30
 31 **Rationale:** S.B. 626 (2016) proposed requirements for colleges and universities to prepare an annual campus
 32 security report informing students and employees of affirmative consent standards and proposed annual
 33 awareness programming requirements on affirmative consent standards. S.B. 1085 (2016) proposed
 34 requirements that the governing board of each public institution of higher education in Missouri engage in
 35 discussions with law enforcement agencies and enter into a memorandum of understanding (MOU)
 36 concerning sexual assault, domestic violence, dating violence and stalking involving students on and off
 37 campus. Neither bill was passed into law.

38
 39 S.B. 259 (2019) would have revised Title IX procedures at higher education institutions, but the bill did not
 40 pass. S.B. 259 created a new procedure for due process proceedings in higher education institutions for
 41 complaints made under Title IX of the Federal Education Amendments, which protects people from
 42 discrimination based on sex in education programs.

43 44 **L-C32 PUPIL TRANSPORTATION**

45
 46 **Rationale:** Current law requires that districts provide transportation for pupils living more than three and
 47 one-half miles from school and for all special education pupils. Transportation to and from school can be a
 48 hardship or safety concern, or both, for pupils living closer than three and one-half miles, particularly for
 49 students living in families without a vehicle to provide transportation. S.B. 687 (2018) and H.B. 1606 (2018)
 50 allow Kansas City school district to pay for high school students to use city buses for transportation to
 51 extracurricular activities. H.B. 606 (2019) would have allowed school districts to contract with municipal
 52 bus programs to transport pupils, but the bill did not pass. State funding for pupil transportation for fiscal
 53 year 2019 totals \$102 million. H.B. 604 (2019) includes an addition to the districts for which the
 54 Commissioner is required to authorize pupil transportation hardship, if listed criteria are met. The
 55 additional area is an unincorporated area in Maries County that also meets existing distance criteria for
 56 school proximity.

57

1 **L-C33 SUMMER SCHOOL**

2
3 **Rationale:** In the Outstanding Schools Act of 1993, as part of education reform, districts were encouraged
4 to provide students in Missouri with summer school opportunities. To encourage districts to do this, they
5 allowed districts to count each student twice, making summer school a win-win situation for districts;
6 students get access to the remedial or additional education opportunities and the district gets enough state
7 funding to cover the cost of offering the programs. Due to the current financial situation in the state, many
8 districts have had to eliminate summer school, offer minimal course offerings, or charge students to attend.
9 Many students have also used summer school to fulfill their physical education requirements, making room
10 in their schedules for other courses during the year; such as foreign languages, fine and performing arts,
11 advanced science and math courses. Summer school has become part of the culture in Missouri. H.B. 1139
12 (2014) would have mandated school districts to require summer school for students scoring below proficient
13 on a statewide assessment, but the bill did not pass.
14

15 **L-C34 RELIGIOUS NONPARTICIPATION IN INSTRUCTION**

16
17 **Rationale:** The United States Constitution clearly provides religious freedom to all Americans.
18 Constitutional Amendment 2 passed in August 2012, added unnecessary provisions to the Missouri
19 Constitution. The amendment went further and added poorly defined provisions that will allow students to
20 opt out of learning, testing, and activities based on religious belief. From preschool to graduate school,
21 educators and public institutions held accountable for student learning are now faced with implementation
22 challenges. Frequent and long-term student opt outs can complicate required testing, school funding,
23 graduation requirements, and potentially evaluation and school accreditation. Students need a rigorous
24 broad based curriculum to compete in the 21st century global economy and this constitutional amendment
25 does not help meet that need.
26

27 H.B. 1303 (2014) includes a requirement that a school district create a limited forum for religious
28 discussions. This increases the likelihood that districts will be in conflict with the First Amendment. S.C.R.
29 13 (2019) encourages school districts to offer elective social studies courses on the Bible. Regardless of any
30 provision of a state law or resolution, public school instruction about religion must adhere to U.S. Supreme
31 Court case law regarding the separation of church and state under the First Amendment. H.B. 604 (2019)
32 includes an expansion of the existing prohibition on religious discrimination in schools to apply to all
33 persons, not just students and parents.
34

35 **L-C35 EXTENDED LEARNING TIME**

36
37 **Rationale:** Research has shown that providing additional learning time has proven to be effective in
38 advancing student achievement. In Massachusetts, participating schools received guidance and financial
39 support to increase learning time by over 300 hours per year. Student achievement gains were significant
40 and large. Over a three-year period, one school went from 23% student proficiency to 43% student
41 proficiency. However, the study identifies that it is not enough to simply lengthen the school day or year.
42 School schedules must be adjusted to use time well, increase time for core and enrichment, and allocate
43 enough time for teacher collaboration. Staff in that school identified, designed, and implemented solutions
44 affecting students in that school. H.B. 1145 (2017) would have created a grant program to provide extended
45 learning time, but the bill did not pass.
46

47 **L-C36 FAIR HOUSING POLICY AND INTEGRATION OF PUBLIC SCHOOLS**

48
49 **Rationale:** Living in poverty creates challenges for student success in school and in life. These challenges
50 affect the function and success of students and schools, particularly when school populations are
51 concentrated with students living in poverty. Public housing policy, including programs to provide access to
52 affordable public housing, can mitigate or compound the problems of segregation based upon poverty.
53 Housing policy can reduce segregation of society and improve student success when regional housing policy
54 requires inclusionary zones and affordable housing throughout a diverse region. Conversely, housing policy
55 that allows targeting of public housing subsidy solely in existing, high-poverty regions compounds the
56 problems created by concentration of poverty.
57

Ensure Effective and Accountable School Governance

L-D1 AUTONOMY OF THE STATE BOARD OF EDUCATION

Rationale: Senate Joint Resolution 45 (2010) would have merged oversight of pre-K, elementary, secondary, and higher education into a governing body of six members appointed for six-year terms and the appointment of the commissioner of education at the advice and consent of the Senate. Not only would this proposal politicize the commissioner position, but it would also reduce the number of current board members for pre-K-12 and higher education by nearly one-third while at the same time doubling the number of students the merged board would be responsible for educating. H.B. 383 (2015) would have established a limit of two terms for State Board of Education members, but the bill did not pass. State Board of Education terms are for eight years and until a successor is appointed and approved, and one member has served for over 24 years. S.B. 743 (2018) and H.B. 1606 (2018) add an active teacher as a non-voting member of the State Board of Education.

S.B. 794 (2018) would have enacted several provisions to clarify and stabilize the process for appointment of members of the State Board of Education. The bill would have provided a much needed clarification of the appointment process to ensure that appointees are not subject to manipulation and that the State Board of Education can operate as contemplated in the Missouri Constitution. However, the bill did not pass.

L-D2 NONPARTISAN COMMISSION FOR HIGHER EDUCATION BOARD APPOINTMENTS

Rationale: Under current Missouri law, to be appointed to serve as a voting member on a governing board of a public institution of higher education, one must be appointed by the governor, by and with the advice and consent of the Senate. The qualifications for this position are limited to a geographic residence requirement with a limitation on the number of members affiliated with one political party. House Bill 174 and Senate Bill 163 (2011) were both enacted to revise the regional residence requirements for Curators of the governing boards of the University of Missouri and Lincoln University to accommodate the loss of one Missouri seat in the 2011 reapportionment of the United States Congress. Although Missouri institutions of higher education have benefited from the service of those members of individual governing boards, the present climate of accountability in higher education, the present financial conditions for public higher education in Missouri and the evolving nature of the tasks of these governing boards requires a selection process that results in members on governing boards who have sufficient qualification and experience for those tasks and that the members of these governing boards can be assured a selection process that provides them an office that carries the sense of authenticity that their tasks demand.

The Missouri Nonpartisan Court Plan is an essential way to limit partisan politics in the selection process for judicial appointments and is so effective that many states have adopted the “Missouri Plan.” Virginia presently has legislation of this nature for the selection of governing board members for public colleges and universities. The Virginia Commission on Higher Education Board Appointments consists of five non-legislative citizen members appointed by the Governor plus the Commissioner of Higher Education and the Secretary of State serving as nonvoting, ex officio members. The non-legislative citizen members consist of: two non-legislative citizen members who are former members of governing bodies of Virginia’s public institutions of higher education; one non-legislative citizen member who shall be either a former president, provost, or executive vice-president of a public institution of higher education; and two non-legislative citizen members who shall be citizens-at-large to be appointed by the Governor. The Commission maintains and oversees a process for evaluating potential appointees to higher education governing boards, based on substantive qualifications, including merit and experience and makes recommendations to the governor at least 30 days prior to the expiration of terms to fill vacancies on higher education governing boards. The National Governor’s Association (NGA) observed that establishing an advisory board or review commission for certain high profile appointments could be of “particular benefit when the governor is looking to involve key stakeholders, get outside input from a variety of sources, and also to depoliticize a potentially difficult or highly visible appointment process.” The NGA found that the Virginia commission has worked well to buffer the Governor from the nominating process and that less than a third of all higher education appointees are financial contributors to the Governor. The Association of Governing Boards of

1 Universities and Colleges (AGB) observed that the Virginia legislation provides one of the clearest examples
 2 of state leaders working together to support public higher education governance.
 3

4 **L-D3 SCHOOL ACCOUNTABILITY**

5
 6 **Rationale:** The federally mandated restrictions and punishment of standardized testing ended with the
 7 passage of ESSA. A key component of ESSA is to reduce the burden of over-testing students, allowing for
 8 local control of curriculum and authentic, developmentally appropriate and varied assessments.
 9 However, current DESE accreditation standards under the Missouri School Improvement Program (MSIP)
 10 V conflate accreditation and accountability, which have placed more high-poverty districts at risk of
 11 provisional or unaccredited status and eventual dissolution of the district under current law. Most states
 12 recognize the distinction between accreditation and accountability; both having their own independent place
 13 in the educational process.
 14

15 Previous legislative efforts that have attempted to return local control of education policy, which would
 16 benefit Missouri students and teachers, include the following. H.B. 1499 (2016) would have created a
 17 Community Schools Program in St. Louis City, but the bill did not pass. H.B. 1023 would have
 18 substantially revised state accreditation of school districts by giving local control of assessment and reporting
 19 of school quality indicators designed to address community and student needs. H.B. 1606 (2018) requires
 20 DESE to create a program for recognition of district guidance programs. S.B. 743 (2018) requires DESE to
 21 create a program for recognition of district library and media programs. H.B. 485 (2019) would have
 22 required the State Board of Education to modify accreditation standards for special school districts to ensure
 23 the standards are applicable to a student population consisting entirely of students with an identified
 24 disability, but the bill did not pass.
 25

26 Previous legislative efforts have attempted to pass the following legislation, which would be harmful to
 27 Missouri students and teachers, but failed. S.B. 643 (2018) would have required the State Board of
 28 Education to develop an annual report card and a single letter grade for each school building, but the bill did
 29 not pass. The legislature approved H.B. 42 (2015) which would have revised the accreditation process to
 30 include building level accreditation, allowed transfers from unaccredited schools as well as districts, and
 31 expanded charter and private virtual schools. Governor Nixon vetoed H.B. 42, and the bill did not become
 32 law. H.B. 604 (2019) authorizes appropriations to fund consultants that would help support instructional
 33 improvements in a set of schools identified by DESE for improvement.
 34

35 **L-D4 SCHOOL BOARD MEMBER ACCOUNTABILITY**

36
 37 **Rationale:** At present, recall of school board member is possible only after a school has been declared
 38 academically deficient by an audit team. Some school districts within a city of 75,000 people or more are
 39 hindered further by only being allowed to consider the reelection of board members every six years. There is
 40 no requirement that board members continue to live in the school district after they are elected. S.B. 719
 41 (2014) revises conflict of interest standards regarding sales to a school district by a school board member.
 42

43 **L-D5 SCHOOL BOARD MEMBER TRAINING**

44
 45 **Rationale:** Presently the state requires that school board members complete 16 hours of training before they
 46 run for re-election. Most districts insist that board members receive that training immediately. The training
 47 is only provided by the Missouri School Board Association and the Missouri Association of Rural
 48 Educators. Most of their instruction deals with their model and philosophy of how boards should conduct
 49 themselves. H.B. 604 (2019) requires school board members to have additional training on identifying sexual
 50 abuse.
 51

52 **L-D6 SCHOOL BOARD ELECTIONS**

53
 54 **Rationale:** Currently, in an uncontested school board race, no election is held, and the district is not
 55 required to incur a cost for the election. In such a case, the filed candidates are assumed to be elected, their
 56 names do not appear on the ballot and the citizens do not have the opportunity to express their support or
 57 lack of support for such candidates. This situation also eliminates the possibility for a write-in candidate to

1 declare candidacy before the election. As an unintended consequence in some circumstances, prospective
 2 school board candidates may be discouraged from filing, as this would cause the school district to be
 3 required to share the cost for a contested election.

