



**MISSOURI SCHOOL BOARDS' ASSOCIATION**

MSBA

# Advocacy Positions

**REVISED NOVEMBER 2021**



# **MSBA ADVOCACY POSITIONS**

## **PREAMBLE**

**The purpose of the Missouri School Boards' Association's Advocacy Positions document is to state publicly MSBA's positions on a variety of issues facing public education. This document clearly conveys to legislators, policymakers, the public and the media where MSBA stands on those issues. The document guides MSBA's advocacy efforts.**

**Each position statement in this document has been approved by the MSBA Delegate Assembly, where every MSBA member board has the opportunity to be represented.**

**The statements in the document are sufficiently precise to not only state MSBA's positions, but also provide a degree of latitude to the MSBA Advocacy Staff to interpret and apply the statements to specific proposals. The staff keeps the membership informed about progress in implementing the Advocacy Document.**

**As the organization representing the largest group of elected officials in Missouri, MSBA works in cooperation with parents, students, staff, community groups, members of educational organizations, state and local policymakers and others to make the support of public education a state priority. MSBA promotes and supports a system of public education that is accountable to the communities school boards serve and that prepares students to be productive citizens in a competitive and global society.**



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# MSBA ADVOCACY POSITIONS

## I. FINANCE

MSBA believes that funding public schools is the responsibility of local communities, the state and the federal government. Local school districts must be given maximum flexibility in the use of financial resources. MSBA believes development and implementation of an adequate and equitable funding system is critical to the future success of Missouri's public schools.

### A. Adequate and Equitable Public School Funding

MSBA supports adequate and equitable public school pre-kindergarten through 12<sup>th</sup> grade (Pre-K–12) state and federal funding to allow all students in every school district the opportunity to meet and achieve state and federal student performance standards, and prepare them to be active citizens in Missouri's communities.

1. MSBA believes there should be a review of Missouri's approach to funding public education and encourages a more simplified and equitable system.
2. MSBA opposes the direct or indirect use of public funds for nonpublic K–12 education because it is detrimental to public education.
3. MSBA opposes tax legislation that compromises growth in general revenue.
4. MSBA supports a change in the foundation formula that decreases reliance on student daily attendance for funding, particularly in situations where students are encouraged or required to miss school for the student's own health or to prevent the spread of contagious diseases.
5. MSBA supports changes in the state's foundation formula that remove the penalties for districts that have a decreased summer school enrollment.
6. MSBA supports the collection of sales tax on internet sales at the state and local levels to increase the funding available to school districts and to assist state and local entities that provide necessary services to the communities and families school districts serve. MSBA supports legislation to ensure internet sales taxes collected do not supplant existing funding and to ensure that the revenue from the taxes is deposited in the School District Trust Fund at the same rate as taxes on in-person sales.
7. MSBA supports full funding for student transportation as prescribed by law. MSBA also supports additional funding for districts with higher per-pupil transportation costs.
8. MSBA supports fully funding the A+ Schools Program so that qualifying students may use the funding to pay for the cost of tuition and fees for postsecondary courses prior to high school graduation.
9. MSBA supports granting school boards the ability to establish a minimum tax levy at or near the performance levy that is correlated to the operating levies of districts that have performed at the highest levels as measured by Missouri's Annual Performance Report criteria. If a desired goal is for all Missouri students to have access to the same

## I. FINANCE

high-quality education as that provided in Missouri's Performance Districts, a similar level of local support should be required.

10. MSBA supports increasing state revenues available to adequately fund public education by bringing certain taxes on tobacco, e-cigarettes, imitation tobacco or cigarette products, alcohol and alcohol-related products, and internet sales to a level consistent with the national average.
11. MSBA supports legislation in the general assembly to adopt a balanced state budget based on the most current revenue information available at the time of adoption.
12. MSBA supports legislation to fund state and local programs to eliminate disparity in achievement among all students.
13. MSBA supports legislation providing relief to districts with a significant amount of tax-exempt property located in the district.
14. MSBA supports legislation that would prevent the governor from withholding monies appropriated by the general assembly for public schools.
15. MSBA urges the general assembly to take all actions necessary to provide sufficient state revenues to adequately fund the foundation formula, transportation, and all other categoricals for the public schools of Missouri and encourages the governor not to reduce such funding after it has been appropriated
16. MSBA urges the general assembly to increase state funding to allow districts to provide free early childhood education programs.
17. MSBA urges the general assembly to increase state funding to allow districts to implement safety practices per recommendations from the 2019 Governor's School Safety Task Force that would assist school districts in their safety efforts.

### **B. Appropriation Priorities**

MSBA supports all current, new or expanded mandated programs being adequately and equitably funded with state and/or federal resources and not with monies redirected from existing programs.

### **C. Diversion of Existing Revenue**

MSBA strongly opposes any attempt to divert revenue committed to or intended for public education.

