



Legislative Bulletin

2/3/12

Among the items debated in the Senate this week was SB 464 (Schaaf), which received final approval by a vote of 25-8 Thursday morning. The bill would prohibit the establishment and operation of health insurance exchanges in Missouri, unless certain criteria are met, such as approval by Missouri voters. These exchanges are scheduled for launch by states across the nation in 2014. The bill will now need to work its way through the House.

On Wednesday, the Senate took up SB 592 (Lager), dealing with employment discrimination, a key priority of the Republican caucus. While a filibuster was fully anticipated, it was unclear how long it would last. As negotiations took place behind the scenes during the filibuster, an apparent compromise was struck leading to a vote on the bill around 1:30am Thursday morning, after nearly 15 hours of debate. While key components of the bill were left intact an agreement was reached to remove language that would tell courts how to handle motions of summary judgment. It is also rumored the Republicans have agreed to take Right to Work, another key Republican priority, off the table this year in exchange for the compromise. Time will tell if this is true. The bill still needs final approval (Third Read) before moving to the House. As a result of Wednesday's debate, all afternoon hearings were cancelled.

Once again, the House adjourned early this week citing a lack of bills of great importance and frustration over the Senate's inability to move shared priorities. HB 1219 (Elmer), the House version of Lager's employment discrimination bill (SB 592), was briefly debated Thursday before being laid over (not brought to a vote).

The Senate ended the week rejecting the Governor's nominees for the Director of the Dept. of Economic Development, Board of Trustees member for the Missouri Consolidated Health Care Plan (incidentally former DHSS Director Ron Levy), and University of Missouri Board of Curator member. This is particularly interesting because as it stands the Governor has yet to nominate anyone for the Director of the Department of Social Services position and he does not seem to be having much luck winning confirmation of high profile positions.

Lastly, State Budget Director Linda Luebbering announced today that 2012 fiscal year-to-date net general revenue collections increased 1.3 percent compared to 2011 and net general revenue collections for January 2012 increased by 2.0 percent compared to those for January 2011.

The General Assembly will reconvene at 4pm Monday.

MISSOURI HUMAN RIGHTS ACT

Missouri Human Rights Act, legislation dealing with employment discrimination, which is among the key Republican priorities was a hot topic in both chambers this week. HB 1219 (Elmer) was voted out of the Committee on Rules Jan. 30th and brought up for floor debate two days later. The bill was ultimately laid over meaning not brought up for a vote. As noted above, the Senate took up SB 592 (Lager) which received preliminary approval (Perfecting) around 1:30am Thursday morning, after nearly 15 hours of debate.

GENERAL LAWS COMMITTEE

While the Senate General Laws Committee was scheduled to hear three bills Tuesday, Senator Callahan's legislation was heard followed more or less by a hearing on SB 706, Senator Cunningham's comprehensive education package including Turner language, tax credits and virtual charters. As noted last week, the hearing posting did not list SB 706 for "public testimony," but rather as subject matter to be discussed.

What actually took place was a public hearing on the bill with several parents from the Black Alliance for Educational Options group. At the conclusion of the hearing, Senator Cunningham indicated it was her intention to put together a committee substitute that will be brought up next week which will combine Jane's SB451 and Callahan's SB434 and SB581. SB706 will also be incorporated into the substitute. In terms of SB451, SB434 and SB581, the bills deal with the following:

SB451 – Establishes the “Sharing of Services and Increasing Efficiencies Act” to allow school districts and other entities to achieve efficiencies.

SB434 – Deals with the adjustment and apportionment of school property; school district boundary line changes; weighted average daily attendance affected by a boundary line change; and school district trust fund (Prop C Funds).

SB 581 – Is similar to SB434 dealing with school district boundary line changes; the adjustment and apportionment of school property relating to a boundary line change; allows the state Board of Education to assume responsibility and general supervision of the KCSD after classifying it as unaccredited with the SBE having the ability to create attendance boundaries for contracted portions of the district; retirement systems and retired teachers; weighted average daily attendance affected by a boundary line change; and school district trust fund (Prop C Funds).

