

MSTA ACTION



THE LEGISLATIVE BULLETIN OF THE MISSOURI STATE TEACHERS ASSOCIATION • PLEASE POST

School Calendar Amendment Added to Senate Bill

Language that would change the ability for locally elected school boards to adopt a 4-day school calendar was added to **SB411 (B. Brown)** in the Senate this week. The amended bill would now require school districts located wholly or partially in charter counties or cities with more than 30,000 inhabitants to adopt a school calendar with a minimum school term of one hundred seventy-four school days and one thousand 44 hours of actual pupil attendance. Districts in these areas could only adopt a four-day school week by submitting to the voters of the school district a ballot measure to approve the change. Under the language in the bill, the change would take effect for the 2024-25 school year. The change in calendar policy would impact districts that cover any of the following counties and cities: St. Louis County, Jackson County, St. Charles County, Jefferson County, Clay County, Kansas City, St. Louis City, Springfield, Columbia, Independence, Lee's Summit, Joplin, Jefferson City and Cape Girardeau. **MSTA opposes this change in locally elected school boards determining their school calendar. MSTA Adopted Resolutions support a school calendar being made by a local school board with input from teachers and other school employees.**

SB411 modifies the definition of "home school" and creates a definition for a "Family-Led Educational eXperience (FLEX) school." FLEX schools meet the criteria for home school but applies for students who participate in the Missouri empowerment scholarship accounts voucher program or activities offered by a public school district. The bill changes the qualifications for the voucher program to only apply to FLEX school students, and not home school students. The definition of "home school" is modified to exclude students who participate in such voucher program or school activities. The bill also modifies the definition of qualified schools relating to the Missouri Empowerment Scholarship Accounts Program to include FLEX schools instead of home schools.

SB411 repeals provisions authorizing parents to submit a written declaration of intent to home school their child to the recorder of deeds of the county where the child legally resides or to the superintendent of the public school district where the child legally resides. The bill

repeals provisions authorizing school districts the ability to appoint a school attendance officer who has the powers of a deputy sheriff and may investigate claims of violations of the compulsory attendance law and arrest truant juveniles without a warrant.

The bill provides that a school district may not prohibit a student receiving instruction at a FLEX school or a full-time virtual school from participating in any event or activity offered by the school district or require such student to take any class in order to participate in such event or activity. School districts may not be a member of a statewide activities association that prohibits a student receiving instruction at a FLEX school or a full-time virtual school from participating in any event or activity offered by the school district in which the student resides or that requires students to take any class to participate in an event or activity such as school clubs or athletics. Additionally, a statewide activities association may not prohibit any member school district from participating in any event with a school that is not a member of the association. FLEX school students must show proof of residency, provide a physical, adhere to code of conduct standards of the district and fulfill the same nonacademic standards and financial requirements as those required of students enrolled in the public school district.

A school district may establish an attendance policy for any rehearsals, practice sessions, and training sessions that are directly related to and required for participation in an event or activity. A school district may not establish a separate disciplinary or attendance policy for students who receive instruction at a FLEX school or a full-time virtual school. Records created pertaining to a FLEX school student or a full-time virtual school student are confidential. The parent of a FLEX school student will oversee academic standards relating to the student's participation in a public school activity.

Other amendments that were added to **SB411** include language from **SB122 (May)** that allows students to be excused from attendance at school if the child is unable to attend school due to mental or behavioral health concerns, provided that the school receives documentation from a mental health professional and language from **SB34 (May)** which would allow a school district or public charter school to offer an elective social studies course relating, but not limited to, the Hebrew Scriptures, or the

Old or New Testament of the Bible.

The Senate also passed and sent to the House **SB122 (May)**, which allows a student to be excused from attendance at school if the student is unable to attend school due to mental or behavioral health concerns, provided that the school receives documentation from a mental health professional. Both bills will now head to the House for consideration.

House Committee Hears Parents' Bill of Rights

SB4 (Koenig) was presented in the House Elementary and Secondary Education Committee. The bill has numerous sections relating to public education. **SB4** would create the "Parents' Bill of Rights Act of 2023," which would place into law certain rights of parents, as well as additional penalties for schools. Each school must allow parents, within two business days of the request, to review or make a copy of curriculum documents or to receive such documents in an electronic format, provided that no request would cause an infringement of copyright protections under the federal Copyright Act of 1976. Schools may protect the intellectual property rights of publishers. No school may collect any biometric data of a minor child without obtaining parental consent except for biometric data necessary to create and issue appropriate school identification cards. Finally, each school is required to notify parents of certain safety incidents and felony charges filed against teachers, employees and any guests or visitors to a school.

SB4 requires that school accountability report cards for each public school district, public school building, charter school and virtual school must be maintained on the DESE website, as well as the website of each school district. The information must also be provided in a printed document to the parent, guardian or other responsible person for each enrolled student within five school days of the start of each school year or within five school days of enrollment. The school accountability report cards for the past five years shall be posted on the district, charter schools or virtual school's website and posted on the newly created Missouri Education Transparency and Accountability Portal.