### **D. Education Emergency Loan Funds**

MSBA supports the establishment of state program funding that provides low-interest loans to school districts during difficult financial times.

### **E. General Obligation Bonds**

1. MSBA supports a constitutional amendment permitting the increase of a school district's bonding capacity to 20 percent.
2. MSBA supports a constitutional amendment permitting the passage of school bond issues by a simple majority vote.

### **F. Health Insurance**

MSBA supports legislation providing a statewide health insurance solution for school districts.

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### **G. Local Revenue**

MSBA supports giving school districts additional options for raising local revenue, including sales taxes.

### **H. Medicaid**

MSBA strongly supports changes to Missouri's rules and regulations to allow for maximization of federal Medicaid revenue to school districts.

### **I. Motor Fuel Tax Exemption**

MSBA supports legislation that would exempt public school districts from paying state motor fuel tax for fuel consumed by school buses.

### **J. Motor Fuel Tax Increase**

MSBA supports an increase in the motor fuel tax in Missouri.

### **K. Nonpublic School Funding**

MSBA opposes the use of vouchers, tax credits, deductions for tuition and related educational expenses, and other similar credit systems to support nonpublic K–12 schools.

### **L. Prevailing Wage**

MSBA supports revision of the state prevailing wage statutes and regulations to provide local school districts more flexibility in controlling construction and maintenance costs.

### **M. Property Tax Abatement**

MSBA urges the general assembly to strengthen laws controlling tax abatement programs to allow school districts to have greater control over their duly authorized revenue sources. These tax abatement programs include, but are not limited to, Chapter 100, Chapter 353, tax increment financing (TIF), and the Missouri Downtown Economic Stimulus Act (MODESA). MSBA supports the following reforms related to tax abatement programs:

1. Local voters should have the opportunity to vote to opt out of tax abatement projects impacting funding for public schools.
2. Representation on any tax abatement commission shall be proportional to the impact on the taxing jurisdiction.
3. Residential projects shall not be supported by any tax abatement program.
4. School boards shall have legal standing to participate in all phases of the process, including any legal appeal relating to any tax abatement application for property located in the school district.
5. School boards shall have veto power over their portion of any tax abatement project.
6. School districts shall receive payments when tax-abated properties are sold, in whole or in part, before the expiration date of the tax abatement program.
7. The terms “blight” and “conservation” shall be redefined in a more restrictive manner.

### **N. Property Tax Assessment**

1. MSBA supports the current law requiring that reassessment be conducted on a two-year cycle and supports the establishment of penalties for failure to comply with this law.

## I. FINANCE

2. MSBA supports legislation mandating accurate real property assessments and practices to ensure comparable assessments and practices throughout the state.
3. MSBA supports legislation that would require county officials to certify a school district's assessed valuation in a more timely fashion in order to comply with state law regarding the setting of tax rates.

### **O. Residency**

MSBA supports legislation that clarifies the definition of residency of students for school district attendance purposes.

### **P. Retirement Funding**

MSBA supports legislation that ensures the future solvency of the Public School Retirement System (PSRS) and the Public Education Employee Retirement System (PEERS). MSBA encourages PSRS/PEERS to implement alternative solutions to maintaining benefits and fiscal sustainability of the retirement systems, while reducing the immediate and growing financial impact on public school districts and their employees.

### **Q. School Facilities**

1. MSBA supports efforts to allow local school districts to pursue a wide variety of funding sources to support improving school facilities.
2. MSBA supports legislation that establishes adequate state and federal funding for school districts for the renovation and construction of school facilities, including funding to support sustainable development and accommodation of the latest technologies.
3. MSBA supports statewide construction standards for school facilities.

### **R. Surplus Property**

MSBA supports revision of state law on the disposal of surplus property to give school districts greater flexibility to determine whether property has value and the most economical or advantageous method of selling, trading or otherwise disposing of unused items.

### **S. Tax Credits**

1. MSBA supports legislation creating reasonable standards for tax credit programs, ensuring accountability and capping the potential reduction of state revenue.
2. MSBA supports the suspension of the issuance of all tax credits until the statutory funding obligations of the state are met.

### **T. Title I Allocations**

MSBA supports legislation requiring the Department of Elementary and Secondary Education (DESE) to return to using free and reduced lunch count rather than census poverty data as the basis for determining Title I allocations to school districts with a total population of less than 20,000 students.

### **U. Utility Deregulation**

MSBA opposes any legislation that is designed to deregulate utilities and that would have an adverse impact on school district funding.

## **II. INSTRUCTION**

MSBA recognizes that the purpose of public education is to improve the achievement of all students and help every student reach his or her potential. MSBA believes that Pre-K–12 standards and curriculum must prepare all students to meet the challenges of the 21<sup>st</sup> Century. MSBA supports the use of credible research to improve all aspects of public education.

