



# Legislative Update

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## Session Highlights: MNEA moves priorities and battles extremist attacks

The 2014 legislative session is over, and Missouri NEA was able to achieve some legislative successes while also defeating several extreme attacks. The legislature did not approve the Paycheck Deception proposal advanced by HB 1617 (Holly Rehder).

However, the legislature ignored the concerns of MNEA and other advocates and imposed significant tax cuts in SB 509 (Will Kraus) over the Governor's veto. Also, the Association was not able to stop the off-target voucher response to the student transfer law in SB 493 (David Pearce) and will need your help in advocating for the Governor to veto this bill and reaching out to legislators to ensure there are sufficient votes to sustain a possible veto override.

The legislature debated many issues this session and many provisions were enacted into law. For more detailed information on other legislation, visit <http://www.mnea.org/Missouri/AtTheCapitol.aspx> to view legislative updates and other related information.

## WHAT YOU CAN DO

Missouri NEA fought throughout the 2014 legislative session for its priorities for children and public education. MNEA staff and member leaders worked to protect and expand rights for all education employees, maintain funding for public education and fight back numerous attacks on public schools. Please support the continuing advocacy of the Association this summer and fall on harmful ballot proposals and possible veto override attempts.

MNEA's new Education Advocate program seeks members who will be a contact person to their respective State House or Senate member on public education issues. MNEA's Government Relations department will pair members with their legislators and provide information, talking points and resources to conduct important legislative outreach throughout the year.

For more information, go to  
<http://www.mnea.org/Missouri/VolunteerActionCard.aspx>

## SESSION AT A GLANCE: WHAT PASSED, WHAT DIDN'T

This section gives you a quick survey of legislation that passed and did not pass.

### PASSED

(\* = bill was Truly Agreed and passed by legislature)

**Budget/School Funding:** HB 2002\* (Stream) includes \$114 million increase for formula, \$163 reserve fund contingent on revenue surplus, a \$15 million increase for pupil transportation, \$750,000 for SLPS transportation, and \$12 million for pupil assessment. HB 2014\* (Stream) provides supplemental appropriation of up to \$2 million to ensure Normandy school district could complete the current school year. HB 2077\* (Stream) creates Surplus Revenue Fund. HB 2003 (Stream) includes \$43.4 million increase for performance funding for 2-year and 4-year colleges, \$7 million for the Bright Flight scholarship, and \$11.5 million for Access Missouri.

**Tax Cuts:** SB 509\* (Kraus) deduction for business income, reduce individual/corporate income tax. Governor Nixon vetoed the bill and the legislature overrode the veto to pass the bill into law.

**Student transfers/vouchers:** SB 493\* (Pearce) contains numerous provisions and revises accreditation, transfers from unaccredited districts, allows private voucher option with Parent Trigger-like local vote in unaccredited districts.

**Common Core Standards/Student and Teacher Data Privacy:** HB 1490\* (Bahr) requires new work groups for recommendations on new standards in four core subject areas within two years, grants a one-year moratorium on using pilot year assessment data. SCS/SB 815 (Pearce) was included in HB 1490 to create standards limiting student data accessibility. SB 514 (Lamping) and SB 798 (Emery) were similar to HB 1490 but did not pass.

**Funding for Pre-K Programs/ Formula Adjustment:** HB 1689\* (Swan) to allow state aid for at-risk students in pre-K and revises school funding parameters. SB 538 (Keaveny) was a similar bill but did not pass.

**Higher Education Funding Formula:** SB 492\* (Pearce) creates higher education funding formula.

**Missouri Advisory Board for Educator Preparation:** SB 492\* also contains language related to HB 1949 (Thomson) to create an advisory panel on standards for teacher preparation programs.

**Information Technology Certification:** SB 492\* contains the language from SB 941 (Kiki Curls) to require the Department of Higher Education to develop a program to offer information technology certification through technical course work.

**Professional Development (PD) spending:** SB 493\* contains language similar to HB 1111 (Rowland) to create a two-year suspension of PD spending standards.

**Governor Withholds:** HJR 72\* (Richardson) creates a process for legislature to reconsider withholding of funds by Governor.