4
 5 Senate Bill 291 (2009) requires the Joint Committee on Education to conduct a study of urban school
 6 governance and allows the State Board of Education to provide for a transition from a special administrative
 7 board to an elected school board, rather than requiring all members to be elected and begin at the same time.
 8 Senate Bill 450 (2012) allowed Ft. Zumwalt School District to continue to elect school board members to
 9 three-year terms, even though the district now qualifies under the law as an “urban” school district. S.B. 258
 10 (2013) revises the Kansas City school board from nine members to seven members. H.B. 396 (2013) would
 11 have required the St. Louis City school district’s Special Administrative Board to create and submit to voters
 12 a plan to divide the district into four sub-districts, but the bill did not pass.

13
 14 After a census or consolidation, larger districts may qualify as an urban district. This classification changes
 15 school board terms to six years, limited to two terms and with elections held every other year. H.B. 63
 16 maintains the current number, length of term and election process for the Springfield school board and
 17 changes St. Joseph school board terms to three years and removes the signature requirement to file as a
 18 candidate for that school board. H.B. 1602 (2016) would have revised the process for filling vacancies on
 19 school boards, but the bill did not pass. A 2016 federal court ruling found that the at-large school board
 20 member election required in the Ferguson-Florissant School District by Missouri law deprived black voters
 21 of an equal opportunity to elect representatives of their choice. The district court judge ordered the
 22 district to switch to cumulative voting, where voters cast as many votes as there are candidates and can use
 23 all their votes on one candidate but put the ruling on hold while the district appealed. In July 2018, the
 24 federal appeals court upheld the district ruling. S.B. 283 (2017) revises and staggers the terms of board
 25 members of the Kansas City school district.

26
 27 H.B. 361 (2019) would have changed school board terms to four years and moved school board elections to
 28 the November general elections in even numbered years, but the bill did not pass. H.J.R. 19 (2019) would
 29 have moved all school bond and levy elections to the November general elections, but the resolution did not
 30 pass. H.B. 363 (2019) would have placed additional limitations on school board member and employee
 31 advocacy with the legislature and further restricted their involvement concerning local school ballot issues,
 32 but the bill did not pass.

33 34 **L-D7 RIGHT TO LOCAL SCHOOL GOVERNANCE**

35
 36 **Rationale:** Local school boards are responsible for the quality of education of a school district. Citizens elect
 37 school boards and are responsible for holding the board of education accountable for the quality of
 38 education in a district. When a local school board is replaced by a state-appointed Special Administrative
 39 Board, the community is unable to impact the quality of education through their right to vote. S.B. 125
 40 (2013) allows earlier State Board intervention upon loss of accreditation, requires more substantive state
 41 engagement with local stakeholders prior to state takeover, allows additional interventions that do not
 42 require lapse and allows up to three years of time for improvement for a district with unaccredited status
 43 prior to lapse. House Bill 2050 (2012) would have required that school superintendents be elected, rather
 44 than selected by and accountable to the school board, but the bill did not pass. S.B. 9 (2013) allows
 45 University of Missouri extension councils, except for any council located in St. Louis County, to form
 46 extension districts for funding purposes. S.B. 521 (2014) would have required DESE to give a single letter
 47 grade for each public school building, but the bill did not pass. S.B. 701 (2014) allows school districts to
 48 share a superintendent. The legislature adopted S.B. 104 (2015). The bill revises the process for determining
 49 the governing board of St. Louis Community College and adds an appointed member to the board. The
 50 Coordinating Board for Higher Education (CBHE) will select the appointed member to the board of St.
 51 Louis Community College.

52 53 **L-D8 ACCESS TO SCHOOL INFORMATION**

54
 55 **Rationale:** Senate Bill 764 (2012) would have strengthened many aspects of the law by requiring the public
 56 disclosure in an open meeting for certain legal matters upon final disposition, but the bill did not pass. The
 57 act would have required custodians of records to maintain public records in a readily reproducible format. It

1 would also have removed the requirement that a violation must be a “knowing violation” to subject a
 2 member or public body to a penalty. In return, the act would have reduced the penalty and permitted a
 3 court to order the payment of costs and attorney’s fees to a party establishing a violation.
 4

5 Additionally, under current practice, only certified staff compensation is reported in detail to the DESE. All
 6 other compensation data is reported as a single line item and salary schedules, school calendars, school
 7 district budgets and local school board policies are not required to be reported to DESE. House Bill 1140
 8 (2012) would have created a central information repository, but the bill did not pass. In 2012, DESE
 9 established the Missouri Comprehensive Data System (MCDS) Portal on the department’s website. The
 10 Portal provides more convenient access to available school and education data. H.B. 1606 (2018) requires
 11 public schools to post certain financial information online for public access. S.B. 743 (2018) and H.B. 1606
 12 (2018) clarify that school districts are only required to use one financial surety bond company for school
 13 bonds. The current law requires use of two surety companies.
 14

15 **L-D9 PROTECT MISSOURI ACT**

16
 17 **Rationale:** Missouri’s Constitution allows proposed statutory or constitutional amendments to be submitted
 18 by initiative petition. In 2006, over \$2.6 million in out-of-state money was spent in Missouri to hire signature
 19 gatherers and place a harmful state spending cap like Colorado’s Taxpayer’s Bill of Rights on the Missouri
 20 statewide ballot. The submission by the so-called Missourians in Charge was rejected by the Missouri
 21 Secretary of State, and the ensuing litigation exposed evidence of fraudulent and deceitful signature
 22 gathering practices and a massive effort to hire and import out-of-state signature gatherers to complete the
 23 process. House Bill 117 (2013) enacted additional requirements for petition signature gatherers.
 24

25 Petition signature challenges in 2012 kept the Minimum Wage issue off the ballot because there was
 26 disagreement as to whether the SOS Voter File or the original voter registration card in each county clerk's
 27 office would serve as the official record. Searching an antiquated card system is time consuming and
 28 expensive when time and cost are a factor for a citizens’ initiative struggling to meet legal deadlines. In
 29 addition, because signatures are often gathered over an extended period, people move after signing the
 30 petition and their new address in the SOS file at the time of signature verification does not match the address
 31 on the petition. This problem could be solved by allowing the address at the time of petition signing to be
 32 used in the signature verification process, since the SOS voter file indicates the previous address.
 33

34 **L-D10 PROMOTING CITIZENSHIP AND PARTICIPATION IN ELECTIONS**

35
 36 **Rationale:** The Missouri Supreme Court struck down the photo voter identification requirements enacted in
 37 Senate Bill 1019 (2006) as an unconstitutional restriction on voter access and found that this measure would
 38 have disproportionately suppressed voter turnout of the poor, minority and elderly voters. The secretary of
 39 state’s office has indicated to the legislature there have been no recent cases of voter misrepresentation in
 40 Missouri. Additionally, proponents of voter photo identification have not provided evidence showing photo
 41 identification would have prevented voter fraud. Senate Joint Resolution 2 (2011) would have placed voter
 42 identification requirements on a statewide ballot, but the proposal was blocked from the ballot when the
 43 ballot summary language was ruled inaccurate and voided by a court decision. The legislature approved
 44 H.J.R. 53 (2016), a joint resolution containing similar authorization for photo voter identification
 45 requirements. Voters approved the measure on the statewide ballot in November of 2016. The legislature
 46 approved photo voter identification implementing language in H.B. 1631 (2016) and overrode Governor
 47 Nixon’s veto to enact the bill into law. This new law went into effect on June 1, 2017, since voters approved
 48 the photo ID provisions from H.J.R. 53 in the November 2016 election. House Joint Resolution 90 (2014)
 49 was approved by voters in November 2014 and creates a six-day early voting window. Expanded voting
 50 options such as election day registration, election day holiday, and mail-in ballots would provide citizens
 51 more opportunities to cast their vote. In addition, a process to automatically register voters when they turn
 52 18 years of age could increase voter turnout. H.B. 368 (2019) would have allowed voters to vote by absentee
 53 ballot without giving a reason, but the bill did not pass. H.B. 26 and H.B. 922 (2019) would have required
 54 established political parties to create a closed primary system, but neither bill passed. Only voters registered
 55 for that party would be able to vote in a closed primary election.
 56

57 **L-D11 DEFENSE OF THE NONPARTISAN COURT PLAN**

Rationale: The Missouri Nonpartisan Court Plan provides for the selection of judges based on merit and not on political affiliation. Currently, the Nonpartisan Court Plan is in use for the Missouri Supreme Court, the Missouri Court of Appeals and the Circuit Courts in St. Louis City and St. Louis, Clay, Jackson and Platte Counties. Other counties by local vote can participate in the plan.

The procedure is for a commission to be established for each jurisdiction or level of judges (except that the same commission covers the Missouri Supreme Court and the Missouri Court of Appeals.) The commission is composed of lawyers and citizens and the “head” judge of the jurisdiction being covered. The commission submits three names to the governor who selects one individual to be judge. If the governor does not select an individual from the three names submitted, the commission selects the judge.

The plan is referred to as the Missouri plan across the country and used as a model by other states that want to reform their judiciary, as it is an improved system of selection, tenure and retirement of judges. Current political attacks on the plan have brought the issue to the forefront. Senate Joint Resolution 51 (2012) placed significant and undesirable changes to the plan on a statewide ballot in November 2012, but the proposal did not pass.

L-D12 SCHOOL DISTRICTS ADJUSTING TO STUDENT TRANSFERS

Rationale: The 2013-2014 school year began with two unaccredited school districts (Riverview Gardens and Normandy) forced to pay for their students to attend other school districts, including the cost of transportation. The cost of tuition and transportation may bankrupt these districts. In addition, the transfer provision has created a type of open enrollment for students to move to the unaccredited district to attend another district. The legislature approved H.B. 42 (2015) which would have revised the accreditation process to include building level accreditation, allowed transfers from unaccredited schools as well as districts, and expanded charter and private virtual schools. Governor Nixon vetoed H.B. 42, and the bill did not become law.

H.B. 604 (2019) enacts law regarding pupil transfers from unaccredited school districts. H.B 604 caps sending district tuition, allows receiving districts to specify capacity to receive students, clarifies transportation and allows in-district transfers.

L-D13 ETHICS IN GOVERNMENT

Rationale: For the past two decades, the current redistricting system has resulted in the courts making the final decision because partisan bias has created deadlock in the Missouri reapportionment commissions. The use of statistical measurement and nonpartisan mapping have been successful in other states and have resulted in fair and competitive legislative districts without requiring court intervention. The Senate passed S.J.R. 27 (2018), but the House did not approve the bill. The bill bans most gifts from lobbyists and the entities they represent to legislators, legislative staff and other elected officials. The Clean Missouri initiative, approved by voters as Constitutional Amendment 1 in November 2018, will limit most gifts from lobbyists, restrict lobbying by legislators who leave the legislature, enact campaign finance reforms and create a fairer structure for redistricting.

H.J.R. 48 (2019) would have undone the redistricting reforms of Amendment 1, but the measure did not pass due to a procedural mistake in the Senate committee during the last week of session. Amendment 1 also establishes that legislative records are public records and subject to Missouri’s Sunshine Law. H.B. 445 (2019) would have created local government ethics reforms while crippling the Sunshine Law for all levels of government. S.B. 132 (2019) would have exempted many legislative records. However, neither of these bills passed. S.J.R. 1 (2019) would have made it harder for citizens to use the initiative petition process in the future by requiring more signatures in more parts of the state and then requiring a 2/3rds supermajority vote to pass a Constitutional amendment brought forward by initiative. However, S.J.R. 1 did not pass.

