

HCS SB 55 -- EDUCATION

SPONSOR: Days (Wallace)

COMMITTEE ACTION: Voted "do pass" by the Committee on Elementary and Secondary Education by a vote of 13 to 0.

This substitute changes the laws regarding education. In its main provisions, the substitute:

- (1) Exempts fuel used to operate school buses transporting students for educational purposes from the motor fuel tax;
- (2) Clarifies that the requirements for two-year private vocational schools approved for students in the A+ Schools Program are applicable to private schools only and not to public vocational or technical schools. Currently, vocational schools that provide services for A+ students must be accredited by the Higher Learning Commission and a member of the North Central Association of Colleges and Schools, must be designated as nonprofit organizations, and are prohibited from receiving reimbursements in excess of the rate charged by a public community college;
- (3) Revises the definition of "bullying" as it relates to a school district's anti-bullying policies to include cyberbullying and electronic communications;
- (4) Requires the Department of Elementary and Secondary Education to develop teaching standards for all public schools by June 30, 2010. Standards to be addressed include student participation, use of various forms of assessment, communication skills, instructional knowledge, and professional behavior. School districts must develop key criteria by which teaching may be evaluated under the standards;
- (5) Creates the General Educational Development (GED) Revolving Fund to be administered by the Commissioner of the Department of Elementary and Secondary Education. The source of funds will be fees charged to GED test applicants and examinees to be used for the specified costs of test administration;
- (6) Allows the State Board of Education to appoint additional members to any special administrative board appointed under Section 162.081, RSMo, regarding lapsed school districts. The state board may set a final term with an end date of June 30 for any member whose successor will be elected by the district's voters on the municipal election day immediately prior to the expiration of the final term of office. Otherwise qualified appointed special board members are allowed to run for an elected

seat on the board. If the state board replaces the chair of the special board, the members of the special board are authorized to appoint and sign a contract for a superintendent of schools. The state board may also set a date for the school district to return to local governance and continue operation as a district as authorized by law;

(7) Allows school districts to maintain permanent records in a digital or electronic format. School districts must follow the manufacturer's guidelines for the use of the media, including the manufacturer-suggested period of time for use and storage;

(8) Requires a local school board to identify a designee to bind the school district in a settlement agreement that was reached during a resolution session of a special education due process hearing and removes the exception for expedited special education due process hearings of the required five-business day notice for the introduction of evidence and applies the five-day notice to all special education due process hearings including expedited hearings;

(9) Specifies that school districts offering virtual courses to resident-enrolled students will receive state school funding for those students. School districts may offer virtual courses through technologies specified in the substitute and develop a virtual program for any grade level. Charter schools may also offer virtual courses for students enrolled in the charter school and receive state funding. Private, parochial, or homeschooled students residing within a school district offering virtual school courses may enroll to participate in virtual school courses. Attendance of a student enrolled in a virtual class will equal, upon course completion, 94% of the hours of attendance for the class delivered in the non-virtual program. Course completion will be calculated in two 50% increments, and state funding will be distributed in two increments at an amount equal to 47% of hours of attendance possible for the course delivered in the non-virtual program of the school. Special school districts must count any student's completion of a virtual course or program in the same manner as the completion of any other course or program. School districts and charter schools must ensure that courses purchased from outside vendors are aligned with the Show-Me curriculum standards and comply with state requirements for teacher certification. A school district or charter school offering virtual courses or developing virtual courses or a virtual program must ensure that they comply with various standards, as specified in the substitute. A school district or charter school may contract with multiple providers as long as the providers meet the criteria for virtual courses or virtual programs under these provisions;

(10) Removes the current 5% cap on the calculation of current operating expenditures as of July 1, 2010; removes references to the Schools First Elementary and Secondary Education Improvement Fund, as enacted by Proposition A in 2008, from the definition of the state adequacy target as of July 1, 2009; and adds a weight to the school funding formula of twenty-five hundredths for the number of gifted education students as of July 1, 2010;

(11) Removes the state aid penalty on any reduction in a school district's summer school attendance from school year 2005-2006 that is in excess of 35% at the end of the 2008-2009 school year. Currently, the penalty runs through school year 2011-2012;

(12) Requires the Department of Elementary and Secondary Education to recalculate the state school aid for the Riverview Gardens School District due to the district setting its levy in the capital projects fund instead of the incidental fund in calendar year 2005. The department must calculate the amount the district would have received in state aid and use the revised aid amount to distribute aid for Fiscal Year 2010 and subsequent years. The State Auditor must perform a follow-up to its 2007 audit on the district's effort to address the audit's issues after the 2010-2011 school year, and the district is required to obtain an independent appraisal prior to selling any property;

(13) Establishes the Foster Care Education Bill of Rights, requiring each school district to designate a staff person to act as an educational liaison for foster care children. The liaison will facilitate proper placement and expedite record requests and submissions. Foster care pupils have the right to remain enrolled in their school of origin while placement disputes are pending. Districts must accept credit for work satisfactorily completed; and if a pupil under the jurisdiction of the juvenile court completes graduation requirements, the school district of record must issue a diploma. Students must not be penalized for absences resulting from required court appearances or court-related activities. Districts must offer access to the pupil's records to child-placement agencies within the limits of federal law;

(14) Establishes physical education standards for elementary schools as of the 2010-2011 school year that include moderate physical activity for an average of 30 minutes per day. Middle school students may, at the school's discretion, participate for at least 225 minutes per week. Elementary schools must provide one 20-minute recess period which may be incorporated into the lunch period. Students with disabilities will participate to the extent appropriate. Schools are allowed to meet the requirements by additional physical education instruction or other activities approved by the school district under the direction of a

certificated teacher, administrator, or other employee under the supervision of a certificated teacher or administrator;

(15) Makes the background check for teachers and other school personnel who have contact with students valid for one year and transferrable from one school district to another, even if there is a change in the type of certification a teacher holds;

(16) Specifies that equipment and educational materials necessary for the supplemental educational services will not be deemed incentives for the purposes of complying with the department's rules for supplemental educational services providers. The department must not prohibit providers of supplemental and educational services from allowing the student to retain equipment, such as a computer, when the student successfully completes the supplemental and educational services; and

(17) Allows schools to make up half of the remaining school days lost due to inclement weather in excess of the first six up to a total of 10 full make-up days.

The provisions regarding the penalty for summer school attendance, the recalculation of aid for Riverview Gardens School District, and the change to the definition of state adequacy target become effective July 1, 2009, or upon passage and approval, whichever occurs later.

FISCAL NOTE: Estimated Cost on General Revenue Fund of \$67,663,037 in FY 2010, \$67,878,885 in FY 2011, and \$68,257,903 in FY 2012. Estimated Cost on Other State Funds of \$1,964,000 in FY 2010, \$2,366,000 in FY 2011, and \$2,377,000 in FY 2012.

PROPOSERS: Supporters say that the current provisions regarding maintaining school records are not specific on electronic storage. The flexibility allowed by the bill will help school districts.

Testifying for the bill were Senator Days; Missouri School Boards Association; Missouri State Teachers Association; Missouri National Education Association; Penney Rector, School Administrators Coalition; and Missouri Federation of Teachers and School Related Personnel.

OPPOSERS: There was no opposition voiced to the committee.