**Transportation Sales Tax:** SJR 68\* (Kehoe) authorizes sales tax for roads and bridges.

**Veterans' Lottery Ticket:** HJR 48 (Solon) creates additional lottery ticket for veteran's funding.

**Early Voting:** HJR 90\* (Dugger) allows a six-day early voting window.

**Guns and Schools:** SB 656\* (Kraus) includes language from SB 613 (Nieves) and HB 1439 (Funderburk) to allow school boards to designate staff to carry concealed weapons and detain persons on school grounds.

**Unemployment Compensation:** SB 510\* (Kraus) expands definition of “misconduct.”

**ABCTE Certificate:** SB 782\* (Romine) allows elementary certificate.

**Career & Technical Education:** HB 1189\* (Wood) allows agriculture or career and technical education courses to satisfy certain graduation requirements.

**Higher Education Virtual Programs:** HB 1389\* (Thomson) enacts State Authorization for Reciprocity Agreements (SARA) to allow higher education virtual education reciprocity with other states.

**School Calendar/Days and Hours:** SB 493\* includes language from HB 1108 (Rowland) to specify minimum school year in terms of hours of attendance only.

**Sharing Superintendents:** SB 701\* (Lager) allows districts to share superintendents. This language was also included in SB 493\*.

**School Leasing:** SB 701\* (Lager) adds additional flexibility when leasing school buildings. HB 1206\* (Wilson) extends authority for higher education institutions to lease properties.

**Fund Transfers:** SB 907\* (Richard) allows Carthage school district to transfer certain unused funds for school safety programs.

**Conflict of Interest:** SB 719\* (Kehoe) regarding sales to district by board members. HB 1128 (Lant) was a similar bill, but did not also pass.

**RFID Tracking of Students:** SB 523\* (Emery) prevents schools from requiring students to wear ID with RFID device.

**Special Education Donations:** HB 1614\* (Burlison) includes dyslexia in Bryce’s Law scholarship donations without tax credit.

**Religious Liberties in Schools:** HB 1303\* (Haahr) includes requirements regarding limited public forum for discussion of religion.

**Retirement:** HB 1882\* (Leara) revises notice provisions regarding public plans.

**DID NOT PASS**

**Paycheck Deception:** HB 1617 (Rehder) requires annual, written authorization for dues and PAC.

**Extended Learning Time:** HB 1599 (McNeil) creates grant program to support extended school time.

**Collective bargaining:** HB 1462 (Roorda) includes teachers and law enforcement in existing public sector bargaining law.

**Retirement:** HB 1682 (Koenig) places new PSRS/PEERS hires in hybrid defined contribution (DC) plan. HCS/SB 672 (Parson) created in-state investing mandate for PSRS/PEERS.

**Virtual schools:** HB 1823 (Berry), SB 522 (Emery) creates statewide virtual school open enrollment.

**School building letter grade:** SB 521 (Emery) required single letter grade for each school.

**TABOR:** HJR 75 (Burlison) limits annual appropriations growth.

**Everything Tax:** SJR 46 (Emery) repeals income taxes and increases and expands sales tax.

**Photo ID:** HJR 47 (Cox), HB 1073 (Dugger); SJR 31 (Kraus), SB 511 (Kraus) require government photo ID for voting identification.

**School District Debt Limit:** HJR 42 (Neth) allows district to approve debt up to 25% of district assessment.

**“Right to Work”:** HB 1770 (Burlison) bars unions from compensation for bargaining expenses on behalf of non-members.

**Prevailing Wage:** HB 1306 (Love) modifies calculation to be more locally derived.

**Parent Involvement:** SB 759 (Sifton) and HB 1170 (Michael Butler) create a program to increase parent and teacher involvement.

**Student Study Plans and Performance Based Learning:** HCS/HB 1780 (Kathryn Swan) creates a council on performance-based learning, requires student plans of study and allows virtual classes for dual enrollment.

**Pupil Assessments:** HB 1250 (Wood) establishes guidelines for statewide student assessments.

**A+ Schools Scholarships:** SB 849 (LeVota) allows A+ scholarship grants to reimburse for dual credit courses.

**Purchase Preference to Charter Schools:** HB 1894 (Keith Frederick) requires unaccredited and provisionally accredited school districts to give charter schools the first option in buying or leasing vacant or unused school buildings within the district.

**Minimum Salary:** HB 1843 (Cookson) increases the state minimum salary in the 2015-16 school year, subject to appropriations.