Prepare and Evaluate Teachers and Provide Continuous Professional Development

1 **L-E1 PROFESSIONAL STANDARDS BOARD**

2
3 **Rationale:** Unlike other professionals such as physicians, dentists, embalmers and cosmetologists, teachers
4 currently have only limited advisory involvement in establishing standards for the teaching profession.
5 Further, teachers are prohibited by the Missouri Constitution from serving on the State Board of Education.
6

7 **L-E2 PROFESSIONAL TEACHING STANDARDS**

8
9 **Rationale:** Professional teaching standards clarify the expectations for teachers and define what teachers are
10 supposed to know and be able to do, how those standards will be assessed, and how mentoring, beginning
11 teacher assistance programs and other professional development will help teachers meet those teaching
12 standards. Senate Bill 291 (2009) states: “each public school shall develop standards for teaching by June 30,
13 2010. The standards shall be applicable to all public schools, including public charter schools operated by the
14 board of a school district.” The teaching standards must include: having students actively participate and be
15 successful in the learning process; forms of assessment to monitor and manage student learning; having the
16 teacher be current on instructional knowledge and explore changes in teaching behavior; and having the
17 teacher act as a responsible professional in the mission of the school.
18

19 **L-E3 SUPPORT FOR TEACHERS IN NATIONAL BOARD CERTIFICATION PROCESS ***

20
21 **Rationale:** The National Board for Professional Teaching Standards has established a National Board
22 Certification process that requires rigorous preparation by teachers who seek national certification. National
23 Board Certification lasts for 10 years and can be renewed by completing a substantive renewal process.
24 Teachers who have worked through this process testify that it has made them more reflective, competent
25 teachers. Prior to fiscal year 2010, Missouri was one of several states that provided financial support to help
26 national board candidates pay for the application process. This funding was terminated for FY 2010. Several
27 states have also enacted legislation providing financial incentives for achieving National Board Certification;
28 however, Missouri has not done so.
29

30 **L-E4 PROFESSIONAL DEVELOPMENT COMMITTEES ***

31
32 **Rationale:** Presently, Missouri law requires that each district have a teacher-selected PDC. This committee
33 is to spend one percent of state foundation formula funds on staff development annually. School districts
34 that receive only a small percentage of their budget from the state do not receive adequate funds for
35 professional development. H.B. 1606 (2018) allows externships to count as teacher professional development
36 hours. No provisions are included in legislation to address the professional development needs of support
37 personnel. Senate Bill 287 (2005) caps the state’s one percent funding for professional development at \$18
38 million. Professional development funds grew to \$20 million in fiscal year 2008, but the funds were cut to
39 \$15 million for FY 2009, and further cut to \$7 million for FY 2010. Professional development funding was
40 eliminated in the FY 2012 budget, except for \$136,326 appropriated for school board member training.
41

42 House Bill 1543 (2010) suspended the district requirement to spend one percent of state aid for professional
43 development until FY 14, and many districts have responded by drastically reducing district attention and
44 funding for professional development for instructional staff or transferring control of such funds to
45 administrator-directed activities rather than those designated by the teacher-selected PDC. S.B. 687 (2018)
46 will allow school districts to allocate less than 1.0% but no less than 0.5% of moneys received under the
47 school foundation formula to the professional development committee of the district when state funding for
48 pupil transportation is below 25% of total allowable cost.
49

50 H.B. 604 (2019) increases opportunities for teacher externships by giving teachers credit for externships on
51 teacher salary schedules.
52

53 **L-E5 PERFORMANCE OF MEDICAL PROCEDURES ***

54
55 **Rationale:** With the increasing number of students with specific medical needs, education employees are
56 being asked to perform medical procedures not related to their education. Education employees’
57 responsibility to perform medical procedures should be limited to ensuring student safety and well-being

1 until qualified medical professionals are able to address the situation. House Bill 1543 (2010) establishes new
 2 protections for employees who administer medication and exempts employees who are not qualified to
 3 administer medication and who refuse to administer it from liability for refusing.

4 **L-E6 CERTIFICATION STANDARDS**

5
 6
 7 **Rationale:** Current practice allows temporary certification of teachers. Many Missouri higher education
 8 institutions now offer alternative teacher certification programs. There is a discrepancy between the
 9 relatively high rigor of traditional teacher training programs and the expectations of the various alternative
 10 certification programs. The current alternative certification rule allows any person with a bachelor's degree
 11 to teach their related content in the middle school and secondary levels without any prior teacher training
 12 and requires those teachers to complete at least 24 credit hours of teaching course work within the first three
 13 years of alternative certification. Recently enacted legislation establishes an alternative certification process
 14 for principals. These actions have the potential to weaken and lower professional standards for educators.
 15 Furthermore, Senate Bill 296 (2003) changed the three-tier certification system to a two-tier certification
 16 system, reenacting the lifetime certificate. Conversely, other revisions have improved the ease of portability
 17 of certification between other states and Missouri. Any person who has achieved certification through the
 18 National Board for Professional Teaching Standards will now be eligible for a Missouri certificate in a
 19 related field. National Board Certification sets the bar for the highest and most rigorous standards for
 20 accomplished teachers.

21
 22 S.B. 1066 (2008) mandates state certificate status for the American Board for Certification of Teacher
 23 Excellence (ABCTE), a new entry-level certification established by a private entity that focuses on content
 24 knowledge and lacks a substantial examination of teaching ability. The ABCTE certificate will function like
 25 a regular professional certificate rather than an alternative certificate, and no additional course work in
 26 teaching competencies is required once the candidate passes the ABCTE test. S.B. 17 (2013) enacted the
 27 provisions of H.B. 808 (2013) to permanently extend the ABCTE certificate, which had an initial six-year
 28 sunset. S.B. 782 (2014) authorizes an ABCTE certificate for elementary education. S.B. 291 (2009) requires
 29 the State Board of Education to create a new, alternative certification for personal finance instructors, and
 30 educators so certified will be banned from gaining tenure status within a school district. House Bill 1803
 31 (2012) provides reciprocity for school social worker education programs at Missouri colleges and universities
 32 but does not create a Missouri certification for school social workers. S.B. 492 (2014) creates an advisory
 33 panel on standards for teacher preparation programs. H.B. 1665 (2018) creates a visiting scholar's certificate
 34 of license to teach limited to school/business partnership programs such as Partners in Prosperity. H.B. 976
 35 (2019) would have added an additional category to the visiting scholar's certificate to allow for certification
 36 in a specialized area for teachers with a master's or Doctoral degree in that area, but the bill did not pass.

37
 38 S.B. 318 and H.B. 564 (2019) would have revised laws pertaining to state licensing authorities, but neither
 39 bill passed. These bills would allow licensing authorities to disqualify a person from a professional license
 40 for a prior conviction of a crime only if the crime for which the person was convicted directly relates to the
 41 duties and responsibilities for the licensed occupation. Licensing boards could no longer use vague and
 42 general terms such as "moral turpitude" for disqualification, and disqualification for an offense shall not last
 43 longer than five years, except for violent or sexual offenses.

44 **L-E7 PEER ASSISTANCE AND REVIEW ***

45
 46
 47 **Rationale:** Most public school districts do not have peer assistance and review programs.

48 **L-E8 HIGH QUALITY EVALUATION SYSTEM FOR TEACHERS ***

49
 50
 51 **Rationale:** While state law requires districts to adopt teaching standards, the evaluation system for teaching
 52 in a district is established by the district. Teaching evaluation systems too often leave teachers without the
 53 feedback or support to enhance practice and advance student learning.

54
 55 House Bill 1526 and Senate Bill 802 (2012) sought to eliminate due process rights for teachers and mandate
 56 that student test scores comprise at least 50 percent of a teacher's evaluation, but neither bill passed. H.B.
 57 631 (2013) sought to impose numerous state mandates on local educator evaluations, including a mandate

1 that student test scores comprise at least 30 percent of a teacher’s evaluation, but the bill did not pass.
 2 Similar mandates offered in the House Committee Substitute for S.B. 125 (2013) were also defeated. S.B.
 3 654 and H.B. 1366 (2012) would have required every district to establish a high quality teacher evaluation
 4 system that provides regular, comprehensive, meaningful and fair evaluations for all teachers, but the bills
 5 did not pass. S.B. 654 required that district evaluation systems be locally developed with teacher input, use
 6 multiple indicators, such as teacher quality, performance and effectiveness, and provide clear feedback to
 7 enhance practice.

8
 9 The National Education Association adopted a Policy Statement on Teacher Evaluation and Accountability
 10 at the 2011 NEA Representative Assembly. The NEA policy is substantially similar to the evaluation system
 11 required under S.B. 654. DESE applied for and received a “waiver” from many NCLB provisions under the
 12 flexibility plan. The application includes a model teacher and administrator evaluation plan and requires all
 13 districts to make sure their evaluation systems meet the state requirements. The model evaluation system
 14 meets most of the principles of the NEA Policy Statement on Teacher Evaluation and Accountability. The
 15 model evaluation system requires that student performance be considered as a factor in teacher evaluations,
 16 but leaves that, along with many other decisions, to local control. H.B. 1490 (2014) provides that teacher
 17 and administrator evaluation information must be retained in the district personnel file and may not be
 18 shared with any state or federal agency.

19 A teacher performance evaluation initiative, the Missouri Teacher Performance Evaluation, appeared on the
 20 November 2014 ballot as Amendment 3. The proposal was overwhelmingly defeated by a vote of 76% in
 21 opposition. The Association worked to defeat the measure as a core member of the Coalition to Protect
 22 Local Schools. The ballot initiative would have mandated teacher performance evaluations dominated by
 23 student scores on standardized tests, and these results would be used to determine whether a teacher should
 24 be dismissed, rehired, demoted or promoted. It would also have prevented collective bargaining on these
 25 evaluation tools and eliminated due process rights unless an existing contract was in effect.

27 *Provide Teachers with Sufficient Time to Plan, Teach and Give Individual Attention*

28 29 **L-F1 CLASS SIZE ***

30
 31 **Rationale:** Currently, class size and student-teacher ratios vary greatly in Missouri schools, often within the
 32 same district. Currently, many teachers see over 500 students a week in their roles as librarians, counselors,
 33 teachers of music, art, physical education, exploratory and elective classes and multiple sections of grade
 34 levels per class meeting. Missouri classification standards currently deal only with the size of individual
 35 classes and not with total student contacts, nor the number of sections per class meeting, nor with total
 36 contacts with students with exceptional needs. Currently, school districts are only required to report the
 37 district ratio of students to classroom teachers, not detailed data on actual class sizes in the various schools,
 38 programs, grade levels and classes.

39 40 **L-F2 SUPPORT SERVICES RATIOS ***

41
 42 **Rationale:** Many support areas and programs are being implemented or are continuing without regard to
 43 student enrollment. In addition, many students come to school with economic, environmental and social
 44 problems that should be recognized when establishing staffing ratios.

45 46 **L-F3 TEACHER PLANNING TIME ***

47
 48 **Rationale:** Presently, many teachers do not have adequate planning time due to sharing classrooms, being
 49 asked to substitute for another class or traveling to teach between buildings. In addition, planning time has
 50 been shortened when districts have adopted new curriculum models and other programs to increase student
 51 performance. In many instances, adequate planning time and space have not been allotted during the
 52 contract day for effective implementation of these programs.

53 54 **L-F4 DUTY FREE LUNCH ***

55

1 **Rationale:** Currently, many education employees are given little or no free time to have lunch during the
2 school day.

4 **L-F5 EDUCATION EMPLOYEES’ LIABILITY INVOLVING STUDENT COMMUNICATIONS ***

6 **Rationale:** At present, in some Missouri schools, students are denied this basic right and education
7 employees are reluctant to support such freedom of expression for fear of reprisal. In addition, many student
8 communications sponsors are not adequately trained to deal with freedom of expression issues.
9 H.C.S./H.B.s 743 & 673 (2019) would have expanded student journalists’ freedom of expression, but the bill
10 did not pass. The bill did not include provisions contained in similar laws enacted recently in other states,
11 including civil immunity for districts and staff in implementing the law and anti-retaliation provisions to
12 protect supervisory staff for respecting the greater latitude granted to student journalists under the bill.

14 **L-F6 SPECIAL EDUCATION INSTRUCTIONAL TIME ***

16 **Rationale:** An inordinate amount of instructional time is eaten away through legislated reports or meetings.
17 Individualized Education Plans routinely exceed 20 pages in length. Each year, new forms are introduced
18 because of new interpretations of law. The addition of transition documents, summary of performance,
19 reviews of existing data and Missouri Assessment Program-Alternative has made providing quality special
20 education instruction in Missouri more difficult. Added to this paperwork are meetings that require
21 attendance by all members of the IEP team. Determining accommodations to meet the needs of students is a
22 time-consuming component of the meeting process.

24 **L-F7 RESPECTING THE FINALITY OF COURSE GRADES ESTABLISHED BY A TEACHER ***

26 **Rationale:** Current state law leaves the final determination of student course grades to school board policy.
27 A school board or administrator may choose to arbitrarily override a teacher’s determination of a student’s
28 grade when faced by strong insistence on the part of a student’s parent or another person advocating for such
29 a change.

32 ***Involve Teachers in Making Improvements and Innovations***

34 **L-G1 CHARTER SCHOOLS**

36 **Rationale:** Under the provisions of Senate Bill 781 (1998), there are currently public charter schools
37 operating in Kansas City and St. Louis. Current Missouri law does not require local school board
38 involvement with these schools. A 2016 ruling of the National Labor Relations Board indicates that charter
39 schools are private entities for the purpose of labor law, subject to the Board’s jurisdiction and employees
40 would organize under the National Labor Relations Act. Nationally, NEA affiliates are directly involved in
41 operating public charter schools.

43 The notion that charter competition will improve public schools has been conclusively refuted. Charters
44 have a substantial track record assessed in numerous research studies. Those studies document that
45 charters, on average, do no better than public schools in terms of student learning, growth or development,
46 and those charters that do perform better are not incorporated into district-wide school improvement efforts.
47 According to the National Alliance for Public Charter Schools (2011), charters cluster toward the bottom
48 end of public education performance in both St. Louis and Kansas City. Several charter schools that have
49 never attained accepted levels of performance remain open, and some of these same charters have had their
50 charters renewed. Some national programs include privatizing existing public schools, using companies with
51 little or no experience, unregulated funding of home schooling, employing non-accredited teachers and
52 excluding special needs students. At their worst, charters inflict significant harm on both students and
53 communities. Of the charter schools that opened in the U.S. in 2000, a full fifth had closed within five years
54 of opening and a full third had closed by 2010. Because the very opening of charters often prompts cutbacks
55 or closures in local public schools, these alarmingly high charter closure rates subject students and
56 communities to cycles of damaging disruption. Such disruption can leave students stranded mid-year. Even

1 closures that occur at year end disrupt students’ education and unmoor communities previously anchored by
 2 the local public school.