### **A. A+ Funding for AP Testing and Postsecondary Degrees and Certifications**

MSBA supports the expansion of the A+ Scholarship Program to allow eligible students to use A+ funding prior to graduation in order to pay for the costs of Advanced Placement (AP) testing and expenses associated with postsecondary degrees and certifications offered in high school.

### **B. Academic Integrity**

MSBA supports all districts requiring the highest standards of academic integrity.

### **C. Accreditation System**

MSBA supports a statewide accreditation system that reflects high standards and provides for local flexibility in improving student achievement. MSBA believes that the statewide accreditation system should apply to all schools providing education to students that directly or indirectly receive state funds. MSBA believes that the statewide accreditation system should apply to all schools funded by Educational Savings Accounts.

### **D. Alternative Methods of Instruction**

MSBA urges the General Assembly to allow school districts to utilize alternative methods of instruction, without penalty, as an alternative when school buildings or districts are forced to close.

### **E. Career Readiness**

MSBA supports quality career, technical and vocational education programs in that they are vital to student readiness for 21<sup>st</sup> Century employment success.

### **F. Curriculum Decisions**

1. MSBA strongly believes that the ultimate decision for establishing curriculum must be made at the local level to meet or exceed state and national standards and must be inclusive to educate the whole student.
2. MSBA supports local autonomy in the development of curricular goals and objectives and opposes legislation that would diminish such autonomy, including legislation that mandates or prohibits specific curricular content.
3. MSBA supports teaching methods and instructional time that are differentiated to meet individual student needs.

### **G. Emergency Guidelines**

MSBA urges DESE to develop emergency guidelines that can be used by local school districts to transition from classroom learning to either a hybrid alternative method of instruction or a full alternative method of instruction when civil authorities or school districts declare an emergency.

## II. INSTRUCTION

### **H. Instruction for Students Who Are Removed From or Who Cannot Attend School**

MSBA supports legislation that would provide school districts funds and other resources to educate students outside the school environment when a student is removed from or is unable to attend school.

### **I. Internet Access**

MSBA supports state and federal efforts to provide all students access to affordable and reliable high-speed internet where they reside.

### **J. Kindergarten Readiness Assessment**

MSBA supports implementation of standardized kindergarten readiness assessments.

### **K. Pre-Kindergarten Education Programs**

1. MSBA supports collaborative partnerships for early childhood education utilizing existing programs, school district preschools, contracted service programs and community-based programs that meet high quality standards.
2. MSBA supports the inclusion of quality early childhood training in leadership preparation programs.
3. MSBA supports legislation that will provide adequate funding and technical support to all school districts so they may offer quality, voluntary pre-kindergarten education programs, including the Parents as Teachers program.
4. MSBA supports standards and licensure requirements for all public preschools and full certification for all Missouri preschool teachers.
5. MSBA supports a voluntary, free and equitable preschool program available to all Missouri families.

### **L. School Innovation**

MSBA supports legislation that allows school districts to operate efficiently and establish innovative educational practices.

### **M. Student Assessments**

1. MSBA supports legislation to require the state and/or federal government to fully fund the costs of state and/or federally mandated student assessment programs.
2. MSBA supports student assessment systems that include multiple methods of measuring student growth and performance and that hold students accountable.

### **N. Student Behavior and Discipline**

1. MSBA supports increased funding for professional development and research-based discipline models that focus on positive behavior supports, avoid out-of-school suspensions, and allow school districts to customize discipline based on the needs of the individual student.
2. MSBA supports legislation that gives districts greater flexibility and discretion to work with parents and students to discipline students and reform student behavior before involving law enforcement in school-related incidents.

## II. INSTRUCTION

### **O. Student Retention**

MSBA opposes legislative mandates to retain students in a particular grade level when the final decision is not made by trained educators.

### **P. Technology**

MSBA supports the use of technology by local school districts to enhance the curriculum and facilitate student learning that transcends the traditional building, school day and school calendar.

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### **III. PERSONNEL**

MSBA believes that maintaining the highest quality staff by developing and implementing plans for effective recruitment and retention is critical to the success of any school district. Trained and motivated school district personnel are essential for student success.

#### **A. Administrative Leave**

MSBA supports the revision of state statute to allow districts greater flexibility to put employees on paid administrative leave.

#### **B. Certification**

MSBA supports the authority of the State Board of Education to establish teacher certification requirements and urges the State Board of Education and higher education institutions to continue to provide greater flexibility in certifying professional educators, particularly in critical-need areas.

#### **C. Collective Bargaining**

MSBA supports legislation that clarifies district responsibilities for collective bargaining, clarifies subjects that are required to be bargained and those that are not negotiable, and prohibits any action that disrupts the school environment and services to students.