**Governor Withholds:** SJR 45 (Silvey) to prevent withhold of K-12 funding.

**State Board Term Limits:** HB 1549 (Genice Montecillo) establishes a limit of two terms for State Board of Education members.

**Community Schools:** HB 1763 (Walton Gray) creates community schools program.

**Reported Acts:** HB 1088 (Lauer) requires schools to report terrorist threats under the Safe Schools Act.

**School Calendar/Start Date:** HB 1139 (Cookson) limits school start date and requires summer school for students scoring below proficient.

**College Scholarships:** HB 1308 (Thomson) creates Bright Flight forgivable loan option.

**High School Graduation Requirements:** HB 1536 (Spencer) creates high-stakes testing for “state” diploma.

#### **ACTION ON KEY EDUCATION TOPICS:**

##### **FUNDING FOR SCHOOL FORMULA**

MNEA believes adequate and equitable school funding is a fundamental right for every student. The state must invest in classroom priorities that build the foundation for student learning: early childhood education, smaller class sizes and a well-rounded education that will prepare students to compete in the worldwide economy.

The 2005 formula is now fully phased in and roughly \$600 million short of full funding this year. This year’s budget provides a step forward as formula funding for next year increased by \$114 million over this year, and a surplus fund could provide up to \$163 million more if actual revenues exceed current estimates.

A funding gap will still remain between state appropriations and the real needs of students as judged by the state’s funding law. Additional tax cuts from bills like SB 509 will make it harder for the state to invest in public education. The legislature must commit to do more to meet the needs of all Missouri students.

##### **EARLY CHILDHOOD EDUCATION**

The legislature passed SCS/HB 1689 (Kathryn Swan). The bill represents a small but important step toward supporting early childhood education. The bill would allow at-risk students enrolled in school district early childhood programs to be counted for state aid purposes. The provision will start for unaccredited districts next school year, for provisional districts the following year and for other districts once the school funding formula is fully funded. The bill includes formula adjustments on local effort calculations, Free and Reduced Price Lunch (FRPL) eligible pupil count and prorating payments based upon appropriations.

##### **STUDENT TRANSFER/VOUCHER BILL**

The legislature passed the conference version of HCS/SCS/SBs 493 et al. (David Pearce). The bill is now Truly Agreed and Finally Passed and will go to Governor Nixon for his signature or veto. The bill contains many provisions and primarily pertains to accreditation, state intervention, school transfers and public funding for private schools.

The Association opposes SB 493 and urges the Governor to veto the bill. The bill does little to improve the educational outcomes in struggling school districts and communities. The legislature has missed the opportunity to directly address the adverse financial impact caused by the state’s accreditation policy in conjunction with the student transfer law.

Instead, the bill focuses on moving students out of their communities and hiding them in districts with higher socio-economic demographics or in unaccountable private and charter schools. The bill treats the most vulnerable students in unaccredited districts unfairly and undermines local efforts to rally community resources in support of public schools. When a district becomes unaccredited, the bill requires a contentious local vote on whether to allow public funds to pay for students to attend private schools.

Beyond authorizing vouchers, the bill loosens the regulations on charter schools and interferes with local control of school calendars.

### **PAYCHECK DECEPTION**

The House approved HB 1617 (Holly Rehder), but the Senate did not bring the bill to a vote. This year's version would have sent the proposal to a public vote, rather than to the Governor for his approval. Governor Nixon vetoed a similar proposal last year and the veto was sustained.

The bill applies to most public labor organizations and requires annual authorization for payroll deduction of payments for association dues and annual authorization of member contributions for political action. The bill exempts certain associations representing fire fighters, law enforcement and other first responders.

The Association strongly opposed the bill. Paycheck deception laws at their core are an attempt to limit the voices of educators, union members, and other public employees.

### **COMMON CORE STANDARDS BILL**

The legislature approved the revised conference version of HB 1490 (Kurt Bahr) on May 15. The bill is now Truly Agreed and Finally Passed and will go to Governor Nixon for his signature or veto. The Association supports the bill.

The bill allows continued implementation of new assessments aligned to Common Core standards. The bill would require DESE to convene new work groups of teachers and education faculty to begin work on recommendations for new standards in four core subject areas to be recommended within two years.

The bill grants a moratorium on using pilot year assessment data for negative consequences for districts or educators. However, unaccredited districts will still have the opportunity to use pilot year data to improve accreditation status.

