



## **2018 Legislative Summary**

### **July, 2018**

*Note: The following is a summary of education-related bills that have passed the legislature and have been signed into law. All new laws go into effect on August 28, 2018 unless otherwise noted.*

### **Education**

**Virtual Courses:** *House Bill 1606, Senate Bill 603*

A school district or charter school:

- Must pay for eligible K-12 students to take virtual courses they choose, as long as the course-provider has been pre-approved by DESE. The student must 1) reside in the district, 2) be enrolled in the district or charter school full-time, 3) and have attended a public school for at least one semester immediately prior to enrolling in the virtual course, unless there is a documented medical or psychological diagnosis or condition that prevented the student from attending a school in the community. Parents and students must be informed of the law in the handbook, in registration documents and on the website.
- Must adopt a policy that creates a process for students to enroll in virtual courses that is substantially similar to the process for enrolling in other courses and may include consulting with a counselor and parent notification or authorization. Counselors cannot be required to approve the course.
- May refuse a student's request to enroll in a virtual course if it is not in the best educational interest of the student. The reason must be provided in writing, and the student may appeal to the school board and to DESE.
- May terminate enrollment if it determines the course is not meeting the student's needs.
- Will pay virtual course providers on a pro-rata monthly basis based on student completion of assignments and assessments. The maximum cost of a course is 14% of the state adequacy target for a year-long course. (\$441 a semester or \$833 a year).
- Must accept transfer credit earned through these virtual courses and must allow transfer students to continue in a course the student is already enrolled in.
- Does not have to provide access to computers or the internet

DESE has a limited ability to deny or revoke approval of a course. Courses offered by MOVIP and courses offered school districts that meet the statutory standards will automatically be approved by DESE.

**Career and Technical:** *House Bills 1415, 1606 and 1665; Senate Bill 743*

- The State Board of Education may issue a visiting scholars teaching certificate to persons employed as part of a business-education partnership in a high school career education program.
- The Career and Technical Education Advisory Council will recommend a list of industry certifications, licenses and competency assessments that districts may use to establish career courses. DESE and the Council will recommend career education course providers to school districts.
- The Department of Economic Development and the State Board of Education must identify occupations in which there is a critical shortage in the state and provide information on those occupations and other careers to high schools. High schools must provide students with the information before November 1 of every school year.
- Establishes the Career Readiness Course Task Force to make recommendations regarding a career awareness course for 8<sup>th</sup> and 9<sup>th</sup> grade students.

**A+ Schools:** *House Bill 1744, Senate Bill 807*

A student must attend an A+ school for 3 years and graduate from an A+ school in order to qualify for the scholarship, but the 3 years of attendance no longer needs to be immediately prior to graduation.

**Testing:** *House Bill 1415 and 1606, Senate Bill 743*

- In any school year the district administers or the state requires the district to administer the ACT or the ACT Plus Writing assessment to students, the state or the district will pay for students to take the ACT WorkKeys assessment within 3 months of administration of the ACT. If the state is requiring the test, any student who takes the ACT WorkKeys is not required to take the ACT assessment.
- DESE will pay the fees for persons taking the Hi-Set examination (Missouri's version of the GED) for the first time, subject to appropriation.
- Students taking the Hi-Set examination may submit their contact information to DESE for the purpose of evaluating college and career placement rates.

**Gifted Students:** *House Bill 1606, Senate Bill 743*

- School districts with a gifted education program must have a Board-approved policy allowing parents or guardians to request a review of a decision excluding their children from the gifted program.
- School districts and school employees are immune from liability for decisions regarding eligibility for the gifted program.

**Acceleration:** *House Bill 1606, Senate Bill 743*

School districts will have a Board-approved policy allowing subject or grade acceleration for students who demonstrate, or have the potential for, advanced performance and the social and emotional readiness for acceleration.

**Human Sexuality:** *House Bill 1606*

If a school district teaches human sexuality, the district must teach students about sexual harassment, sexual violence, and consent.

**Driver’s Education:** *House Bill 1355*

Driver’s education courses must include instruction on actions to be taken during a traffic stop and appropriate interactions with law enforcement. Students will also receive information regarding the dangers of operating a motor vehicle while intoxicated or on drugs.

**Braille Instruction:** *House Bill 1606, Senate Bill 743*

If a student has vision impairment and qualifies for special education, the student will receive instruction in Braille reading and writing unless the student’s IEP team determines otherwise.

**Counseling:** *House Bill 1606*

A school district may establish an academic and career counseling program in cooperation with parents and the community. DESE shall develop a process for recognizing these programs by July 1, 2019.

