

MSTA ACTION



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

House passes open enrollment bill

Prior to the annual legislative spring break, the Missouri House of Representatives passed **HB1814 (Pollitt)**, allowing for student open enrollment across the state. **MSTA opposes HB1814** based on MSTAs Adopted Resolutions which support each local school district developing a written policy for transfer and assignment of students within a district and to any other school district. Members sent over 1,000 emails to the members of the House to advocate against this harmful legislation, but the bill passed with 85 votes. 82 votes are required for a bill to be approved in the House. During MSTAs Region Capitol Visits, members worked hard to communicate the harm that involuntary open enrollment would create for students. The bill will now go to the Senate for its consideration on the legislation. MSTAs remains opposed to the bill based on concerns that the bill is harmful for students and could lead to school consolidation that would impact students, families and communities in Missouri. In addition to other issues regarding the bill, three main concerns remain:

School Consolidation: HB1814 will lead to school consolidation at worst, and result in many districts struggling to maintain the educational programs they already offer such as FFA, choir, band and athletic programs.

Special Education: HB1814 allows districts to deny students based on special education status. If the transfer district determines they cannot meet the special education student's needs, districts are allowed to discriminate against special needs students.

Financial Implications/anti-collaboration: HB1814 will pit schools against one another to compete for students and the funding associated with them. Funding that would normally go toward student learning would be spent on recruiting students and competing with neighboring districts.

HB1814 (Pollitt) creates open enrollment in Missouri public education. The legislation claims to create a "voluntary" system, yet it is only voluntary as to whether a district accepts students, and if a transfer student decides at any time to return to the resident district, the resident district is again responsible for the education of that student.

HB1814 specifies that any student beginning kindergarten or already enrolled in a public school may attend a public school in any nonresident district. Districts would be required to declare participation in the Open Enrollment Program by October 1. A participating district would be a district that has decided to accept nonresident students. Participating districts are not required to add teachers, staff or classrooms to accommodate transfer applicants. Schools will establish standards for transfer applications and post the information on the school website and in the student handbook. The Department of Elementary and Secondary Education, or an entity skilled in policy development, will develop a model open enrollment transfer policy. All public schools must adopt the model policy, regardless of participation in the program, however each school board may modify the model policy based on the districts' needs.

Students who participate in open enrollment in high school may not participate in varsity sports during the first 365 days of enrollment in a non-resident district. Transfers under the open enrollment program created in the bill would begin in the 2023-24 school year. For the 2023-24 and 2024-25 school years, districts may restrict the number of transferring students to 5 percent of the previous school year's enrollment, but after the first two years there would be no guardrails placed on the transfer process.

Any student who applies for a transfer may only accept one transfer per school year, although the student may return to their resident district and must complete a full semester before applying for another transfer. Students may complete all remaining school years in their nonresident district and any sibling may enroll if the district has the capacity as provided by the bill. For the purposes of federal and state aid, the student will be counted as a resident pupil of the nonresident district. Parents will be responsible for transportation to the nonresident school or to an existing bus stop location in the nonresident district.

The bill creates a "Parent Public School Choice Fund" that would reimburse districts for special education services up to three times the current expenditure per average daily attendance and for transportation costs for students who qualify for free and reduced meals. This fund would begin with \$60 million in appropriations that would need to be

approved by the legislature. Visit msta.org/action to view the full voting record for **HB1814**.

House loads up education bill

What started out as a simple bill to require school boards and charter schools to adopt a policy on engaging their community, turned into a rather large education bill. The bill is now a combination of 16 different bills.

HB1750 (Basye) was the original bill that was brought up for debate. It requires each school board and charter school to adopt a policy on community engagement. The policy will allow interested community members to communicate with governing boards and school administrators on an issue related to school governance or operations. The policy may require the community member to speak with administrators before seeking board action. The following provisions were added to the bill:

Gifted education: Requires districts and charter schools to identify and provide services and programs for gifted children. It would require a district to establish a gifted education program if three percent of students or more are identified as gifted.

Child abuse investigations: Requires the Children's Division to conduct investigations of all allegations of suspected child abuse or neglect, including those involved with corporal punishment in public schools.

Corporal punishment: Requires parental consent before corporal punishment may be used in schools.

Special education funding: Requires revision of the calculation of aid relating to the cost of serving high-needs students. The bill ensures that a district's per pupil average used as a basis for the high-needs funding is not skewed by the high cost of serving those students.

Preschool made-up days: Ensures that make up day requirements for half-day preschool programs are proportional to the program's schedule. *(Continued.)*



