

MSTA ACTION



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

MSTA activates Rapid Response call to action

The MSTA Rapid Response system was activated this week to allow members to easily contact their state representatives and tell them **to vote NO on HB1814 (Pollitt)**. The bill could come up for a vote in the House as early as Monday. This legislation would create a student open enrollment program in the state. **MSTA testified against this legislation** based on MSTA Adopted Resolutions when the bill was in committee. We have raised numerous concerns on how the changes in this bill would negatively impact Missouri's students and communities.

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 are 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.

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.

An additional broad transfer section was added to the bill that allows any person that owns residential or agricultural real property in any school district and pays a school tax of at least \$3000 in total in that district and owned property for at least three years, to send children to that district. There are no other limitations for students to transfer under this language.

Some of the most immediate concerns regarding the bill are:

Consolidation: **HB1814** will lead to school consolidation at worst, and lead to 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, allowing districts 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.

MSTA opposes HB1814, MSTA Adopted Resolutions support each local school district developing a written policy for transfer and assignment of students within a district and to any other school district.

Virtual education expansion also on House calendar

With one week of session remaining prior to the legislative spring break, another bill that could be brought up for debate on the house floor is **HB1903 (Christofanelli)** which expands virtual education programs. **MSTA opposes HB1903**. MSTA adopted resolutions oppose public funding of virtual education without the oversight of a local education authority.

HB1903 would allow for an expansion of the Missouri Course Access and Virtual School Program (MOCAP). For students that enroll in full time virtual education programs, the resident district is required to pay online programs for the time a student is enrolled, regardless of completion.

MSTA has the following concerns related to HB1903:

Accountability: If students enroll and then leave a full-time virtual provider, the local district must still pay for any time in which the student was enrolled, even if they return to the resident district. The bill creates a scenario where students could enroll in a full-time online program, and the online provider could remove the student from their "school" leaving the local district responsible to assess and remediate any learning loss. *(Continued on back.)*



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According to the 2020-21 Missouri Course Access and Virtual School Program (MOCAP) Annual Report published by the Missouri Department of Elementary and Secondary Education, only 77% of students enrolled in virtual courses completed them.

Good Government: The bill removes a provision of the 2018 law that allows districts to negotiate a lower rate from the provider than the state education dollars paid to the district.

Local Control: The bill removes the ability of local districts to work in collaboration with parents to ensure that online programs are suitable for the student and that services entitled to the student under state and federal law are available and accessible. The new gatekeeper under the changes to the bill become online providers who decide if students may enroll, stay enrolled, or sent back to the resident district if they don't meet the virtual school's academic expectations.

House and Senate work on education bills

This week both the House and Senate gave approval to education bills. Once given final approval in one chamber the bills will be sent to the other chamber for their approval.

House Bills

HB2304 (E. Lewis) Codifies in law changes that have been made by the State Board of Education to certify substitute teachers. Applicants for substitute teaching certification must complete a background check and have at least 36 college credit hours or have completed a 20-hour online training. Individuals must also have a high school diploma or equivalent. The bill also extends the time that a retired teacher can return to substitute teach and not have any restrictions on the amount of time that they work. This provision would be in effect until June 30, 2025. The bill provides substitute teachers who apply for a fingerprint background check the opportunity to submit the results to up to five different school districts for a small fee.

HB2366 (Shields) requires districts and charter schools to identify and provide services and programs for gifted children. The bill requires a district to establish a gifted education program if 3% or more are identified as gifted. School districts with an average daily attendance of more than 350 students are required to have a teacher certificated to teach gifted education.

In districts with an average daily attendance of 350 or fewer, any teacher providing gifted instruction is not required to be certified to teach gifted education but must participate in six hours professional development per year regarding gifted services and the expense of the training will be paid by the school district.

Senate Bills

SB681 (O'Laughlin) 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, with assessment and intervention beginning in kindergarten. The bill also requires systematic and explicit interventions for students with characteristics of dyslexia. Other requirements in the bill include teacher input on changes made to improve reading instruction strategies in higher education teacher preparation programs, establishment of a statewide literacy advisory council, funding for professional development for reading instruction improvement and more.

The bill would delay implementation of the assessment and intervention provisions until January 1, 2023.

The bill also includes a provision contained in **SB662 (Arthur)** that would give districts the opportunity to waive certain laws to improve opportunities for students.

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.

House committee approves alternative certification bill

This week the House Elementary and Secondary Education Committee gave approval to a bill that would allow for an additional way for someone to receive a teaching certificate.

HB1998 (Davidson) would allow school districts to issue a district teaching permit to any individual who does not currently hold a SBOE issued teaching certificate. The district teaching permit allows the holder to teach only in the issuing school district unless another school district also issues permits and recognizes permits issued in this manner as part of their policy. The bill requires districts to develop a policy listing the qualifications an individual must meet to be eligible for the teaching permit, which include, at a minimum a bachelor's degree and background check.

The committee added two additional requirements that must be included in the districts' plans. The district must ensure that any person attempting to receive a teaching permit from their district receive ongoing reading instruction training and education of the exceptional child to ensure proper education is provided to all students.

The number of teachers issued a teaching permit must not exceed 15% of the total number of teachers employed in the district. If an individual is issued a teaching permit and teaches for four years, the State Board may issue a teaching certificate. Any individual who obtains a teaching permit as described within the bill shall be deemed a teacher for purposes of determining minimum salary, tenure, and retirement. The bill includes provisions included in other bills related to issuing substitute teaching certificates.

This would codify in law what DESE has already approved by allowing applicants for a substitute teaching certificate to have completed a background check and completed at least 36 college hours or completed a 20-hour online training and have a high school diploma or equivalent. Also included in the bill is language that would allow PSRS retirees the ability to substitute teach without a limit on the amount of time they can work.