**Immunization:** *House Bill 1606, Senate Bill 819*

- If a school board provides information on immunizations, infectious diseases, medications or other school health issues to parents of K-12 students, the school board will include CDC information about influenza and influenza vaccinations.
- Allows a 30-day immunization exemption for children who are homeless or in the custody of the Children’s Division when enrolling in daycare or preschool.

**School Calendar:** *House Bill 1606, Senate Bill 743*

Beginning in 2019-20, school districts must provide 1,044 hours of student attendance, with no minimum number of days. School calendars must include 36 make-up hours for inclement weather. School districts are required to make up the first 36 hours and half the number of hours lost due to inclement weather after 36, to a maximum of 60 make-up hours.

**Library:** *Senate Bill 743*

DESE must create a process for recognition of a district’s school library information and technology program.

**Custody**

**Power of Attorney for Care of Child:** *Senate Bill 819*

Allows parents to delegate authority for the care and custody of a child to another person with a notarized power of attorney. The document must be signed annually. The child must be enrolled in school, and the school must be notified of the power of attorney. The school must communicate with both the parent and the delegated person.

**Address Confidentiality:** *House Bill 1461*

The district cannot provide the address of a student to a noncustodial parent if the custodial parent participates in the Safe at Home address confidentiality program, which allows for victims of abuse to use the Secretary of State’s office as an address for official purposes. Note: Federal records laws (FERPA) will still apply.

## Taxes

### **Income Taxes:** *House Bill 2540 and Senate Bill 884*

Reduced the corporate tax rate to four percent, reduced the individual income tax rate, but limited deduction of federal taxes from state tax calculation.

### **Tax Rate and New Construction:** *Senate Bill 743*

When setting the tax rate, the aggregate increase in the valuation of property assessed by the state tax commission for the current year over that of the previous year shall be considered new construction and improvement. DESE will update its forms to implement this.

### **Tax Map:** *House Bill 1858*

Requires the Department of Revenue to maintain a map on its website showing the borders of political subdivisions, including school districts, and their tax rates. School districts must provide the Department of Revenue geographical information and an affidavit of accuracy by April 1, 2019 and are required to update information when there are changes.

### **Motor Fuel Taxes on Ballot:** *House Bill 1460*

November 2018 ballot measure to increase tax on motor fuel incrementally from the current 17 cents a gallon to 27 cents per gallon beginning on July 1, 2022, with the purpose of taxing all forms of fuel at the same rate. If passed, the increase will fund the highway patrol.

### **Taxing of Telephone Companies:** *Senate Bill 768*

Beginning January 1, 2019, telephone companies will make a one-time election on the method used to calculate their property taxes. If a school district whose operating levy is at the tax rate ceiling receives less tax revenue from a telephone company as a result of this change, the school board may impose a fee on the telephone company to recoup the revenue lost until the district receives voter approval to raise its tax rate ceiling.

### **529 MOST Plans:** *Senate Bill 882*

Authorizes a state tax exemption for interest earned on 529 MOST Plans if the funds are used for K-12 education, as well as higher education.

### **Tax Credits:** *Senate Bills 773 and 590*

Limits amount of historic tax credits issued.

### **Tax Increment Financing:** *Senate Bill 629*

Limits payments from the state supplemental tax increment financing fund to encourage TIFs.

## Finance

### **Prevailing Wage:** *House Bill 1729*

- If 1,000 or more hours are reported in the county, government construction projects must pay prevailing wage unless the project is exempt. If fewer than 1,000 hours are reported, then the public works contracting minimum wage (PWCMW) is used, which is 120% of the average hourly wage in the area.

- Exempts construction projects where the engineer’s estimate or the accepted bid for the total project is \$75,000 or less from paying prevailing wage or the PWCMW. The total project cost is based on the entire project, not individual parts of the project, and includes the value of work performed by every person paid by a contractor or subcontractor for that person’s work on the project as well as all materials and supplies.
- For projects that exceed \$75,000 due to a change order, the prevailing wage or PWCMW only applies to the portion of the project in excess of \$75,000.
- Changes how the prevailing wage is calculated.

**Financial Database:** *House Bill 1606*

School districts and charter schools must maintain a searchable database or document that details actual income, expenditures, and disbursements for the current calendar or fiscal year on its website or provide DESE the information and link to DESE’s format. The information must be updated quarterly and maintained for a minimum of 10 years.

**Bank Depository:** *House Bill 1879, Senate Bill 769*

Removes the requirement that banks bidding to be the school district’s depository include a good faith check of \$2,500 in the bid. The district may remove its funds and deposit them in another bank if the bank does not provide the required security.

**Bonding of Treasurer:** *House Bill 1606*

Requires the treasurer be bonded by one surety, instead of two.