3
 4 In Missouri, S.B. 287 (2005) included substantial revisions to the state’s charter school laws, requiring
 5 sponsors to diligently oversee the operations of the charter schools they sponsor, empowering the State
 6 Board of Education to take disciplinary action against sponsors if necessary, and requiring 1.5 percent of
 7 charter school revenues be provided to sponsors to fund oversight expenses. The General Assembly
 8 appropriated \$62,500 in fiscal year 2009 to fund a study of charter school effectiveness, but this is far less
 9 than the amount needed, and the study has not been conducted.

10
 11 Senate Bill 576 (2012) expands the authority for charter schools statewide under school board sponsorship
 12 and allows other sponsors to establish charter schools in unaccredited and provisionally accredited districts.
 13 The bill also expands the list of entities allowed to sponsor charter schools, creates a statewide chartering
 14 commission and makes some of the changes needed to improve the accountability and transparency of
 15 charter sponsors and charter schools. The new state charter commission is solely an additional sponsor and
 16 does not improve accountability. H.B. 1894 (2014) would have required unaccredited and provisionally
 17 accredited school districts to give charter schools the first option in buying or leasing vacant or unused
 18 school buildings within the district, but the bill did not pass. S.B. 743 (2018) includes language to allow
 19 charter schools to revise the enrollment process to increase enrollment of at-risk students. H.B. 42 (2015)
 20 [would have revised the accreditation process to include building level accreditation, allowed transfers from
 21 unaccredited schools as well as districts, required districts to sell unused buildings to charter schools and
 22 expanded charter and private virtual schools. H.B. 42 also included the provisions of H.B. 550, with several
 23 revisions to charter school law reflecting consensus recommendations from the 2014 working group
 24 established by DESE. Gov. Nixon vetoed H.B. 42, and the bill did not become law. S.B. 638 (2016) revises
 25 the charter school law, and addresses financial stress, closure, academic performance standards, approval of
 26 charters and expansion of the transfer law to include charter schools. H.B. 581 and S.B. 292 (2019) would
 27 have allowed charter schools to be sponsored by outside entities other than the local school board and
 28 operate in many districts around the state, but the bill did not pass. S.B. 271 (2019) would have moved state
 29 authority to oversee charter school sponsors from the State Board of Education to the Charter School
 30 Commission, but the bill did not pass. H.B. 2200 (2018) included language to allow districts to create so-
 31 called “Innovation Schools.” The bill contained problematic provisions regarding bargained agreements,
 32 the teacher tenure law, salary schedules and school funding equity; however, the bill did not pass. H.B. 604
 33 (2019) includes authority for charter schools to add an enrollment preference for students qualifying for free
 34 or reduced price lunch.

35 36 **L-G2 VIRTUAL SCHOOLS**

37
 38 **Rationale:** Recent developments in so-called “virtual schools” include attempts to divert public education
 39 resources away to for-profit companies. Senate Bill 912 (2006) authorized and instructed the Department of
 40 Elementary and Secondary Education to develop a Missouri virtual public school using policies and
 41 procedures that promote equitable access, target students that can make best use of the resource, students
 42 with the greatest educational needs for such resources, ensure high instructional standards and public
 43 accountability. The Missouri Virtual Instructional Program began operation in fiscal year 2008 for
 44 elementary and high school age students. S.B. 291 (2009) allows school districts to receive state aid for
 45 virtual course attendance hours for resident students. H.B. 1823 and S.B. 522 (2014) would have created
 46 statewide virtual school open enrollment, but the bills did not pass. H.B. 1389 (2014) enacts State
 47 Authorization for Reciprocity Agreements (SARA) to allow higher education virtual education reciprocity
 48 with other states. The legislature approved H.B. 42 (2015) which would have revised the accreditation
 49 process to include building level accreditation, allowed transfers from unaccredited schools as well as
 50 districts, and expanded charter and private virtual schools. Governor Nixon vetoed H.B. 42, and the bill did
 51 not become law. S.B.s 603, 576 and 898 (2018) establish a new course access program related to MoVIP.
 52 The program would be available for students enrolled full-time in public school and allows a proportionate
 53 share of per pupil funding to be used for approved virtual courses.

54 55 **L-G3 SCHOOL CALENDARS ***

56

1 **Rationale:** In 2003, the General Assembly passed Senate Bill 686, which allowed school districts to start
 2 school whenever they choose. Most school districts in Missouri begin the school year in mid to late August
 3 and end in late May or early June. However, schools receive no increase in per pupil compensation for an
 4 extended school term. S.B. 64 (2007) requires a school board to hold a hearing prior to establishing a school
 5 start date more than 10 calendar days prior to Labor Day. H.B. 1606 (2018) and S.B. 743 (2018) remove
 6 requirements for a minimum number of school days, requiring only a minimum number of hours. H.B. 604
 7 (2019) prevents local school districts from setting an opening date for the school term that is more than 14
 8 calendar days prior to the first Monday in September (Labor Day). This new restriction will not apply to the
 9 2019-20 school year and will take effect in the 2020-21 school year.

10
 11 There are many school buildings and classrooms without climate control. For a school to provide an
 12 extended school term or use a year-round school schedule, all school facilities need climate control.
 13 Comprehensive, long-term requirements regarding school calendars and make up days were enacted in S.B.
 14 64 (2007). H.B. 604 (2019) allows school districts to implement alternative methods of instruction to avoid
 15 up to six make-up days, with DESE approval of the implementation plan. H.B. 604 also includes
 16 forgiveness for excess inclement weather days during the 2018-19 school year, but the emergency clause was
 17 not adopted, so the provision will not take effect until August 28, 2019, and may not impact 2018-19 school
 18 calendars.

19 20 **L-G4 ADULT LITERACY**

21
 22 **Rationale:** Many Missouri's adults have problems with basic literacy skills and many lack a high school
 23 diploma. For integration into American culture, English is recognized as the most common language in
 24 Missouri. State law provides assistance, educational materials and grants to local agencies to provide
 25 English language instruction. The Family Support Division within the Department of Social Services is
 26 authorized to provide grants to programs for resettling refugees and legal immigrants to help arrange day
 27 care and transportation, which will help these persons, access English language services.

28 29 **L-G5 SUPPORT FOR EXCELLENCE IN HIGHER EDUCATION ***

30
 31 **Rationale:** Missouri fails to meet demand by underfunding higher education. As a result, colleges and
 32 universities are losing positions and programs and students must pay higher tuition. Across the country, as
 33 in Missouri, tenure-line positions are being eliminated and replaced with jobs held by less than optimally
 34 trained teachers. These teachers are commonly less capable of representing their disciplines since they are
 35 denied the academic freedom, which sustains all academic work in the classroom and beyond. Because they
 36 are subject to arbitrary dismissal, such teachers lack the latitude to update their pedagogy and draw from the
 37 best current practices and materials. Furthermore, academics are increasingly subjected to extra-disciplinary
 38 management, which threatens to damage higher education in the same way such regimes have harmed the
 39 medical profession. Ultimately, students stand to lose the most if their educations are directed not by
 40 professionals, but by outside managers whose primary interests are to drive down wages, require endless and
 41 excessive testing, and ensure that nothing controversial or unpopular ever gets said in a classroom or
 42 published in a scholarly venue. S.B. 334 (2015) broadens the degree-granting authority of Harris-Stowe State
 43 University and expands the service territory of Northwest Missouri State University. S.B.s 807 and 577
 44 (2018) codify a] process for approval of programs among the CBHE and two-year and four-year public
 45 institutions in the state. The process emphasizes collaboration among existing institutions and programs
 46 rather than the creation of entirely new programs. SCS/S.B.s 807 and 577 (2018) creates the College Credit
 47 Disclosure Act, which requires a higher education institution that grants college level credit but is not
 48 accredited by a federally recognized regional accreditor to disclose, during the admission application
 49 process, that the institution is not accredited.

50 51 **L-G6 INTELLECTUAL DIVERSITY ***

52
 53 **Rationale:** Recently, attempts have been made by a variety of special interest groups to pressure state
 54 governments into adopting legislation that would force public higher education institutions to actively
 55 promote "intellectual diversity" in hiring, admissions and scholarship decisions. "Intellectual diversity" is a
 56 code word for a political agenda to restrict academic freedom and inquiry, promote controversy at all costs
 57 and politicize higher education programs. House Bill 1315 (2008) would have forced public institutions to

1 annually report steps taken to promote “intellectual diversity” during the previous year, but the bill did not
 2 pass. H.B. 282 (2013) allows schools to use books of a religious nature, consistent with the provisions of the
 3 First Amendment. H.B. 278 (2013) requires public schools to allow the celebration and discussion of any
 4 federal holiday.

6 **L-G7 HIGH STANDARDS FOR SCIENCE EDUCATION ***

8 **Rationale:** Recently, attempts have been made by a variety of special interest groups to pressure state
 9 governments into adopting legislation that would force school districts to include the teaching of “intelligent
 10 design” in biology classrooms. Intelligent design holds that life is often so complex it cannot be explained by
 11 the theory of evolution by natural selection. “Intelligent design” states that such complexities are proof that
 12 a designer must be responsible for the creation of human life. Intelligent design is not a scientific theory,
 13 since it cannot be subjected to scientific testing or verification. House Bill 2554 (2008) sought to impose
 14 intelligent design notions on public school science education, but the bill did not pass. Students need a
 15 rigorous, broad-based science curriculum to compete in the 21st century global economy and Missouri
 16 Constitutional Amendment 2 (2012) makes that more difficult. H.B. 179 (2013) provided that school boards
 17 and administrators could not prohibit any teacher from helping students understand, analyze, critique, and
 18 review in an objective manner the scientific strengths and weaknesses of theories of biological or chemical
 19 evolution, but the bill did not pass.

21 **L-G8 MISSOURI STATE HIGH SCHOOL ACTIVITIES ASSOCIATION (MSHSAA)**

23 **Rationale:** Recently, there have been efforts by some legislators to pass legislation requiring MSHSAA to
 24 follow certain restrictions. For example, proposed legislation would force the association to rescind rules
 25 that require private schools to increase the population factor that determines their classification for the play-
 26 offs. H.B. 857 (2019) would have allowed home-schooled students who have no public school attendance to
 27 participate in activities on their local public school teams without meeting MSHSAA standards, but the bill
 28 did not pass. Athletes would be allowed to participate in the same sport with non-school teams during the
 29 same season.

31 **L-G9 SEX EDUCATION**

33 **Rationale:** House Bill 1055 (2007) allows districts to either provide a comprehensive program of human
 34 sexuality instruction or an “abstinence only” program. The bill also forbids every school district from using,
 35 in its human sexuality instruction, any materials or instructors from certain entities that also provide
 36 abortion services, including Planned Parenthood. House Bill 2051 (2012) would have prevented school staff
 37 from discussing human sexuality outside of scientific instruction. However, this “Don’t Say Gay” bill did
 38 not pass.

41 ***Provide Compensation and Benefits Needed to Attract and Retain the Best Teachers and Staff***

43 **L-H1 TEACHER SALARIES ***

45 **Rationale:** Missouri public school teachers receive salaries, including alternative pay structures, and
 46 employee benefits that remain not only well below typical compensation in other professions, but also below
 47 the national average salary of teachers. Missouri ranked 41st among the 50 states in average teacher salary
 48 for the 2016-17 school year. The average Missouri teacher salary was \$11,042 below the national average.
 49 Missouri is estimated to have ranked 42nd among the 50 states in average teacher salary for the 2017-18
 50 school year with an average teacher salary \$11,275 below the national average. Many teachers in the
 51 Missouri public school system receive the minimum salary required by state law regardless of experience. In
 52 addition, inequities exist in some districts regarding salaries afforded beginning teachers in comparison with
 53 salaries for experienced teachers. H.B. 299 and H.B. 364 (2019) would have given a full deduction for up
 54 \$500 of unreimbursed expenses of a full-time teacher toward professional development or classroom supplies
 55 and equipment, but neither bill passed.

1 House Bill 417 (2007) attempted to eliminate salary schedules for teachers and establish a system of so-called
 2 “merit pay.” The bill did not pass. Research shows that collaboration improves student performance, but
 3 merit pay will have the effect of reducing teacher collaboration. A study issued in 2010 by the National
 4 Center on Performance Incentives concluded that rewarding teachers with bonus pay, in the absence of any
 5 other support programs, does not raise student test scores. So-called “merit pay” tends to reduce teacher
 6 retention by reducing overall salaries. Several districts around the country have begun to experiment with
 7 “pay-for-performance” plans for teacher compensation. Based on those experiences, successful programs
 8 must include strong local support and full involvement and support of teachers through binding agreements,
 9 look at student achievement broadly and realistically and consider multiple aspects of compensation, not
 10 just salary. Senate Bill 291(2009) creates a system of “merit pay” for St. Louis City schools, but teachers
 11 must permanently give up tenure in the district to participate in the program. The program has not yet been
 12 funded.