In terms of a fiscal note on the above mentioned legislation, there is not one available on-line for SB 706; however, one can be found for SB 434 and SB 581 at the following links:

SB 434 - <http://www.moga.mo.gov/oversight/over12/fiscover/fSB0434.htm>

SB 581 - <http://www.moga.mo.gov/oversight/over12/fiscover/fSB0581.htm>

HOUSE ELEMENTARY AND SECONDARY EDUCATION COMMITTEE

The House Committee on Elementary and Secondary Education met Wednesday. HB 1526 (Dieckhaus), establishing the “Teacher Multiyear Contract Act” drew a packed house to say the least.

Testimony was heard during the normal two hour allotment then continued later in the afternoon prior to the executive session taking place. Dieckhaus echoed similar comments as last year regarding the current tenure system indicating the system is flawed and serves as a deterrent to removing poor teachers.

Although the summary is a bit long, I thought it would be helpful to include it for your review as follows:

- Allows existing teaching standards to become part of a district’s evaluation system for both teachers and administrators. The provision specifying a minimum salary requirement for a teacher with a master’s degree is repealed.
- The bill revises the provisions of the Teacher Tenure Act, which currently applies to every district except the St. Louis City public schools, to become applicable to all teachers, including St. Louis City teachers, who are currently employed or contracted to begin employment before June 30, 2013, as of July 1, 2013.
- The allowable causes for termination are revised to remove unfit mental and physical condition, immoral conduct, and incompetency and replaced with unsatisfactory performance based on an evaluation on specified teaching standards and performance measures and specified immoral conduct. The provisions regarding the hearing for a teacher who is being discharged are revised to allow a hearing officer to conduct the hearing in a district that has vested its powers in a special administrative board. The action and the decision of the board on the charges will be final. Reduction in the work force cannot be based on seniority or years of service. Effective performance must be the deciding criterion when placing teachers on a leave of absence due to a decrease in pupil enrollment. The provisions regarding a reduction in the work force for St. Louis public school noncertificated employees is similarly revised; and their qualifications for promotion, which currently are based on length and character of service, are changed to reflect only character of service.
- Currently, the superintendent of the St. Louis City public schools may have a contract for a term of from one to five years in length, while all other superintendents have a three-year maximum. The bill makes three years the maximum term for all superintendents and four years the maximum term for other administrators. Principals have the right to select teachers rated “effective” and “highly effective” through a mutual consent placement process.
- The bill establishes the Teacher Multiyear Contract Act which will apply to a new certificated teacher in any district who is contracted to begin initial employment on or after July 1, 2013. After an initial one-year contract, a teacher may be granted a contract for a period of two to four years based on the district’s policy for standards for multiple year contracts. A teacher who

receives two successive annual evaluations of "ineffective" will not be reemployed. The bill specifies: (1) The circumstances under which a multiyear contract may be ended; (2) The provisions which a multiyear contract must contain; (3) Circumstances under which a relative of a school board member cannot be employed; (4) The timetable for modifying an existing multiyear contract; (5) That each district must develop a compensation plan for certificated employees and update it annually; (6) That a multiyear contract may be terminated or modified by mutual consent; (7) That written notice be given by January 31 of a nonrenewal of a multiyear contract; (8) The causes for which an existing contract can be terminated; (9) The procedure for the termination of a contract, which must include a hearing by the board of education if requested by the teacher; (10) That a district may develop personnel policies; (11) That a district may reduce the number of teaching positions because of a decrease in pupil enrollment and that decisions concerning layoff and rehiring must be based on performance rather than seniority; (12) That principals have the right to select teachers rated "effective" and "highly effective" through a mutual consent process; (13) That each district must maintain personnel records, including evaluations; (14) That a school board member is not liable in a civil action for his or her personnel decisions based on an evaluation of or a statement of charges against a teacher; (15) The minimum measures that must be included in an evaluation of a teacher or principal; and (16) That a public school district with sufficient due process provided through its own policies cannot be considered a state agency subject to the contested case procedures under Chapter 536, RSMo.