**Early Childhood:** *House Bill 1606, Senate Bill 743*

If the district offers an early childhood program and collects state aid for students who are eligible for free and reduced lunch, if a student leaves the program the district is allowed to replace that student with another qualified student without impacting the ADA calculation.

**Investments:** *House Bill 1879, Senate Bill 769*

- Allows public entities to invest in brokered or negotiable certificates of deposit that are fully insured by either the FDIC or the National Credit Union Share Insurance Fund.
- Allows banks to invest funds from a public entity in the same manner permitted for the state treasurer, if the public entity agrees and the investment is authorized in the public entity’s investment policy.

**Selling Real Estate for Debt:** *Senate Bill 623*

When real estate is sold for past-due taxes or other debt, the surplus left after the debt is paid is held in trust for the school districts in the county. This bill creates a formal process for parties to claim ownership of the surplus funds and a quicker deadline for transfer of the funds.

**Sheltered Workshops:** *House Bill 1415, Senate Bill 743*

DESE will pay sheltered workshops on a monthly basis and will ensure that \$21 is paid for each day of six hours or more.

## Personnel

### **Public Sector Collective Bargaining: *House Bill 1413***

- Creates rules regarding the organization of employees of governmental entities such as school districts by labor organizations (LOs) for the purpose of negotiating a binding collective bargaining agreement. These rules apply to all district employees including teachers.
- LOs are defined broadly to include not only unions but also a “public employee representation committee or plan” that exists at least in part to deal with the district concerning employment issues.
- Requires annual authorization for payroll deduction of dues or fees paid to a LO
- Requires LOs and LO officers and employees to submit detailed records and disclosure reports to the MO Department of Labor and Industrial Relations (“Department”).
- Supervisory employees cannot be in the same bargaining unit as the employees they supervise, and the same LO cannot represent both groups.
- A school district cannot voluntarily recognize an LO. The State Board of Mediation will conduct a secret ballot election for the employees to decide whether an LO can be the exclusive representative. More than 50% of the employees in the bargaining unit must vote for the LO, and there must be a recertification election every three years.
- Creates rules for decertification of an LO.
- All LOs that have previously been certified must be recertified between August 28, 2018, and August 28, 2019. However, if the LO has an agreement that expires after August 28, 2020, that union may be recertified at any time prior to August 28, 2020.
- Elections to certify or decertify can only be held once every 12 months. The State Board of Mediation will charge a fee to LOs participating in an election.
- Within eight weeks of certification, representatives of the LO and the school district will meet and begin negotiating a collective bargaining agreement covering the wages, benefits, and other terms and conditions of employment for the bargaining unit. Neither side is required to enter into a collective bargaining agreement.
- The school district cannot pay any LO representative for time spent participating in collective bargaining unless the representative is an employee and uses accrued paid leave.
- An agreement must be ratified by a majority of the LO’s members.
- The school board may approve the entire agreement or any part of the agreement.
- Arbitration cannot be used if agreement cannot be reached.
- After the first agreement is adopted, bargaining will occur every three years and will be concluded within 30 days of the end of the fiscal year. Economic terms will only be bargained every three years.
- Before an agreement may be ratified, the agreement must be advertised and discussed in a public meeting where the public will be permitted to comment.
- Collective bargaining agreements must include a management clause, prohibit strikes and picketing, and include a clause recognizing that employees will be subject to immediate termination if they strike or picket. Every agreement will require a duty of fair representation by the LO, and will inform employees of their right to refrain from or oppose labor activities. If there is a budget shortfall, the district will have the right to require modification of economic terms.
- The MO Department of Labor and Industrial Relations, a public body, or a Missouri citizen can sue to the district or the LO to enforce.

**Whistleblower:** *Senate Bill 1007*

- Prohibits public employers, such as school districts, from disciplining or terminating an employee, volunteer, intern, or other person working in the district for discussing the operations of the district with the legislature, state auditor, attorney general, prosecuting attorney, law enforcement, news media, state investigative body, or the public.
- Prohibits school districts from disciplining employees for the disclosure of any activity that is a violation of the law, mismanagement, a gross waste of funds, abuse of authority, violation of policy, waste of public resources, alteration of technical findings, breaches of professional ethics, or a substantial danger to health or safety, if the disclosure is not prohibited by law.
- Prohibits the district from requiring an employee to give notice prior to disclosing information or preventing the employee from testifying before a court, administrative body or legislative body.
- Requires the district to post notice of this statute where all employees may view.

**Retirement:** *Senate Bill 892*

- Expands the rule that retirees from the Public School Retirement System (PSRS) can only work 550 hours a year and still collect retirement to all employers in PSRS, not just school districts.
- Allows PSRS retirees to be employed in a non-certificated position and earn up to 60% of the minimum teacher's salary without losing retirement benefits and without paying into the Public Education Employee Retirement System (PEERS). The hiring district must pay the employer portion of retirement.