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School innovation waivers: Allows school innovation waivers to exempt schools from specific requirements imposed by statute or regulation. **Teacher certification:** Revises the requirements for a visiting scholars certificate of license to each. Also allows districts to employ teachers who complete an approved teacher preparation program but have not passed the exit exam and provides that such a teacher shall receive a state teaching certificate upon completion of three years of successful teaching. **Substitute teachers:** Creates a state law establishing qualifications for substitute teachers that is similar to the State Board's rule. The bill includes language to include a three-year waiver of the 550 hour/50% earnings limit for working after retirement. **Extended learning opportunities:** Creates a policy that would allow students to receive credit for participation in out-of-classroom learning experiences as approved by the State Board of Education, a school board or a charter school. **Transportation:** Limits the definition of school bus to include vehicles designed to carry more than ten people. Schools would still be able to use other motor vehicles for pupil transportation. **Special education:** Places the burden of proof and production on school districts in due process hearings for children with a disability. **Cursive instruction:** Requires school districts to provide instruction in cursive writing by the end of the fifth grade, including a proficiency test of competency in reading and writing cursive. **Compensation information:** Modifies who is required to report and what information is reported to the Missouri Accountability Portal. The bill requires school salary and benefit information to be included on the Portal. **Superintendent sharing:** Allows school districts that share superintendents to receive additional state aid. **School board election subdivision option:** Allows school districts to change from at-large to subdistrict school board elections, including the local option for any district to vote to approve a change to elect some or all board members from subdistricts. **Property ownership pupil transfer:** Allows students to transfer to a non-resident district if the family has owned a property in the non-resident district for at least three years and has paid a total of \$3,000 or more in school property taxes in that non-resident district.

House passes substitute teacher certificate changes

The House passed **HB2304 (E. Lewis)**, which would make changes to requirements for substitute teacher certificates and provide additional work after retirement opportunities for PSRS/PEERS system retirees. **HB2304** puts an alternative path into state law for individuals to obtain a substitute teaching certificate that is very similar to rules

that were adopted by the State Board of Education in early November. Under current DESE rules and regulations, applicants may obtain a certificate with sixty college credit hours, or as a second path, with a high school diploma, General Education Diploma (GED) or High School Equivalency Test (HiSET) and the successful completion of a minimum of twenty clock hours of DESE-approved substitute teacher training that includes professionalism, honoring diversity, engaging students, foundational classroom management techniques, basic instructional strategies, supporting students with special needs and working with at-risk youth.

The bill would place into law a certification method for individuals that want to substitute teach, but also lower the required college credit hours from what is currently permissible. The legislation would keep both pathways to obtain a substitute certificate and would lower the required college credit hours from sixty to thirty-six. The online training path would remain consistent with the DESE model and require 20 hours. All applicants for certification must complete a background check. An additional alternative route to certification is provided for qualified individuals with technical/business expertise or Armed Forces experience with a superintendent and local school board sponsorship, but the state board would still make the decision to issue a certificate to any such applicants. Included in the bill is a provision that would waive the work after retirement limits for PSRS/PEERS retirees until June 30, 2025. **HB2304** was included as an amendment to **HB1750**, both bills are now in the Senate and will continue through the legislative process, going to committee then possibly on the floor for debate before the full Senate.

Senate passes reading legislation

SB681 (O'Laughlin) was approved by the Missouri Senate and sent to the House for its consideration on the bill. The legislation relates to improving reading and literacy instruction. The bill repeals retention requirements for struggling readers and requires schools to provide reading instruction, with appropriate evidence-based reading intervention in the elementary grades and with assessment and intervention beginning in kindergarten. The bill also requires systematic and explicit interventions for students with characteristics of dyslexia.

The legislation would allow a school intervention team to submit a state innovation waiver plan to the State Board of Education for certain purposes, including improving student readiness for employment, higher education, vocational training, technical training, or any other form of career and job training; increasing the compensation of teachers;

or improving the recruitment, retention, training, preparation, or professional development of teachers.

The State Board of Education may grant school innovation waivers to exempt schools from requirements imposed by current law, or from any regulations promulgated by the Board or the Department of Elementary and Secondary Education. Any waiver granted under this act shall be effective for no longer than three school years, but school innovation waivers may be renewed. No more than one school innovation waiver is allowed to be in effect with respect to any one elementary or secondary school.

The legislation specifically states that the State Board shall not authorize the waiver of any statutory requirements relating to teacher certification, teacher tenure or any requirement imposed by federal law.

Statement from PSRS/PEERS regarding exposure to Russian Securities

The Public School and Education Employee Retirement Systems of Missouri released the following statement after a special board meeting on March 4th updating the board on the Systems' exposure to Russian securities:

"PSRS/PEERS investment staff reported to the Board that as of February 28, 2022, PSRS/PEERS had a total exposure of approximately \$90.8 million in Russian securities, or 0.16% of the approximately \$57.3 billion total assets for the Systems. Investment staff began engaging with external investment managers on February 24 in relation to the Russian invasion of Ukraine and the related market impacts. The investment staff has instructed all external managers to halt the future purchase of Russian securities. Staff and external managers will monitor liquidation opportunities for existing holdings and will comply with all federal sanctions. As fiduciaries, our Board, management team and staff will make any future decisions with the best interest of the members of the Systems in mind," stated PSRS/PEERS Executive Director Derald Snider.

"We have watched the atrocity in the Ukraine unfold over the past couple of weeks and are hopeful for a quick resolution for the sake of all involved," Snider added. "PSRS/PEERS provides service retirement, disability and survivor benefits for over 128,000 active members and approximately 101,000 retired Missouri public school teachers, school employees, and their families. The market value of invested assets for PSRS and PEERS combined were approximately \$57.3 billion as of February 28, 2022 making the combined entity larger than all other public retirement plans in the state combined, and the 46th largest defined benefit plan in the United States."