The final version includes provisions from SCS/SB 815 (David Pearce) to require the State Board of Education to promulgate rules regarding student data accessibility.

The conferees removed language from the bill that would have required joint approval by the State Board of Education and the Coordinating Board Higher Education of standards and assessments for teacher training institutions.

### **LEGISLATURE OVERRIDES VETO ON SB 509; TAX CUT BILL BECOMES LAW**

The legislature voted to override Governor Jay Nixon's veto of SS#3/SCS/SBs 509 and 496 (Will Kraus). The Senate override vote was strictly partisan, while Rep. Keith English joined with the entire House majority caucus to reach the bare minimum of 109 votes required to override the veto. The bill will now become law despite the Governor's objections.

The Association opposed the bill and appreciates the efforts of members to contact legislators with concerns regarding the bill. The Association believes the bill will seriously undermine Missouri's ability to invest in public education and infrastructure by drastically reducing state general revenue. The bill could reduce state revenues by nearly \$800 million per year when fully implemented.

SB 509 is intended to reduce the state's income tax by about 10% from the current amount. The bill reduces the top personal income tax rate of 6.0% down to 5.5% over several years, beginning in 2017. Annual reductions of 0.1% will occur if general revenue grows by at least \$150 million.

Bill review revealed that the final bill contains a significant technical error that would massively cut state revenues by about \$4.8 billion per year by removing the state income tax on taxable income over \$9,000 once the bill is fully implemented.

### **PROTECTING STATE REVENUES/TAX CREDIT ACCOUNTABILITY**

The legislature failed to pass comprehensive legislation regarding tax credit accountability. The Association believes that tax expenditures should be efficient in accomplishing a public purpose and protect the revenues the state needs to fund public schools, public higher education and other vital services. The state budget should not be balanced solely by cutting our investment in public education and other vital public infrastructure and services.

### **TEACHERS CARRYING WEAPONS**

The legislature approved SB 656 (Will Kraus). The bill contains language from HB 1439 (Funderburk) and SB 613 (Nieves) that allows school boards to designate teachers and other staff to carry concealed weapons and assume an additional duty as a “school protection officer”. The language creating this unpaid, quasi-professional duty is poorly drafted and fraught with profound school safety and employment concerns. The bill allows these personnel to detain students and others for up to four hours for violations of law or school policy. The Association believes that any person carrying a weapon on school property should be a duly commissioned and dedicated law enforcement officer performing an authorized law enforcement duty.

### **EXTENDED LEARNING TIME**

HB 1599 (McNeil) would require DESE to establish a grant program for unaccredited and provisionally accredited districts that commit to extended school time. The Association supported the bill, but the legislature did not pass the bill.

### **COLLECTIVE BARGAINING**

The legislature did not pass legislation regarding collective bargaining for public employees. An effective bargaining process must have a unified employee voice that can effectively reach an agreement. MNEA supported HB 1462 (Roorda). The bill would treat all public employees fairly and are built on broad consensus among public employee groups and public employers. An effective bargaining law must ultimately provide for exclusive bargaining representation, a clear duty for both employees and employers to bargain in good faith, binding agreements with a clear ratification process and a fair process to resolve impasse and grievances.

### **ABCTE CERTIFICATE**

The House and Senate passed language in SB 782 (Romine). The bill revises the law requiring the State Board of Education to create an alternative teacher certification based upon certification by the American Board for Certification of Teacher Excellence (ABCTE). The bill allows an elementary certification via ABCTE. The bill increases the contact hours required for ABCTE candidates seeking elementary certification to 90 hours, of which 30 hours must be in an elementary setting. Adequate preparation is important for all first-year teachers. The Association urged increasing the ABCTE contact hour requirement.

### **RESOURCE STANDARDS/PROFESSIONAL DEVELOPMENT**

HB 1111 (Lyle Rowland) would permanently extend the exemption from required professional development expenditures and the requirements of accreditation resource standards under the Missouri

School Improvement Program based on formula or transportation underfunding. The legislature did not approve the original bill, but a two-year exemption was included in SB 493.

#### **IN-STATE INVESTMENT MANDATE FOR PSRS/PEERS**

The House removed the in-state investment mandate on PSRS from the HCS version of SB 672 (Mike Parson) and the provision did not pass. The HCS included a mandate that every public retirement plan, including PSRS/PEERS, must invest between 2% to 5% of its assets in a Missouri-based venture capital firm.