**Kansas City Public Schools Retirement:** *Senate Bill 892*

- Sets the employer retirement contribution by the Kansas City Public School District and Kansas City charter schools to 10.5% in 2019 and 12% from January 1, 2020 to June 30, 2021. The member contribution rate is 9% until at least 2021.
- Creates a process for setting employer contribution in subsequent years.
- Requires employer payments to be made to the retirement system at the same time as the employee contributions are submitted.

**Professional Development:** *House Bills 1415 and 1606, Senate Bills 687 and 743*

- In any year where the amount provided for transportation by the state is less than 25% of the allowable costs, a school district may, by a majority Board vote, allocate less than the required 1% towards professional development, but no less than .5%.
- Allows teachers to count local business externships as hours of professional development.

**Transportation:** *House Bill 1606, Senate Bills 687, 743 and 881*

- Requires bus driver medical examinations every other year instead of annually.
- School bus drivers who are at least 70 years old must annually pass a driving examination, but the pre-trip inspection portion of the skills test is excluded.
- The Kansas City School Board may contract to use city buses to transport high school students for extracurricular activities.

## Elections

### **Elections:** *Senate Bill 592 and House Bill 1446*

- Changes date by which a ballot must be certified by the district and the dates that the district can add items to the ballot without a court order.
- Changes the date where a candidate can seek to be removed from the ballot.
- Sets a deadline for the election authority (typically county clerks) to refund to the district amounts paid for the election that exceeded the actual costs, or request additional costs owed.
- Write-in candidates cannot have a state or federal felony conviction and must be current on property taxes.

### **Community Colleges:** *House Bills 1291 and 1744, Senate Bills 592, 807 and 990*

Provides methods for a school district to be attached to a community college district, which includes a provision where the community college district puts an initiative on the ballot for the voters of the school district.

## Miscellaneous

### **State Board of Education:** *House Bill 1606, Senate Bill 743*

The governor will appoint a non-voting teacher representative to the State Board, to be confirmed by the Senate. The teacher must be certificated, be an active classroom teacher, have at least 5 years of Missouri teaching experience, cannot be on leave at the time of appointment, and must have written support of the local school board. The representative can be excluded from closed meetings of the State Board and will not be counted towards a quorum.

### **Data Breach:** *House Bill 1606*

In the event of an electronic data breach that includes personal information of a student, as defined in the statute, a school district will send written notification to the parent or legal guardian, DESE and the state auditor.

### **Transportation Hardship Transfers:** *House Bill 1606*

- Prior to August 28, 2018, if the Commissioner of Education has assigned a student to a different school district due to a transportation hardship, the assignment will remain in effect until the student graduates or is withdrawn from school. The transfer will also apply to any siblings.
- The Commissioner of Education may transfer students living in St. Elizabeth or St. Albans to a different school district if the student travels 15 miles or more to his or her resident school, and the student lives at least 5 miles closer to the school in the neighboring district.

### **Organ Donation:** *House Bill 2129*

A state or nationally recognized program or organization that requests to present to the school board or charter school board information on organ, eye, and tissue donation will be given a minimum of 30 minutes for the presentation. The school board or charter school board will then consider whether and how to present information on the topic to students and parents.

### **Task Force on the Prevention of Sexual Abuse of Children:** *Senate Bill 843*

Creates a task force of state agencies, school personnel, and advocates to make policy recommendations for reducing child sexual abuse, including school curriculum, school personnel training, educational information for parents and support for students to be successful in school.

**Trauma-Informed Care for Children and Families Task Force:** *Senate Bill 819*

Creates a committee to create guidance to assist in the identification of children who have experienced trauma and implement trauma-informed approaches in schools and other settings.

**Criminal/Juvenile Law**

**Juvenile Law:** *Senate Bills 793 and 800*

Changes the definition of “adult” in the juvenile laws from 17 to 18 years of age and older and changes the definition of “child” to a person under the age of 18. *Effective January 1, 2021.*

**Sex Offenders Living Near School Buildings:** *House Bill 1355*

State law prohibits certain sex offenders from living within 1,000 feet of a school building. This bill clarifies how that distance will be measured.

**Sex Offenses:** *Senate Bills 655 and 819*

- Removed time limitation for prosecution of sex offenses in which the victim is under 18.
- Creates a tiered sex offender registry program where a person must register between 15 years to life, depending on the severity of the offense, and where an offender can request removal from the registry in some circumstances.

**False Documents:** *House Bill 1769*

Makes it a felony to file with a governmental entity, including a school district, a document that is materially false with the intent to defraud or deceive.