13
 14 H.B. 1526 (2012) would have required that student test scores comprise at least 50 percent of every teacher’s
 15 evaluation and would have mandated that salary and hiring decisions be based on those test-driven
 16 evaluations, but the bill did not pass. The federal Race to the Top (RTTT) grant program and proposed
 17 revisions to requirements for eligibility for federal education aid programs such as Title I have included
 18 provisions that pressure states to mandate that districts use student test score data as a significant factor in
 19 teacher evaluations and in determining teacher compensation. Senate Bill 543 (2012) would have limited
 20 school administrators’ pay to a multiplier of average district teacher pay, but the bill did not pass.

21 **L-H2 LIVING WAGE FOR EDUCATION SUPPORT PROFESSIONALS ***

22
 23
 24 **Rationale:** Presently, education support professionals’ salaries and benefits remain below the level of those
 25 in comparable positions outside education. In some districts, these salaries remain below the federal poverty
 26 level and below what is considered a living wage. Missouri voters approved Proposition B in November
 27 2018 to raise the minimum wage in Missouri. Proposition B will gradually increase the minimum wage
 28 from \$7.85 in 2018 to \$12.00 in 2023. Thereafter, the minimum wage will increase or decrease each year
 29 based on changes in the CPI. Proposition B exempts government employers, including school districts,
 30 from the minimum wage increase. H.B. 763 (2019) would have exempted private schools from the
 31 minimum wage increases of Proposition B, but the bill did not pass.

32 33 34 **L-H3 MINIMUM SALARY SCHEDULES ***

35
 36 **Rationale:** Presently, many state funds are diverted from employee salaries to build budget balances and for
 37 other projects. Funding for teachers is not sufficient in this environment. Many districts have salary
 38 compaction at the state minimum salary due to inadequate funding. Senate Bill 287 (2005) increased the
 39 minimum salaries to \$25,000 for entry-level teachers and \$33,000 for teachers with 10 or more years of
 40 teaching experience and a master’s degree in fiscal year 2010. H.B. 957 (2015) would have increased the
 41 state minimum salary in the 2015-16 school year, subject to appropriations, but the bill did not pass. House
 42 Bill 717 (2009) would have established a state program to establish a statewide minimum salary schedule,
 43 but the bill did not pass.

44 45 **L-H4 TEACHER RETENTION ***

46
 47 **Rationale:** Between one-third and one-half of all new teachers leave the profession within their first three
 48 years. Studies show the reasons cited by those leaving the profession most often include feeling
 49 overwhelmed, unempowered and underpaid. An audit report by the Missouri State Auditor’s office in 2002
 50 determined that of approximately 257,500 individuals in Missouri holding a valid teaching certificate, only
 51 29 percent were employed in a Missouri public school during the 2000-01 school year. Of this 29 percent
 52 employed, 25 percent were classroom teachers and the remaining four percent were in administrative
 53 positions.

54 55 **L-H5 TEACHER RECRUITMENT**

56

1 **Rationale:** The state of Missouri offers some loan forgiveness and other financial assistance to aspiring
 2 teachers. The state spends over \$18 million annually promoting tourism, but nothing to promote teaching as
 3 a desirable profession. The federal Public Service Loan Forgiveness Program provides loan forgiveness for
 4 public educators who make ten years of on-time payments on federally administered student loans. S.B. 997
 5 (2016) requires all school districts notify current and new employees of their potential eligibility for federal
 6 student loan forgiveness programs available to public school employees.

7 8 **L-H6 ELIMINATING INEQUITIES IN COMPENSATION ***

9
10 **Rationale:** Presently, some certified employees performing instructional services are not being equitably
 11 compensated. For example, in the Parents as Teachers program, some certificated teachers are receiving less
 12 than the minimum level on their district's salary schedule.

13 14 **L-H7 PROMPT PAYMENT FOR CONTRACTED DUTIES IF DESIRED ***

15
16 **Rationale:** Currently, most education employees across Missouri are contracted for employment on a nine-
 17 month basis. However, some districts only offer payment on a 12-month basis. As a result, these districts
 18 retain as much as 25 percent of an employee's pay after contracted duties have been completed.

19 20 **L-H8 INSURANCE COVERAGE FOR HEALTH CARE AND ACCIDENTS ***

21
22 **Rationale:** Premiums continue to rise sharply at a time when local school district budgets have experienced
 23 years of budget cuts. These rising costs continue to put financial stress on districts, members, and their
 24 families. Currently, basic health, mental health, dental, vision and accident insurance coverage are not
 25 provided for all Missouri education employees.

26
27 The federal Governmental Accounting Standards Board issued Statement No. 43 (GAS.B. 43) in April
 28 2004. The ruling requires school districts to begin reporting healthcare benefits on an actuarial basis.
 29 Missouri law requires school employers to include retirees at a rate blended with actives for health benefits.
 30 Retirees cost more than actives. When schools pay any medical care for their actives, part of what they are
 31 really paying is extra due to the commitment made to retirees in the past. This retiree "benefit" must be
 32 actuarially computed and carried forward as an unfunded liability which will eventually affect a district's
 33 bond rating and may cause school districts to stop providing a defined health care benefit and start giving a
 34 defined contribution toward buying "off-the-shelf" health-care coverage.

35
36 A universal care/single payer health care system for the state of Missouri would expand coverage to the
 37 uninsured, the poor and high-risk individuals making the less expensive preventative care more prevalent.
 38 Single payer systems simplify procedures and forms while cutting administrative bureaucracy. The savings
 39 anticipated with the single payer system is thought to be substantial enough to pay for expanding coverage.

40
41 The federal Patient Protection and Affordable Care Act (PPACA) establishes several key changes in health
 42 care policy and is aimed primarily at decreasing the number of uninsured Americans and reducing the
 43 overall costs of health care. PPACA requires insurance companies to cover all applicants and offer the same
 44 rates regardless of pre-existing conditions or gender. PPACA provides for health insurance exchanges in
 45 each state, to offer a marketplace where individuals and small businesses can compare policies and
 46 premiums and buy insurance (with a government subsidy if eligible). However, Missouri Proposition E,
 47 approved by voters in November 2012, prevents state officials from creating the Missouri health exchange
 48 website, leaving the federal government to create the Missouri exchange as it sees fit and then charge the
 49 state for the cost of creating the exchange.

50 51 **L-H9 REGULATION OF LONG TERM CARE (LTC) INSURANCE**

52
53 **Rationale:** Currently, Missouri is one of the few states where the state department of insurance does not
 54 approve or disapprove long-term care insurance rate increases. Missouri is known as a "file and use" state,
 55 meaning that the Missouri Division of Insurance (MDI) only reviews proposed long-term care rate increases
 56 for compliance.
 57

1 Many Missourians, most of whom are senior citizens, purchased a long-term care policy in the 1990s. In the
 2 past five years especially, policyholders have been assessed with several significant rate increases at a time
 3 when they are living on fixed incomes. Most of the companies that sold LTC policies prior to 2004 have
 4 imposed significant rate increases and many have stopped selling new policies altogether. Contrary to other
 5 forms of insurance where one can transfer insurance risk to another carrier for a less expensive policy, the
 6 same cannot be said for long-term care insurance.

7
 8 These rate increases have harmed senior Missourians who are most vulnerable and in need of insurance
 9 protection from their current plan since (a) they will face much higher premiums because of their increased
 10 age if they attempt to change to a different carrier and plan, and (b) many have had a change in the status of
 11 their health which now precludes them from being accepted into a new plan. Many policies in Missouri
 12 have been dropped because of the number and size of rate increases that were issued to seniors on fixed
 13 incomes.

14
 15 In 2004, Missouri adopted new rules strengthening state supervision over long-term care policies created and
 16 approved after 2004, but there are still no official approvals or disapprovals to rate increase filings. As more
 17 and more Missourians drop their long-term care insurance protection, they will be forced to look to the State
 18 of Missouri to assist them in paying for their long-term health care needs. Senate Bill 979 (2010) would have
 19 authorized the MDI to review and approve rates for new policies and require MDI approval for increases of
 20 over 15 percent per year for existing LTC policies, with consideration of the overall experience of the
 21 company in all states where it sells such policies, but the bill did not pass.

22 23 **L-H10 NONRESIDENT PUPILS AND SCHOOL EMPLOYEES ***

24
 25 **Rationale:** Current Missouri law permits school districts to count children of all personnel for state aid
 26 purposes. However, some districts refuse to allow children of employees who reside outside the district to
 27 attend.

28 29 **L-H11 HIGHER EDUCATION AFFORDABILITY**

30
 31 **Rationale:** Any effort to privatize Missouri Higher Education Loan Authority and other student loan
 32 programs in Missouri threatens to increase interest rates and decrease access to funds for Missouri's higher
 33 education students.

34 35 36 37 38 39 ***Provide an Actuarially Sound Retirement Plan Needed to Attract and Retain the Best Teachers 40 and Staff***

41 42 **L-I1 MEMBER CONTROL OF RETIREMENT SYSTEM**

43
 44 **Rationale:** The retirement board is made up of seven people. Four are elected by the entire active and
 45 retired membership. Three of those are active certified members of PSRS and one is an active noncertified
 46 member of PEERS. The three non-elected members of the PSRS Board are appointed by the governor and
 47 approved by the Senate. One must be a PSRS or PEERS retiree. S.B. 270 (2015) would have revised the
 48 elected members of the board of trustees of both the Kansas City and St. Louis Public School Retirement
 49 Systems by removing an elected non-teacher member and adding a charter school teacher or administrator
 50 as an elected member, but the bill did not pass.

51 52 **L-I2 PROTECTION OF THE RETIREMENT SYSTEM**

53
 54 **Rationale:** Recently, attempts have been made by officials in several states, including California, to raid the
 55 assets of public education employee retirement systems, transform the pension programs into defined
 56 contribution plans where all risk is borne by the employee and to wrest control of the system away from the

1 duly selected governing board of the system. During the 2008-09 school year, the Public School Retirement
 2 System lost about 19 percent of its asset value due to large economic declines in all market sectors. This loss
 3 of asset value reduced the system’s funded status, and required continued contribution rate increases for
 4 active members up to 14.5 percent for the 2011-12 school year. HCS/S.B. 672 (2014) would have mandated
 5 that 2% to 5% of PSRS/PEERS investments be with Missouri-based venture capital firms. This provision
 6 did not become law. Senate Bill 714 (2010) would have created a State Investment Board for the Missouri
 7 State Retirement System (MOSERS) and Missouri Patrol Employees Retirement System (MPERS). Many
 8 employees in Missouri’s four-year public colleges and universities are in MOSERS. The legislation would
 9 have required both MOSERS and MPERS to cash out their assets and permanently transfer control of those
 10 assets to the State Investment Board.

11 **L-13 PROTECTION OF RETIREMENT BENEFITS**

12 **Rationale:** The Public School Retirement System and the Public Education Employee Retirement System,
 13 like all public pension plans, suffered system investment losses in 2008 and 2009. These investment losses
 14 reduced the system’s asset value and increased the system’s unfunded liability. Based on an in-depth
 15 actuarial study concluded in 2011, the PSRS/PEERS Board of Trustees adopted a Funding Stabilization
 16 Policy. The Board adopted a 30-year fixed amortization period with the goal of paying off the unfunded
 17 actuarially-accrued liability, reaching 100 percent funded status within that 30-year period. The Board
 18 conducted an updated actuarial study in 2016 and adopted a revised policy regarding COLA adjustments
 19 and may choose to increase the contribution rate above the current rate of 14.5 percent. Senate Bill 842
 20 (2012) would have enacted the 2011 Funding Stabilization Policy into law, thus eliminating the ability of the
 21 Board of Trustees to make future adjustments to this policy without passage of additional legislation, but the
 22 bill did not pass. S.B. 892 (2018) revises the contribution rate provisions for the Kansas City school
 23 retirement system to improve system funded status.
 24
 25
 26

27 Recently, legislative attempts have been made to create a new “second-tier” retirement plan for new school
 28 employees. House Bill 2113 (2010) would have put all new public employees on a defined contribution (DC)
 29 plan, rather than the existing defined benefit (DB) plans. H.B. 409 (2011) would have placed all new public
 30 education employees in a new, defined contribution plan, unless they opt to participate in the current,
 31 defined benefit plan. H.B. 864 (2019) would have created a defined contribution option for PSRS active
 32 members, but the bill did not pass. H.B. 1 (2010 1st Extraordinary Session) enacted a new “second tier” plan
 33 for new employees in the Missouri State Employees' Retirement System and the MoDOT and Patrol
 34 Employees Retirement System, including many school employees in Missouri’s four-year colleges and
 35 universities. The second-tier plan requires a four percent contribution rate, extends the vesting period to ten
 36 years, establishes a normal retirement age of 67 for most employees and creates a “rule-of-90” for retirement.
 37