At a projected cost of over \$1 million, the bill would require the Commissioner of Education to establish the Missouri Education Transparency and Accountability Portal to provide citizens

with access to every school's curriculum, textbooks, source materials and syllabi. The portal must include the following: cost associated with speakers and guests used by a school in their professional development activities, names of presenters and distributed materials from all administrator, teacher and staff professional development and instructional programs offered to schools regarding diversity, equity, and inclusion or social and emotional learning, information about school board members and their terms of office. The statewide portal must also include an easy-to-search database of certain school financial transactions and the basic salaries of school employees.

Information regarding curriculum materials, school board members, and staff professional development programs is required to be submitted to the Department of Elementary and Secondary Education quarterly and posted on the Missouri Education Transparency and Accountability Portal within seven calendar days of the Department's receipt. Any school that knowingly violates provisions relating to the Missouri Education Transparency and Accountability Portal shall be subject to a penalty of up to \$25,000, unless the school proves to the satisfaction of the Department that it is no longer in violation of such provisions.

SB4 requires that any school that provides school-issued electronic devices to students must implement technology solutions that prohibit students' access to social media sites, video sharing sites and pornography. The bill prohibits any school or school employee from compelling teachers to teach, or a student or teacher to personally adopt, adhere to, or profess a position or viewpoint that a reasonable person would conclude violates certain public policy including but not limited to: that individuals of any race, ethnicity, color or national origin are inherently superior or inferior and that individuals, by virtue of their race, ethnicity, color or national origin, bear collective guilt and are inherently responsible for actions committed in the past by others. No school may require a student or employee to attend or participate in a certain training, instruction, or therapy that a reasonable person believes would conclude violates this provision. The bill outlines that this language shall not be construed to prohibit constitutionally protected speech, access to research or study materials, or the discussion or assignment of materials for educational purposes. The language shall not be construed to prevent teachers from discussing current events in a historical context or courses including, but not limited to, African American history, Native American history, women's history, Asian American History and Hispanic history.

SB4 requires schools to post on their

websites the names of all books required for students and provide parents access to the digital library catalogue for the attendance center where the parent's student is enrolled. Any employee of a school who discloses a violation of these provisions shall be protected from any manner of retaliation as provided by current law. If a parent learns that a teacher of the parent's student is in violation of the act, then the parent may file a complaint with DESE, which must send the complaint to the State Board of Education and notify the local educational agency. The Board must hold a contest case hearing between the parent and the school within 30 days of receiving such a complaint. Upon a determination by the Board that a violation is occurring the parent is awarded an amount equal to the state adequacy target from the foundation formula deposited annually into a Missouri empowerment voucher account until the student turns 18.

The bill also makes a modification to the foundation formula by changing the weighting of students who receive free and reduced-price lunch from 25% to 30%. **MSTA testified in opposition to SB4.** This legislation will create a massive state database, requiring educators to use valuable time doing additional paperwork and defending their course materials instead of working on course preparation, tutoring or engaging directly with student's parents. With a common database of curriculum housed at DESE, this legislation could also lead to the approval or disapproval of curriculum from the Department of Elementary and Secondary Education that would demolish the ability of local districts to develop their own curriculum. The \$1.3 million cost to create a statewide database would duplicate what many districts across the state already provide. The money to fund this program could more wisely be used to raise educator salaries and enhance recruitment and retention efforts.

The bill also includes a program that would task DESE with creating a patriotic and civics training program to prepare teachers to teach the principles of American civics and patriotism. Subject to state appropriation, each teacher that completes the training shall receive a one-time payment of \$3,000 to be paid by the department.

Proposal for School Board Member Recall Heard in Committee

The Senate Education and Workforce Development Committee held a hearing this week on a bill that would establish a recall procedure for local school board members. **SB508 (B. Brown)** would allow for school board members to be subject to recall from office if a petition is signed by at least ten percent of the voters who voted in the most recent school board election.

A recall could not take place if the board member has not held office for more than 90 days, has fewer than 180 days remaining in their term or has had a recall election determined in their favor during their current term of office. The grounds for a recall election may include but are not limited to: conduct that adversely affects the rights and interests of the public, abuse of power or authority, commission of an act of malfeasance, lack of responsiveness to concerns raised by the public and moral turpitude. Recall election proceedings may be commenced by filing a notice of intention to circulate a recall petition with the election authority that has jurisdiction over the school district.

Collection of signatures on a petition for recall may begin seven days after the election authority's certification, with the date of the certification counted as the first day. Any person circulating a petition for recall must be a registered voter in the district of the board member sought to be recalled. If the election authority finds the signed petition to be sufficient, the election authority must attach to the petition a certificate showing the result of the examination. The election authority must send notification of the sufficiency and certification by registered mail to the person who filed the signed petition, the school district administration, the school board and the board member sought to be recalled within three business days. If a majority of the votes are in favor of removing a school board member, a successor will be chosen in the same manner as any vacancy on the district board is filled. **SB508** specifies that a school board member who has been recalled is not allowed to fill the vacancy created by the recall, but they may seek election to the school board at any election not held to fill the vacancy created by that member's recall. The bill also requires the Secretary of State to compile an annual report listing the name of each school board member, the school district the member serves, the member's election date

PSRS/PEERS Improvement Bill Moves Toward Passage

A non-controversial bill is moving closer to passage, which would assist school districts with staffing issues by allowing additional work from retirees that has no additional costs to the retirement system. **SB75 (Black)** was approved by the House Pensions Committee, it will now head to the full House for consideration. **MSTA supports this legislation.**

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