- Teachers and principals will undergo an evaluation that must include, at a minimum, the following: (1) An evaluation system that uses multiple measures aligned with growth in student achievement which will be used in personnel and compensation decisions. A district that does not develop its own system must use the model system developed by the Department of Elementary and Secondary Education; (2) Measures that are fair, rigorous, transparent and valid. At least 50% of a teacher's evaluation must be based on student achievement growth on state assessments. The bill describes the process for the development of measures for teachers for whom performance on statewide assessments is not available; (3) A written notice to the teacher or principal in advance of the evaluation of any specific indicators that will be used to evaluate him or her; (4) That an evaluation will result in one of four rating levels; (5) That each school district board must develop the evaluation system for administration as a pilot project during the 2012-2013 school year and implemented during the 2013-2014 school year. The department must develop standards for implementation of local systems, including processes for determining who is the teacher of record and what is the minimum amount of contact for assignment of a student's scores to a teacher. The department must also develop a student growth model and a value-added system for determining student growth, provide technical assistance to districts, develop a model system for use by districts lacking the resources to develop their own systems, monitor local systems for consistency results, and link teacher preparation program data with student outcomes.
- The provisions regarding the existing tenure laws, integration of the St. Louis tenure system into the statewide system, and standardizing the length of a superintendent's term become effective July 1, 2013.

Testifying in favor of the bill was Pam Kingsley, a KC parent and certified teacher; Joe Nodell with Missouri Education Council; Melissa Monterro with Students First; Audrey Primdell an educator; George Parker an educator; Rich Thompson with 100 Dads; Larry Doyle a former superintendent; Via Cruze with Missouri First; and Richard Moore with Missouri Chamber of Commerce and Industry.

Testifying against the legislation was Otto Fagen with Missouri NEA; and Krista Meyers with MSTA.

Testifying for informational purposes was Steve Carroll on behalf of the SAB; Mike Lodewegen; Mike Reid with MSBA. Reid cited a MSBA resolution regarding support of replacing the current tenure system.

FORMULA

Following the testimony portion of the House Education meeting, the committee went into executive session to consider HB 1043 (Thomson). There was little discussion before Thomson offered an amendment, which was adopted. The amendment was then rolled into a committee substitute which received was approved 22-1. As the bill stands there would be a 1/3 proration for hold harmless districts on any increase or decrease in funding. In terms of the SAT, Thomson's amendment put in place a mechanism that will essentially regulate growth. There has been considerable discussion on freezing the SAT in consideration of recent jump due to several fast growing districts moving to the formula. However, one of the risks associated with a freeze is the inability to decrease the SAT if needed. A mechanism to regulate the growth was well received as reflected in the vote. The bill will now go before the Rules Committee, chaired by Rep. John Diehl, where it will receive an up or down vote...no testimony is offered

in Rules. Following approval in Rules, the bill will move to the House floor for debate. HB 1174 (Lair) was also voted out during executive session. The bill changes the laws regarding school accreditation by authorizing the SBE to establish an alternative governing structure for a failing school district.

SENATE EDUCATION COMMITTEE

As noted in the introduction paragraph, all Wednesday afternoon hearings were cancelled including Senate Education.

MISCELLANEOUS

HB 1188 (Allen) was heard Wednesday in the House Health Care Policy Committee. The bill would allow school nurses to administer asthma-related rescue medication to a student experiencing an asthma attack.

The House Health Insurance Committee heard HB 1199 (Sifton). The bill removes the June 30, 2012 expiration date of the provisions requiring every child enrolling in kindergarten or first grade in a public school to receive one comprehensive vision examination by a licensed optometrist or physician.

NEXT WEEK

While no education hearings have been posted, one would assume the Senate Education committee will hear the bills that were scheduled for this week: SB 483, SB 462 and SB 563. SB 454, Pearce's formula bill is among the bills likely to be voted out of committee. Also next week, CSDSTL officials will be meeting with the House Education Committee for dinner Monday to discuss the formula and Turner. A similar discussion will take place Tuesday with a number of St. Louis area Senators.