PSRS/PEERS estimates the mandate would have reduced investment revenue and increased investment fees, with a total cost to the system of \$87 million to \$217 million per year. This cost would ultimately result in an increase in the contribution rates of our members and employers. The Association opposed this costly mandate and worked to remove the provision from SB 672.

#### **VIRTUAL CHARTER SCHOOLS**

HB 1823 (Berry) and SB 522 (Emery) would have allowed nonresident students to attend a school district or a charter school to access virtual courses or programs. Neither bill was passed by the legislature. Under the bills, the state would pay the district or charter school 72.5% of the statewide average per pupil spending the previous year. Missouri NEA opposed the bill. The Association is concerned that the bills would fragment the enrollment and guidance process for students, compensate virtual schools in excess of their actual cost of instruction and further underfund the school formula.

#### **UNEMPLOYMENT COMPENSATION**

The House and Senate passed SB 510 (Kraus). The bill revises the definition of “misconduct” used to disqualify former employees from receiving unemployment compensation benefits. The bill expands the definition to include consideration of off-hours and off-site conduct, while requiring that disqualifying misconduct must be connected to work.

#### **TABOR**

The House passed HJR 75 (Burlison), but the Senate did not approve the. HJR 75 is a constitutional spending limit similar to the Colorado provision known as “TABOR”, or the so-called “Taxpayer Bill of Rights.” Missouri NEA strongly opposes this unneeded restriction. The HJR would impose a permanent, constitutional spending limit on state government and would limit annual growth in state appropriations to a cost of living adjustment factor plus a population growth factor.

#### **EVERYTHING TAX**

SJR 46 (Emery) is a proposed constitutional amendment, which, if approved by a statewide vote, would replace the state personal and corporate income taxes, corporate and bank franchise taxes, existing state sales and use taxes and local earnings taxes with a greatly expanded and increased sales tax on most sales of goods and services. The Senate did not approve the SJR.

The state needs a responsible and sustainable tax policy to fund investment in public schools and other vital services. SJR 46 would actually make Missouri's tax code profoundly less fair, less adequate and less sustainable. Missouri NEA strongly opposes this type of impractical, regressive tax change that will keep Missouri from maintaining the revenue it needs to invest in public schools, public higher education and other vital public services like healthcare.

**VOTER ID**

HJR 47 (Cox) and SJR 31 (Kraus) would have authorized the legislature to enact voter photo ID requirements. HB 1073 (Dugger) and SB 511 (Kraus) are implementing bills that would require government photo ID for voting. The legislature did not pass the bills and joint resolutions. Missouri NEA believes voting is a constitutional right that should not be restricted by unnecessary voter photo identification requirements or other additional barriers to the voting franchise. The Association opposed the bills and joint resolutions.

**SCHOOL DEBT LIMIT INCREASE**

HJR 42 (Myron Neth), if approved by voters, would have allowed districts to increase their debt beyond the current fifteen percent limit up to twenty-five percent of taxable tangible property, if approved by a separate ballot issue by the required majority. The legislature did not pass the HJR.

**GOVERNOR WITHHOLDS**

HJR 72 (Richardson) creates a process for legislature to reconsider withholding of funds by Governor. The Joint Resolution was approved by the legislature and will be placed before voters on a statewide ballot at the November 2014 election.

**TRANSPORTATION SALES TAX**

SJR 68 (Kehoe) authorizes sales tax for roads and bridges. The Joint Resolution was approved by the legislature and will be placed before voters on a statewide ballot at the November 2014 election.

**VETERANS' LOTTERY TICKET**

HJR 48 (Solon) creates additional lottery ticket for veteran's funding. The Joint Resolution was approved by the legislature and will be placed before voters on a statewide ballot at the November 2014 election.

**EARLY VOTING**

HJR 90 (Dugger) allows a six-day early voting window. The Joint Resolution was approved by the legislature and will be placed before voters on a statewide ballot at the November 2014 election.

**FOR MORE INFO**

Supporting detail about a specific bill can be found at: <http://www.house.mo.gov/billcentral.aspx>  
Type the bill number (example: HB1000) or sponsor name in the "search" box to find a link to the bill. This link will take you to a "home page" for the bill that provides bill text, bill summaries, fiscal notes and information on legislative action on the bill.

**Legislative Update 2014**

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