

HCS SB 79 -- EDUCATION

SPONSOR: Wilson (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) Allows a general election to be held in November 2009 for school bond issues in conjunction with the use of bonding provisions of the federal stimulus package (Section 115.121, RSMo);

(2) Exempts fuel used to operate school buses transporting students for educational purposes from the motor fuel tax (Section 142.814);

(3) Allows schools to utilize a flexible schedule to allow certain eleventh and twelfth grade students to attend school and work for credit under a flex school plan tailored to each student. At the option of the district, flexibility for a four-day week while maintaining the required 1,044 hours of attendance is allowed. The basis for leaving school is revised from attaining 16 years of age to attaining 16 credits toward high school graduation. Schools may 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 (Sections 160.011, 160.041, 160.539, 167.031, 171.029, 171.031, and 171.033);

(4) Prohibits any school discipline policy which confines an unattended student in a locked space, except when awaiting law enforcement personnel. By July 1, 2011, school districts must adopt written policies to address the use of restrictive behavioral interventions, which are specified in the substitute (Section 160.263);

(5) Requires the sponsor of a charter school receiving sponsorship funding to expend no less than 90% of its sponsorship funds in support of its charter school sponsorship program or as a direct investment in the sponsored school, have fair procedures and rigorous criteria for its application process, grant charters only to developers who show capacity for operating a quality charter school, negotiate charter school contracts that clearly articulate the rights and responsibilities of each party, conduct contract oversight, and implement a transparent and rigorous process to make merit-based renewal decisions. Currently, a charter school sponsor is allowed to revoke a charter if the

charter school commits certain acts. The substitute requires the charter school sponsor to revoke a charter or take other appropriate remedial action if the charter school commits certain acts. Charter schools may maintain an insurance policy in the amount of \$500,000 or more to provide coverage in the event of employee theft. The department will commission a study comparing the performance of charter school students with a group of district students representing an equivalent demographic and geographic population. The department will also study charter schools' impact on the districts' constituents through a proposal process. The department must coordinate the request for proposal process with representatives of charter schools and the districts in which charter schools are located. The elements of the student performance assessment are specified. A review of best teaching practices in the charter schools will be part of the study (Sections 160.400, 160.405, and 160.410);

(6) Removes the inclusion of the gaming revenues from the repeal of the loss limits, effective July 1, 2009, from the definition of "state adequacy target" and adds a provision to supply 2% increases in each recalculation of the target. Beginning on July 1, 2010, moneys from Proposition A passed in 2008 will be deposited into the Classroom Trust Fund. The 5% limit on increases in state funding per recalculation of current operating expenditures is removed effective July 1, 2010. "Gifted pupil count" is defined, and the definition of "weighted average daily attendance" is revised by including a weight of .25 multiplied by the number of the district's gifted education pupil count effective July 1, 2010. The definition of "special education pupil count" is revised to include students with service plans. The Schools First Elementary and Secondary Education Improvement Fund is repealed (Sections 160.534, 163.011, 163.031, 313.775, 313.778, and 313.822);

(7) Expands the A+ Schools Program's tuition reimbursement scholarship to include qualifying students from high schools that have not received the A+ designation; establishes the Missouri Promise Scholarship Program which adds a third and fourth year completer scholarship; revises the Bright Flight Program to award \$2,000 scholarships to qualifying students through Fiscal Year 2010, with Fiscal Year 2011 and after, a student with a top three percentile score awarded a \$3,000 scholarship and a top five percentile a \$1,000 scholarship; and contains several provisions to clarify the administration of the awards (Sections 160.545, 173.250, and 173.268);

(8) Changes the laws regarding bullying in schools by:

(a) Revising the definition of "bullying" to include discrimination, substantial interference with a student's

educational performance, and disruptive behavior;

(b) Prohibiting bullying by school employees or students on school property, at school functions, or on school buses;

(c) Changing the requirement that a bullying policy not enumerate protected classes of individuals to a specified list of protected classes; and

(d) Adding several mandatory school district policies including procedures for reporting and investigating bullying incidents and requiring the State Board of Education to develop model policies to assist local districts in developing their policies for the prevention of bullying no later than September 1, 2010 (Section 160.775);

(9) Requires the department to develop teaching standards for all public schools by June 30, 2010. The standards must include student participation, use of various forms of assessment, communication skills, instructional knowledge, and professional behavior. School districts must develop key criteria by which teachers may be evaluated under the standards (Section 161.390);

(10) Establishes a bill of rights for the parents of children with individualized education programs that requires the department to publish a guide in clear concise language that includes, but is not limited to, the parents' rights to participate in meetings, obtain copies of records, have an advocate present, and a nonexclusive list of services to which a child may be entitled (Section 161.850);

(11) Allows the state board to appoint additional members to any special administrative board appointed under Section 162.081 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 (Section 162.083);

(12) 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

(Section 162.204);

(13) Specifies that a 45-minute difference per trip in travel time for students will be a consideration when a board of arbitration decides a disputed school district boundary change election and removes a provision regarding consideration of accreditation status (Section 162.431);

(14) Requires the Joint Committee on Education to study the issue of governance in the Kansas City schools during the 2009 legislative interim (Section 162.492);

(15) 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 (Section 162.1250);