38 Employer contribution rates for the College and University Retirement Plan (CURP) defined contribution
 39 plan are based on the “normal cost” of MOSERS. The recent changes to MOSERS have reduced the
 40 normal cost and caused contributions to CURP to decline. S.B.62 (2017) will stabilize CURP employer
 41 contributions at 7 percent. S.B. 223 (2013) creates a second tier retirement plan for new employees
 42 participating in the Kansas City Public School Retirement System. H.B. 1682 (2014) would have placed
 43 new PSRS/PEERS hires in a hybrid defined contribution plan, but this bill did not pass. S.B. 62 (2017) will
 44 create a second-tier plan for new hires in the St. Louis Public School Retirement System, reduce the benefit
 45 factor for new hires and new creditable service for existing staff, gradually increase the employee
 46 contribution rate from 5% to 8% and change from a Rule of 85 to a Rule of 80 for retirement. S.B. 228
 47 (2017) would have placed all new hire state employees in a new, reduced defined benefit (DB) plan along
 48 with a defined contribution (DC) component, but the bill did not pass.
 49

50 H.B. 1783 (2016) would have allowed PSRS retirement accounts to be treated as marital property and
 51 subject to court-ordered division in divorce proceedings. However, the committee approved an amendment
 52 to exempt PSRS retirement and leave the current policy in place. In addition, the bill did not pass. S.B. 62
 53 (2017) created a pop-up for retired PSRS members who divorce after retirement, provided the divorce decree
 54 grants the member sole retention of all rights in the retirement allowance. S.B. 17 (2019) allows the divorce
 55 pop-up to apply to divorces occurring prior to September 1, 2017, provided that an amended or modified
 56 divorce decree allows the member sole retention of all rights in the retirement allowance.
 57

1 Current law provides that public employees, including school employees, forfeit their pension if they commit
 2 one of several work-related offenses, including theft of property valued at \$5,000 or more. H.B. 752 (2015)
 3 would have changed the threshold for pension forfeiture to a class C felony, where the value exceeds
 4 \$25,000, but the bill did not pass. S.B. 62 (2017) requires the employer, rather than the court, to notify the
 5 retirement plan if an employee has been found to have committed a work-related offense triggering the
 6 forfeiture provision.

7 8 **L- I4 EARNING CAP FOR DETERMINING FINAL AVERAGE SALARY**

9
10 **Rationale:** The final average salary is used by the retirement system in the formula to determine retiree
 11 benefits. It is determined by the average of the three highest consecutive years of service. Some educators
 12 have been concerned that spiking of salaries occurs in certain districts during those last three years, and
 13 those retirees receive unfairly inflated retirement benefits. The retirement system did an in-depth study and
 14 declared there was no problem with spiking. However, Senate Bill 406 (2007) requires the PSRS system to
 15 accept only 10 percent increases each of the last three years. The estimate is that five percent of the new
 16 retirees next year will lose retirement benefits that they legitimately earned because of this change. S.B. 994
 17 and House Bill 1774 (2008) would have restored the 20 percent rule for allowable Final Average Salary
 18 yearly increases, but the bills did not pass.

19 20 **L-I5 FAIR AND EQUITABLE RETIREMENT COMPENSATION**

21
22 **Rationale:** In 2001, the multiplying factor was increased for a seven-year window to 2.55 for each year of
 23 service for 31 or more years. The already retired received a monthly increase equal to \$3.00 times the years
 24 of service.

25 26 **L-I6 GRADUATED MULTIPLIER FROM 25 TO 35 YEARS OF SERVICE**

27
28 **Rationale:** With the advice of the Public School Retirement System Board of Trustees, the legislature, in
 29 1995, created a three-year window for 25-and-Out. In 1998, the General Assembly continued the window
 30 for an additional two years in legislation that also resulted in an 8.7 percent increase for participants in 25-
 31 and-Out as well as for active members and those already retired. S.B. 17 (2013) permanently renewed 25 and
 32 Out. Funded levels decreased due to investment losses in 2000-2003 and benefit increases of the late 1990's.
 33 The retirement board and the General Assembly will be unlikely to approve additional expenditures until
 34 they can lower contribution rates instead of raising them. Teachers have found that it pays financially to
 35 retire from the district where they teach and then teach in other retirement systems or other states,
 36 contributing to a teacher shortage in some areas and disciplines. To remedy this situation, in 2001, the
 37 General Assembly increased the multiplier for the 31st year from 2.5 to 2.55 in a seven-year window. The
 38 2.55 percent multiplier was renewed in a five-year window, until July 1, 2013. S.B. 17 (2013) extended the
 39 2.55 percent multiplier provision through July 1, 2014. H.B. 1780 (2016) would have reinstated the 2.55%
 40 retirement benefit factor for PSRS retirees with 31 or more years of creditable service, but the bill did not
 41 pass.

42 **L-I7 GAIN SHARING**

43
44 **Rationale:** The retirement system is threatened by private investment companies seeking to profit from
 45 managing our sizeable investment fund. Legislators are under pressure from school districts burdened with
 46 rising retirement contributions. Legislators do not want the responsibility of backing the retirement fund if it
 47 is unable to pay promised benefits.

48 49 **L-I8 COST-OF-LIVING ADJUSTMENTS**

50
51 **Rationale:** Prior to July 2000, the Missouri Public School Retirement System's first cost-of-living increase
 52 began on the fourth January after retirement. The 2000 General Assembly changed the starting time for cost-
 53 of-living adjustments to the third January after retirement and the cap from 75 percent to 80 percent. The
 54 2001 General Assembly, again, changed starting time for cost-of-living adjustments to the second January
 55 after retirement. Each year, there are nearly 4,000 PSRS members who have reached the cap. However, due
 56 to changes in the retirement system that have not counted against the cap, those individuals have averaged
 57 receiving about 300 percent of their original benefit. House Bill 1902 and Senate Bill 1042 (2008) would

1 have enacted an additional benefit for certain retirees affected by the COLA cap and could have required
 2 increased contributions by active members to fund the added benefit, but the bills did not pass. In August
 3 2011, the PSRS Board of Trustees adopted a Funding Stabilization Policy that will assure a fixed two
 4 percent annual COLA increase for eligible benefit recipients when the increase in the Consumer Price Index
 5 is between zero percent and five percent. A 2017 revision to the policy would provide zero percent COLA
 6 when CPI is between zero and two percent, and a further revision in 2018 provides a two percent COLA
 7 when the cumulative CPI over several years reaches two percent.

8 9 **L-I9 INCREASE IN RETIREMENT BENEFITS FOR THE PUBLIC EDUCATION EMPLOYEE'S** 10 **RETIREMENT SYSTEM**

11
 12 **Rationale:** In 2001, the General Assembly enacted legislation that adjusted the benefits of the PEERS by
 13 increasing the multiplying factor to 1.61, increasing the factors for the graduated 25-and-Out and providing a
 14 one-time 7.1 percent increase to those already retired. A temporary multiplier was increased from .4 percent
 15 to .8 percent for those who satisfy the Rule of 80 or who have 30 years of service credit and who retire before
 16 Social Security eligibility age, then this multiplier drops back when Social Security starts. The cost-of-living
 17 cap was raised from 75 percent to 80 percent.

18 19 **L-I10 ACCESS TO REASONABLY PRICED HEALTH INSURANCE AND PRESCRIPTION** 20 **DRUGS FOR RETIRED EDUCATION EMPLOYEES ***

21
 22 **Rationale:** Currently, those teachers and education employees who retire from districts that offer paid
 23 health insurance programs can maintain that coverage upon retirement by making the payments themselves.
 24 Previously, this commitment was required within a year after their final retirement rather than at the point
 25 they leave the school district. With the passage of House Bill 346 (2003), that commitment must be made
 26 within one year after the employee terminates their employment with that district. Because of the rapidly
 27 increasing costs of health insurance, some school districts are threatening to discontinue district health plans.
 28 Retirees who cannot afford to pay their district premiums and are from districts that do not have health care
 29 plans need an alternative. Those teachers and education employees who retire from districts that do not offer
 30 paid health insurance programs do not have an option and, in many cases, cannot find an affordable
 31 alternative. The Missouri Consolidated Health Care Plan was created by the General Assembly in 1992 to
 32 provide a health care program for state employees and retirees. Enrollment was opened to other public
 33 entities in 1995. Over 104,000 employees, retirees and dependents of the state and other public entities are
 34 covered by MCHCP as of April 2006. Many present health care alternatives do not have affordable
 35 prescription drugs.

36 37 **L-I11 RIGHT TO PURCHASE RETIREMENT SYSTEM CREDIT**

38
 39 **Rationale:** Service credit purchases were made more consistent for certified members in the PSRS as well as
 40 for members of the PEERS, with an effective date of July 1, 1998, for the service credit provision. Service
 41 credit purchases were simplified with the enactment of House Bill 346 (2003). Credit purchases are now
 42 based upon the employee's highest annual salary rate and the contribution rate when the purchase decision
 43 is made, rather than the previous calculation based upon compensation when entering the system with
 44 adjustments for cost of living. The simplified calculations will allow quicker calculation of cost and allow
 45 more time to be spent considering the merit of making the purchase. Credit can be purchased at any time,
 46 but all purchases must be completed within five years of commencement of purchase and paid in full prior to
 47 retirement. H.B. 443 (2005) provides that PSRS and PEERS members may buy service credit for prior
 48 service in nonfederal public employment for at least 20 hours a week on a regular basis and for prior service
 49 while 18 years of age or older, in a position covered by Social Security for at least 20 hours a week on a
 50 regular basis. Currently, only active members employed by a school district may buy system credit.

51 52 **L-I12 RETIREMENT CONTRIBUTION RATE**

53
 54 **Rationale:** Recent changes and proposed changes of federal law may indicate that retirement systems will
 55 not have as long to allow their finances to stabilize. This may place a higher burden on contribution rates. In
 56 2004, the PSRS Board of Trustees stated their intention to use their ability to raise the contribution rate one-
 57 half of one percent for employees and school districts through 2008 and perhaps longer. The Board raised

1 the contribution rate to 14.5 percent for the 2011-12 year, and the contribution rate is expected to remain at
 2 14.5 percent under the Board's Funding Stabilization Policy. Missouri, unlike many states, requires that
 3 education employees and school districts make equal contributions to the retirement system.

5 **L-I13 IMPACT OF MANDATORY SOCIAL SECURITY ON RETIREMENT PROVISIONS**

7 **Rationale:** Currently, Missouri educators pay 14.5 percent of their salary into PSRS. Missouri law provides
 8 that, in the event federal law changes to mandate Social Security coverage for teachers, retirement
 9 contributions and benefits would be reduced to 2/3 of their current rate. If this took place, members would
 10 then pay nine and two-thirds percent into PSRS, plus 6.2 percent to Social Security and perhaps 1.45 percent
 11 for Medicare. This would mean that teachers would be paying 17.32 percent of their salary in total
 12 retirement contributions and, when matched by the district, would total 34.63 percent of salary. The Social
 13 Security Administration has changed its interpretation and is seeking to require Social Security coverage for
 14 PSRS members based upon their employment position, not based on certification status per current state
 15 law. This change, if enforced, would adversely affect many PSRS members, especially retired teachers now
 16 working part-time in Education Support Professional positions.

18 **L-I14 DISABILITY**

20 **Rationale:** The Public School Retirement System and Public Education Employee Retirement System
 21 provide benefits to permanently disabled education employees with five years of experience in districts
 22 included within the retirement systems. The disability benefit ranges from 50 percent to 75 percent
 23 depending on years of service.

25 **L-I15 PARTIAL DISABILITY RETIREMENT BENEFITS**

27 **Rationale:** Currently, teachers must draw total disability from the Missouri Public School Retirement
 28 System even if they can teach a few hours a day.

30 **L-I16 SURVIVOR BENEFITS**

32 **Rationale:** Current law provides that survivor benefits are paid only if the member who died has already
 33 retired. When a member dies before retiring, survivor benefits are not paid. A settlement based on the
 34 member's contributions is paid to a surviving spouse, but contributions from the member's employer are not
 35 included. House Bill 1808 (2000) extended improved survivor benefits to those not previously included.

37 **L-I17 EMPLOYMENT OF RETIRED PSRS/PEERS IN PUBLIC EDUCATION**

39 **Rationale:** Retired PSRS members may work in a PSRS position for up to 550 hours in a school year and
 40 continue to receive retirement benefits. There are further limits in earning no more than 50 percent of the
 41 annual compensation that would be paid to a full-time employee given such a person's level of experience
 42 and education. PSRS' tracking of hours worked is difficult because the system must rely on school district
 43 reporting. Currently, there is a disparity of conversion of course hours to clock hours in community colleges,
 44 making it difficult for retirees to accurately track hours worked. S.B. 62 (2017) applies the existing 550-hour
 45 limitation on PSRS retirees working for a school district to teaching work in a district while employed by a
 46 third-party agency.

48 S.B. 892 (2018) allows any PSRS retiree to work in a PEERS position while receiving their PSRS retirement
 49 benefit if the retiree earns no more than 60% of the minimum teacher's salary. The retiree shall not
 50 contribute to PEERS or earn creditable service, and the hiring employer will pay the employer's contribution
 51 rate. H.B. 77 (2019) restores the 550 hour limit for PSRS retirees employed as community college teachers.
 52 H.B. 77 was enacted with an emergency clause and became effective on April 16, 2019. An amendment
 53 adopted by the Senate onto H.B. 563 would have refunded community college payments to the system due
 54 to the requirements of H.B. 892 from 2018 regarding WAR requirements for PSRS retirees working as
 55 community college teachers. However, HB 563 did not pass. This type of refund provision is not
 56 permissible for the PSRS system under federal tax requirements of the IRS.

1 **L-I18 STATE INCOME TAX ON RETIREMENT INCOME**

2
3 **Rationale:** Currently, educators receiving pensions from the Public School Retirement System are paying
4 state income taxes on a larger portion of their pension income than those being paid by recipients of Social
5 Security. House Bill 444 (2007) eliminated state income tax on PSRS and PEERS pension income for
6 individuals who are at least 62 years of age. The income tax deduction is limited to the maximum Social
7 Security benefit for the current year and is reduced for taxpayers with incomes over \$100,000 for married
8 combined returns and \$85,000 for other filing statuses.

9 10 **L-I19 PENSION DEDUCTION**

11
12 **Rationale:** Most education employees have payroll deduction for professional dues, regular charitable
13 contributions and other lawful purposes.

14
15 **Action:** The Association urges the General Assembly to require that Public School Retirement System
16 provide a mechanism, similar to payroll deduction, through which retired education employees can have
17 regular amounts deducted each month from their retirement benefit payments for professional dues,
18 charitable contributions and other lawful purposes.

19 20 **L-I20 ACTUARIAL STUDIES**

21
22 **Rationale:** Missouri law requires that the legislature have an actuarial study on proposed substantial
23 changes in public employee retirement plans. The General Assembly relies on Public School Retirement
24 System to provide such studies for proposed changes. In 1998, the PSRS board refused to procure an
25 actuarial study that was requested by a member of the legislature. This puts the PSRS board in the position
26 of being able to stop legislation it does not favor by refusing to provide the data requested by lawmakers.

27 28 **L-I21 IMPACT OF SOCIAL SECURITY OFFSETS ON EDUCATORS RECEIVING** 29 **PUBLIC PENSIONS (GPO/WEP)**

30
31 **Rationale:** Currently, the federal Windfall Elimination Provision (WEP) and the Government Pension
32 Offset (GPO) apply only to persons who have paid into Social Security and earned Social Security benefits
33 and who are also receiving separate public employee pensions that are not linked to Social Security. The
34 WEP and GPO provisions do not cover individuals who receive Social Security only. While retired public
35 employees have their Social Security or survivor benefits reduced, nonpublic employees with private
36 pensions get to keep their entire pension and receive their full benefits. The GPO and the WEP thus severely
37 and unfairly limit the retirement benefits of Missouri education employees.

38 39 **L-I22 DISTRICT 403(b) PLANS**

40
41 **Rationale:** Historically, the legal standards imposed on 403(b) plans established by school districts are
42 complex to decipher and not often appreciated or understood by school board members and administrators.
43 The Internal Revenue Service (IRS) has been investigating school district plans for compliance with
44 “universal availability,” a standard that must be met to retain the plan’s tax deferred status.

45
46 The fiduciary role for public employers is left to state law, and Missouri law makes no fiduciary requirement
47 on 403(b) plans offered by schools. Some school districts exercise that oversight over their 403(b) plans, but
48 many do not. Increased oversight by employers is expected to allow better plan offerings for participants.
49 School districts will have to respond to increased IRS scrutiny and new federal regulations, at least by being
50 more proactive in administration of the plans.

51 52 **L-J1 COLLECTIVE BARGAINING ***

53
54 **Rationale:** On May 29, 2007, the Missouri Supreme Court overturned two prior rulings, granting bargaining
55 rights to all public employees in Missouri and guaranteeing that any written agreement signed by both a
56 school board and a local education organization and approved by both entities will be legally binding on
57 both parties. All public employees in Missouri have a constitutional right to bargain. An exclusive

1 representative has the obligation to represent the entire bargaining unit and the right to “meet and confer”
 2 with the school board on salaries and working conditions. The results of the discussion are to be reduced to
 3 writing, but the labor organization does not have the right to binding arbitration for grievances or settling
 4 impasse

5
 6 A teacher performance evaluation initiative, the Missouri Teacher Performance Evaluation, appeared on the
 7 November 2014 ballot as Amendment 3. The proposal was overwhelmingly defeated by a vote of 76% in
 8 opposition. The Association worked to defeat the measure as a core member of the Coalition to Protect
 9 Local Schools. The ballot initiative would have mandated teacher performance evaluations dominated by
 10 student scores on standardized tests, and these results would be used to determine whether a teacher should
 11 be dismissed, rehired, demoted or promoted. It would also have prevented collective bargaining on these
 12 evaluation tools and eliminated due process rights unless an existing contract was in effect.

13
 14 H.B. 1413 (2018) contains many harmful provisions that will interfere with employee participation in unions
 15 and local control of public sector bargaining, such as mandatory recertification elections every three years,
 16 prescriptive financial reporting mandates and problematic restrictions on bargained agreements. The bill
 17 applies to many public labor organizations, but exempts law enforcement, fire fighters, corrections officers
 18 and emergency medical personnel. The paycheck portion of the bill requires annual authorization for
 19 payroll deduction of payments for association dues and annual authorization of member contributions for
 20 political action. The bill allows paid release time for some non-bargaining union activities and requires one
 21 public meeting in the bargaining process prior to final ratification by the public body, rather than making all
 22 bargaining meetings and documents open to the public.

23 24 **L-J2 UNION SUPPRESSION AND “RIGHT TO WORK” ***

25
 26 **Rationale:** Concerted efforts have been made to suppress union rights by attacking how unions operate,
 27 manage and communicate with members, and raise funds to operate.

28
 29 H.B. 1413 (2018) contains many harmful provisions that will interfere with employee participation in unions
 30 and local control of public sector bargaining, such as mandatory recertification elections every three years,
 31 prescriptive financial reporting mandates and problematic restrictions on bargained agreements. The bill
 32 applies to many public labor organizations, but exempts law enforcement, fire fighters, corrections officers
 33 and emergency medical personnel. The paycheck portion of the bill requires annual authorization for
 34 payroll deduction of payments for association dues and annual authorization of member contributions for
 35 political action. The bill allows paid release time for some non-bargaining union activities and requires one
 36 public meeting in the bargaining process prior to final ratification by the public body, rather than making all
 37 bargaining meetings and documents open to the public.

38
 39 H.B. 1729 (2018) changes the state’s prevailing wage law to require workers on public projects to be paid
 40 either the prevailing wage or a lower “public works contracting minimum wage” if prevailing wage data is
 41 not available for that work sector and locality.

42
 43 Senate Bill 19 (2017) would have limited private sector employee unions from negotiating fees to
 44 compensate for the costs of fulfilling their duties as sole bargaining representative, a proposal sometimes
 45 deceptively referred to as “Right to Work.” However, Missouri labor unions organized a petition effort to
 46 place the bill before voters in a statewide referendum in August 2018, and Missouri voters resoundingly
 47 rejected the S.B. 19 changes.

48 House Bill 782 (2013) would have prohibited districts from paying teacher retirement for release officers
 49 with association reimbursement, but the bill did not pass.

50
 51 H.B. 637 (2017) would have allowed public employees to bargain with a public employer independently of a
 52 labor organization elected as the exclusive bargaining representative for the unit, but the bill did not pass.

53
 54 A teacher performance evaluation initiative, the Missouri Teacher Performance Evaluation, appeared on the
 55 November 2014 ballot as Amendment 3. The proposal was overwhelmingly defeated by a vote of 76% in
 56 opposition. The Association worked to defeat the measure as a core member of the Coalition to Protect

1 Local Schools. The ballot initiative would have mandated teacher performance evaluations dominated by
 2 student scores on standardized tests, and these results would be used to determine whether a teacher should
 3 be dismissed, rehired, demoted or promoted. It would also have prevented collective bargaining on these
 4 evaluation tools and eliminated due process rights unless an existing contract was in effect.

6 **L-J3 PROCEDURAL AND SUBSTANTIVE DUE PROCESS FOR ALL EDUCATION EMPLOYEES ***

8 **Rationale:** In Missouri, probationary teachers and all noncertified employees are currently subject to non-
 9 renewal of contracts without due process. Some Missouri teachers are even denied procedural due process
 10 when cooperating districts for special needs shift governance of these teachers. The current law does not
 11 require substantive due process for any education employee. These provisions of Missouri's law could
 12 unwisely tempt boards of education to replace qualified education employees without valid reasons. Most
 13 other public employees receive such procedural and substantive due process guarantees after no more than
 14 one year. House Bill 1543 (2010) provides substantive due process for tenured teachers for St. Louis City
 15 schools only. H.B. 604 (2019) allows the use of a hearing officer for tenured teacher hearings in St. Louis
 16 City to continue once the State Board of Education removes the Special Administrative Board (SAB) and
 17 restores full control of the district to the elected school board in July of 2019. Senate Bill 291 (2009) removed
 18 the due process rights for all new noncertified employees in St. Louis City schools. House Bill 1526 and
 19 Senate Bill 806 (2012) would have repealed the due process rights of teacher tenure and allowed teachers
 20 only contracts of one to three-year duration, and later versions would have extended the probationary period
 21 for teachers to ten years or weakened tenure in the layoff process, but the bills did not pass. S.B. 1007 (2018)
 22 repeals the state merit system law for most covered employees. This change affects hiring practices,
 23 promotion, salary and removes due process protections for most covered employees. Senate Bill 595 (2012)
 24 revises special education due process hearings and will have appeals from district decisions heard before the
 25 AHC.

27 The legislature passed H.B. 1432 (2016) and overrode Governor Nixon's veto to enact the bill into law. The
 28 bill requires a hearing to be held within 60 days if a public employee is placed on administrative leave to
 29 determine if the employee engaged in misconduct. The final version contains an extension up to 180 days
 30 for good cause, but with no definition of cause. The bill's hearing and determination requirements are not
 31 consistent with the various existing timelines and provisions relating to investigations and hearings for
 32 public employees on administrative leave.

34 A teacher performance evaluation initiative, the Missouri Teacher Performance Evaluation, appeared on the
 35 November 2014 ballot as Amendment 3. The proposal was overwhelmingly defeated by a vote of 76% in
 36 opposition. The Association worked to defeat the measure as a core member of the Coalition to Protect
 37 Local Schools. The ballot initiative would have mandated teacher performance evaluations dominated by
 38 student scores on standardized tests, and these results would be used to determine whether a teacher should
 39 be dismissed, rehired, demoted or promoted. It would also have prevented collective bargaining on these
 40 evaluation tools and eliminated due process rights unless an existing contract was in effect.

42 **L-J4 CONFIDENTIALITY AND JOB SECURITY ***

44 **Rationale:** Although students who seek treatment for chemical dependency or mental health-related
 45 concerns are protected by laws governing confidentiality and guaranteeing education, in some districts,
 46 education employees' jobs are at risk if treatment is sought for these illnesses. In addition, students testing
 47 positive for HIV/AIDS are not automatically removed from school, but some district policies allow for
 48 immediate removal of teachers from the work place for HIV/AIDS. Furthermore, drug testing may result in
 49 violating privacy rights for the employee. House Bill 1543 (2010) requires implementation of a drug and
 50 alcohol testing program for school construction employees. S.B. 694 (2019) revises employer access to the
 51 federal and state background check resources known as the RAP Back program for many private employers.
 52 Senate Bill 510 (2014) revises the definition of the allowable causes for former employees to be disqualified
 53 from unemployment compensation. The legislature approved H.B. 150 (2015). The bill makes several
 54 changes to unemployment compensation, including shortening the period of benefits to as little as 13 weeks,
 55 depending on general unemployment figures. The Governor vetoed H.B. 150 and the House overrode the
 56 veto during Regular Session. The Senate overrode the veto during Veto Session, thus enacting the bill into
 57 law. In July 2016, the Missouri Supreme Court overturned H.B. 150 and ruled that the bill was improperly

1 enacted and that the legislature may only use the Veto Session for veto overrides on bills returned by the
 2 Governor within five days before the end of Regular Session or after the end of session.

3 4 **L-J5 ACADEMIC FREEDOM FOR HIGHER EDUCATION ***

5
6 **Rationale:** The American Association of University Professors has detailed numerous instances where
 7 university professors from across the United States faced threats to their academic rights. These threats
 8 include random criminal background checks, administrative warnings requesting that staff avoid discussing
 9 controversial subjects in the classroom, lawsuits filed against universities that used texts or adopted courses
 10 that seemed too sympathetic to Islam and denial of funding for panel conferences that were deemed
 11 controversial by the administration. Academic freedom has often been compromised when this country has
 12 been at war, such as during World War I or the McCarthy era of the Cold War.