(16) Expands the Small Schools Grant Program by directing additional funds to it from gaming proceeds as of July 1, 2010, and extending the grants on a decreasing percentage basis to schools that have a regular year attendance of up to 449 students (Section 163.044);

(17) Requires the department 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 board of the district is required to obtain an independent appraisal prior to selling any property (Section 163.095);

(18) Waives the limitations on the transfer of moneys from a school district's incidental fund to its capital projects fund for the 2009-2010 and 2010-2011 school years under certain circumstances. If a school district receives federal economic stimulus funds from the American Recovery and Reinvestment Act of 2009 and the school board approves a resolution identifying the capital projects and the expenditure dates on which the funds will be spent, the district may exceed the transfer limit that is based on 7% of the state adequacy target for the funds received under the federal act (Section 165.011);

(19) 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 (Sections 167.018 and 167.019);

(20) 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 (Section 167.720);

(21) 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 (Section 168.133);

(22) Requires food service directors and menu planners, whether they are employees of the school or contracted vendors, hired on or after August 28, 2009, to obtain school food service and nutrition specialist credentials or level 1 Missouri school nutrition association certification within two years of their appointment beginning with school year 2011-2011 (Section 168.185);

(23) Specifies that persons hired for noncertificated positions in St. Louis public schools after August 28, 2009, will not be eligible for tenure. Currently, noncertificated employees achieve tenure after one year of service (Section 168.251);

(24) Specifies that equipment and educational materials necessary for supplemental educational services will not be deemed incentives for purposes of complying with the Department of Elementary and Secondary Education's rules for supplemental educational services providers. The department must not prohibit providers of supplemental and educational services from allowing a student to retain equipment, such as a computer, when the student successfully completes the supplemental and educational services (Section 170.400);

(25) Specifies that postsecondary education public benefits will not be considered public benefits in the provisions of law that prohibit aliens unlawfully present in the United States from receiving a state or local public benefit; prohibits the enrollment of unlawfully present aliens in any public institution of higher education; and prohibits college or university students who are unlawfully present in the United States from receiving certain types of financial aid, including institutional aid and state-administered postsecondary grants and scholarships. Documents which may be used to verify a student's lawful presence in the United States are specified. All postsecondary institutions of higher education must annually certify to the Department of Higher Education that they have not knowingly awarded financial aid to students who are unlawfully present in the United States, and the department must annually certify to the appropriation committees of the General Assembly prior to the approval of any appropriations that each campus of an institution has not knowingly enrolled any illegal alien (Sections 172.360, 173.1110, 174.130, 175.025, 178.635, 178.780, 178.785, and 208.009);

(26) Establishes the Child Care Quality Rating System (Section

210.205);

(a) Requires the Department of Social Services, in collaboration with the departments of Health and Senior Services, Elementary and Secondary Education, and Mental Health, to develop by September 1, 2009, a quality rating system for early childhood and before- and after-school programs licensed by the Department of Health and Senior Services. The Department of Social Services must use the model developed by the University of Missouri Center for Family Policy and Research to establish the rating system. The rating system will allow evaluation and selection of high-quality programs, create an accountability system for policymakers and funders, and guide providers through a system of increasing levels of quality with specific outcomes for child care;

(b) Requires, subject to appropriations and by July 1, 2014, all licensed facilities receiving direct moneys or services to be rated under the system. The program remains voluntary for other licensed facilities. The Coordinating Board for Early Childhood within the Children's Services Commission must develop a plan for a tiered rating system of reimbursement for child care subsidies based on the rating system for licensed facilities that receive funding or services to improve the quality of their programs. By December 31, 2010, a proposed plan with recommendations for implementation of the reimbursement system must be submitted to the General Assembly and will become effective upon authorization;

(c) Creates the Quality Rating System Program Improvement Fund administered by the Department of Social Services to provide grants to licensed providers to make quality improvements to comply with the rating system or to community-based organizations assisting providers with improvements. The funds will be administered by the department through contracts with nongovernmental organizations, which will provide the quality improvement services of training and technical assistance directly to programs statewide and establish a quality improvement panel to review grant applications and determine funding; and

(d) Requires the Department of Social Services, in collaboration with the departments of Health and Senior Services, Mental Health, and Elementary and Secondary Education, to be responsible for materials to educate the public and early childhood and before- and after-school programs about the quality rating system and for posting the ratings on the Missouri Child Care Resource and Referral Network web site by December 31, 2014.

The provisions regarding the child care quality rating system

will expire six years from the effective date.

The provisions regarding the repeal of the Schools First Elementary and Secondary Education Improvement Fund become effective July 1, 2010.

The substitute contains an emergency clause for the provisions regarding unlawfully present aliens in higher education institutions.

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

FISCAL NOTE: Estimated Cost on General Revenue Fund of \$10,411,737 Up to \$41,271,087 to Unknown in FY 2010, \$40,663,473 Up to \$71,522,823 to Unknown in FY 2011, \$58,033,859 Up to \$88,893,209 to Unknown in FY 2012. Estimated Cost on Other State Funds of \$9,669,365 in FY 2010, FY 2011, and FY 2012.

PROPONENTS: Supporters say that it is much easier to bully somebody when you don't have to face the person. With the advent of texting and social network sites, a specific reference to electronic media and cyberspace in school bullying policies is needed.

Testifying for the bill were Senator Wilson; 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.

OPPONENTS: There was no opposition voiced to the committee.