13 14 **L-J6 PROTECTION FROM BULLYING, HARASSMENT AND DISCRIMINATION IN** 15 **THE WORKPLACE ***

16
17 **Rationale:** Existing laws require harassment to be discriminatory before disciplinary action may be taken,
 18 and this discrimination must be shown on the basis of race, religious creed, color, national origin, ancestry,
 19 physical disability, mental disability, medical condition, marital status, sex, age or sexual orientation.
 20 Workplace bullying, however, includes interpersonal mistreatment, harassment and psychological violence
 21 and poses an occupational health hazard. Significant business losses in sick leave and retraining accrue to
 22 Missouri businesses. Workplace bullying directly affects approximately one out of every six American
 23 workers. S.B. 43 (2017) will substantially weaken existing prohibitions on discrimination in the workplace.
 24 S.B. 620 (2018) and S.B. 585 (2018) would each have repealed key provisions from S.B. 43 (2017), but
 25 neither bill passed. S.B. 786 (2018) would have expanded whistle-blower protections to all public employees
 26 and expanded the scope of the protections, but the bill did not pass. H.B. 350 and H.B. 208 (2019) would
 27 have extended the protections of the Missouri Human Rights Act to protect sexual orientation and gender
 28 identity in housing, disability and the workplace, but the bills did not pass. S.B. 154 (2019) would have
 29 revised arbitration agreements between employers and at-will employees and may have allowed employers
 30 to pressure employees to accept unfavorable arbitration terms that reduce the ability to hold employers
 31 accountable for discriminatory acts, but the bill did not pass. S.B. 695 (2016) would have prohibited paying
 32 any employee wages less than those paid to employees of the opposite gender for the same work, but the bill
 33 did not pass. S.B. 98 (2017) would require that all school restrooms, locker rooms, and shower rooms
 34 accessible for use by multiple students shall be designated for and use by male or female students only, but
 35 the bill did not pass.

36 37 **L-J7 CHANGE OF EMPLOYMENT BETWEEN DISTRICTS ***

38
39 **Rationale:** Currently, school districts can set their own experience-credit limitations that most often
 40 penalize new employees who have previous public school teaching experience.

41 42 **L-J8 EMPLOYEE RIGHTS DURING ANNEXATION, DISSOLUTION OR STRUCTURAL** 43 **CHANGE ***

44
45 **Rationale:** Currently, in Missouri, education employees in districts being annexed, dissolved or otherwise
 46 restructured have little or no protection. During the recent state takeover of the Riverview Gardens School
 47 District, all employees were fired, and all contracts were voided mere weeks before school was scheduled to
 48 open for the 2010-11 school year. Two-thirds of employees were rehired, but they were placed without due
 49 consideration of their previous work experience. Additionally, accumulated employment benefits, including
 50 tenure, were revoked.

51 52 53 **L-J9 EMPLOYEE RIGHTS DURING STRUCTURAL CHANGE FOR ST. LOUIS COUNTY**

54
55 **Rationale:** Currently, there is no protection for the education employees who provide services to 20 percent
 56 of the state's students with special needs if the SSD is re-structured.

57

1 **L-J10 REDUCTIONS IN FORCE ***

2
3 **Rationale:** Currently, in some Missouri school districts, education employees are being placed on
4 involuntary leaves on a subjective basis without proper notice, statements of reasons or other due process.
5 Senate Bill 968 (2004) allows districts to non-renew probationary teachers for financial reasons. Some
6 versions of House Bill 1526 (2012) would have eliminated consideration of district program needs,
7 qualification in area and experience in decisions regarding reduction in force of teaching staff, but the bill
8 did not pass. House Bill 120 (2013) would have moved the contract renewal date for probationary teachers
9 from April 15th to May 1st, but the bill did not pass. A teacher performance evaluation initiative, the
10 Missouri Teacher Performance Evaluation, appeared on the November 2014 ballot as Amendment 3. The
11 proposal was overwhelmingly defeated by a vote of 76% in opposition. The Association worked to defeat
12 the measure as a core member of the Coalition to Protect Local Schools. The ballot initiative would have
13 mandated teacher performance evaluations dominated by student scores on standardized tests, and these
14 results would be used to determine whether a teacher should be dismissed, rehired, demoted or promoted. It
15 would also have prevented collective bargaining on these evaluation tools and eliminated due process rights
16 unless an existing contract was in effect.

17 **L-J11 SPECIAL EDUCATION COOPERATIVES ***

18
19
20 **Rationale:** Currently, special education cooperatives are under the control of their cooperating schools.
21 Fiscal and physical agents may change on a regular basis. Personnel in some cooperatives do not receive
22 tenure and do not have the salary benefits or benefit packages of most education employees. Funding is
23 controlled by the cooperating schools and can interfere with the delivery of appropriate student services.
24

25 **L-J12 CHANGING SPECIAL SCHOOL DISTRICTS**

26
27 **Rationale:** Currently, the Missouri General Assembly has the prerogative to alter the structure of special
28 districts without a vote of the people.
29

30 **L-J13 EDUCATION EMPLOYEE PROTECTION FROM FALSE CHARGES ***

31
32 **Rationale:** Currently, the laws to protect children do not afford education employees the right to have false
33 allegations expunged from their records. False allegations of child abuse or other false allegations of
34 misconduct could conceivably be the reason some districts decide not to hire education employees even
35 when they have not done anything harmful to children. Senate Bill 54 (2011) was enacted and establishes
36 many new provisions relating to reports of child abuse or neglect against school employees. S.B. 54 contains
37 provisions regarding employee references and reports to the Children’s Division that refer to the undefined
38 term “allegations of sexual misconduct.” These provisions have caused confusion and difficulties for
39 districts and for employees seeking employment in other settings. H.B. 604 (2019) requires school districts
40 and charter schools to contact former school district employers before offering employment to new
41 employees. H.B. 604 also requires school districts and charter schools to provide information about former
42 employees to prospective employers concerning any violation of board regulation related to sexual
43 misconduct with student. Any such determination shall be made only after the employee has the right to
44 request a substantive due process hearing before the board.
45

46 **L-J14 HOT-LINE PROCEDURES**

47
48 **Rationale:** Under the provisions of House Bill 505 (2013), teachers, nurses and other mandatory reporters
49 must directly report all suspected child abuse or neglect to the Children’s Division. The Children’s Division
50 within the Department of Social Services investigates all charges made via the child abuse hot line. If the
51 charges are found not to be substantiated, the charge remains on the record of the accused for five years. It is
52 possible that students and/or their parents could use this hot-line system to harass an education employee
53 for retaliation or other reasons, when in fact no abuse has occurred. House Bill 1453 (2004) provides that
54 mandated reporters of suspected child abuse, including teachers and counselors, may not make reports
55 anonymously. Senate Bill 155 (2005) requires the Children’s Division to expunge the information from
56 reports against mandatory reporters when the report was found to be malicious, for purposes of harassment,
57 or in retaliation, and such information shall be expunged 45 days after the conclusion of the investigation.

1 For reports filed by a mandatory reporter, where insufficient evidence of abuse or neglect is found by the
 2 division, the identifying information shall be retained for five years from the conclusion of the investigation.
 3 House Bill 505 (2013) prohibits schools from designating a reporting agent for suspected child abuse or
 4 neglect and requires all mandatory reporters, including teachers and nurses, to individually report suspected
 5 child abuse or neglect. H.B. 505 also strengthens the prohibitions on inhibiting reports and retaliations
 6 against employees for making reports and guarantees relief from other duties and phone access to make
 7 required reports. H.B. 1562 (2016) restricts access to forensic evidence, such as photographs and interview
 8 videos, created in the investigation of alleged child abuse or neglect. H.B. 604 (2019) specifies that child
 9 abuse definitions apply to school staff and volunteers when outside of regular school hours or off school
 10 grounds.

11 **L-J15 TENURE AND TENURE RETENTION ***

12 **Rationale:** Current law grants teachers tenure at the beginning of the sixth year of teaching, while many
 13 states grant teacher tenure after three years, and Missouri state employees with comparable training and
 14 responsibility earn tenure after one year. Current law provides that if a teacher who has taught two or more
 15 years changes districts, he or she must be given one year's credit toward tenure in the hiring district.
 16 However, if, after an absence, a non-tenured teacher is rehired by the district he or she left, no credit is given.
 17 Teachers who return to a district within five years where they were previously tenured must be employed for
 18 one year before they can reacquire tenure. Senate Bill 109 (2005) proposed to enact all the tenure revisions
 19 contained in this plank, but the bill did not pass. S.B. 266 (2005) removes access to tenure for pre-
 20 kindergarten teachers teaching in programs where a certificate is not required due to the requirements of
 21 state or federal funding and where fees are charged for attendance in the program.
 22
 23
 24

25 **L-J16 EQUAL RIGHTS**

26 **Rationale:** The Equal Rights Amendment was proposed by Congress in 1972 with a seven-year deadline on
 27 the state ratification process. The deadline was extended until 1982, but only 35 of the 38 required state
 28 ratifications were obtained by 1982. The ERA has been reintroduced in the United States Congress.
 29 Acceptance of the "Madison Amendment" concerning changes in congressional pay, passed by Congress in
 30 1789 and ratified in 1992 as the 27th Amendment to the Constitution, has provided support for the position
 31 that Congress has the power to maintain the legal status of the ERA's existing 35-state ratifications. State
 32 ratification efforts continue in many of the remaining states. In Illinois, for example, a ratification resolution
 33 has passed the House and has moved through the Senate committee. In addition, legislation has been
 34 introduced in the Missouri General Assembly to provide for gender-neutral language in existing laws that
 35 discriminate based on gender.
 36
 37

38 **L-J17 POLITICAL INVOLVEMENT ***

39 **Rationale:** At present, teachers are denied the right to manage school board election campaigns and all
 40 education employees are denied the right to serve as members of the state legislature without resigning their
 41 positions. Former teachers, who have become legislators, are not allowed to substitute teach in the public
 42 schools, be employed as an adjunct teacher for a public community college or teach in an adult education or
 43 continuing education program in a public school.
 44

1	Legislative Platform Acronyms	
2		
3	ABCTE	American Board for Certification of Teacher Excellence
4	ABLE	Achieving a Better Life Experience
5	ACT	American College Test
6	AED	Automated External Defibrillator
7	AHC	Administrative Hearing Commission
8	AIDS	Acquired Immunodeficiency Syndrome
9	ALEC	American Legislative Exchange Council
10	ALTGLES	Alternative Grade Level Equivalent
11	ARRA	American Recovery and Reinvestment Act
12	AYP	Adequate Yearly Progress
13	CEE	Committee for Educational Equality
14	COLA	Cost-of-Living Adjustment
15	CPI	Consumer Price Index
16	CPR	Cardiopulmonary Resuscitation
17	CURP	College and University Retirement Plan
18	DB	Defined Benefit
19	DC	Defined Contribution
20	DESE	Department of Elementary and Secondary Education
21	ECSE	Early Childhood Special Education
22	ERA	Equal Rights Amendment
23	ESEA	Elementary and Secondary Education Act
24	ESL	English as a Second Language
25	ESP	Education Support Professional
26	ESSA	Every Student Succeeds Act
27	FY	Fiscal Year
28	GASB	Governmental Accounting Standards Board
29	GPO	Government Pension Offset
30	H.B.	House Bill
31	HIV	Human Immunodeficiency Virus
32	HJR	House Joint Resolution
33	IDEA	Individuals with Disabilities Education Act
34	IEP	Individualized Education Plan
35	IRS	Internal Revenue Service
36	LEA	Local Education Agency
37	LTC	Long Term Care
38	MACCE	Missouri Advisory Council for the Certification of Educators
39	MAP	Missouri Assessment Program
40	MAP-A	Missouri Assessment Program-Alternative
41	MCHCP	Missouri Consolidated Health Care Plan
42	MDI	Missouri Division of Insurance
43	MMAT	Missouri Mastery Achievement Test
44	MNEA	Missouri National Education Association
45	MOHELA	Missouri Higher Education Loan Authority

1	MOSERS	Missouri State Employee’s Retirement System
2	MOSIS	Missouri Student Information System
3	MOST	Missouri Savings for Tuition
4	MPERS	MoDOT and Patrol Employee’s Retirement System
5	MSHSAA	Missouri State High School Activities Association
6	MSIP	Missouri School Improvement Program
7	NCLB	No Child Left Behind
8	NEA	National Education Association
9	PDC	Professional Development Committee
10	PEERS	Public Education Employee Retirement System
11	PPACA	Patient Protection and Affordable Care Act
12	PSLF	Public Service Loan Forgiveness
13	PSRS	Public School Retirement System
14	RTTT	Race to the Top
15	RYH4K	Raise Your Hand For Kids
16	SAB	Special Administrative Board
17	SARA	State Authorization for Reciprocity Authority
18	S.B.	Senate Bill
19	SJR	Senate Joint Resolution
20	SSD	Special School District of St. Louis County
21	STEM	Science, Technology, Engineering and Mathematics
22	TABOR	Taxpayer Bill of Rights
23	TIF	Tax Increment Financing
24	VISTA	Volunteers In Service To America
25	WEP	Windfall Elimination Provision
26		
27		
28		
29		