#### **D. Disruptive Speech**

MSBA believes that districts should be able to hold an employee responsible when his or her speech materially disrupts the educational environment or district operations, regardless of whether such speech is spoken or written and whether it occurs in person, electronically, or on or off of school grounds.

#### **E. Educator Preparation Programs**

MSBA supports rigorous reforms in teacher education and administrator preparation programs to better prepare certified staff to meet the challenges of tomorrow's schools.

#### **F. Employee Evaluations**

1. MSBA supports both pre-service and in-service training programs that prepare administrators to effectively evaluate personnel.
2. MSBA supports the use of ongoing performance-based evaluations for administrators and teachers.

#### **G. Immunity**

MSBA supports legislation providing legal immunity for school employees and volunteers acting within the scope and course of their employment and service.

#### **H. Professional Development**

MSBA supports comprehensive, ongoing professional development activities to enhance the performance of classroom teachers, administrators and other district staff.

#### **I. Retirement**

MSBA supports incentives within the existing public school retirement system that will encourage teachers and administrators to remain in the public school system.

### III.. PERSONNEL

#### **J. Salary and Benefits Schedule**

1. MSBA supports salary and benefit levels that are competitive with neighboring states and enable Missouri school districts to attract and retain high-quality teachers.
2. MSBA supports school districts establishing their own salary schedules for certified and non-certified staff.

#### **K. Teacher Contracts**

MSBA supports renewable contracts for teachers in that they are more consistent with excellence in education than indefinite contracts.

#### **L. Unemployment Compensation Law**

MSBA supports revisions to the unemployment compensation law to prohibit substitute employees from being eligible for unemployment benefits.

## **IV. SCHOOL, COMMUNITY and FAMILY RELATIONS**

MSBA believes that boards of education, families and communities are ultimately responsible for the academic achievement of students in their district. MSBA supports disseminating and implementing best practices along with flexibility to develop innovative programs. MSBA and local school boards should share the good news about public schools and address misconceptions that may exist.

### **A. Child Nutrition Programs**

MSBA supports legislation that would allow for efficient, economical school nutrition programs that provide access to healthy and appetizing food to all children.

### **B. Comprehensive School Health Services**

MSBA supports increasing access to comprehensive school health services, including mental health services and counseling, for students and their families. MSBA supports increased state and federal funding for these services.

### **C. Custody of Students**

MSBA supports clarification of state statutes related to the custody of individual students so that school personnel know which persons the district may release a student to and when the district may refuse to release a child to a biological parent or guardian.

### **D. Cybersecurity**

MSBA supports state and federal initiatives that assist school districts in minimizing the risk of, preventing, and adequately responding to cyber-attacks.

### **E. Immunizations**

MSBA supports legal requirements that all children who attend public early childhood education programs and public school must be immunized unless there is a documented medical reason or a sincerely-held religious reason to excuse the student. School districts should be able to receive state aid to provide alternative education options to unimmunized children who are removed from school by the Department of Health and Senior Services when exposed to a contagious disease.

### **F. Medicaid Enrollment**

MSBA supports state and federal efforts to simplify the Medicaid enrollment process so that eligible students and their families have access to healthcare resources.

### **G. Military**

MSBA supports partnerships with military, including Missouri's military bases and Reserve Officer Training Corps (ROTC), to enhance opportunities for school districts and benefit students.

### **H. Safe Schools**

1. MSBA believes that every school district should have access to the necessary training and resources to prevent and address school violence. MSBA supports quality annual professional development for the district's designated school safety coordinator so that every school district has current information on recommended safety practices.

#### IV. SCHOOL, COMMUNITY, and FAMILY RELATIONS

2. MSBA encourages all school districts to adopt a high-quality emergency operations plan and supports designation of state and federal resources to assist school districts in writing, implementing, testing and reviewing these plans.
3. MSBA recommends that the state implement, maintain and fully fund a single, state-wide reporting system to encourage the public to share safety concerns, assist districts in analyzing school-related safety and violence concerns, and connect school districts and relevant local agencies with the necessary professional expertise and resources to prevent school violence.
4. MSBA supports collaborative efforts among federal, state and local policymakers; local school district leaders; higher education leaders; and law enforcement and other emergency responders to provide a safe and supportive learning environment for our students and staff.
5. MSBA supports the designation of a lead state agency to coordinate and synchronize mental health, behavioral risk and other related programs that support school safety.
6. MSBA supports the designation of a state school safety coordinator, who is empowered to coordinate state resources for school safety for all K–12 schools in Missouri. The coordination center should be supported by a school safety advisory council that includes school board members to provide input on the needs and concerns of public school districts regarding school safety.
7. MSBA supports funding for the assessment of existing school facilities to identify security and safety risks and funding for districts to address those safety concerns. MSBA supports funding for the design and construction of school facilities and grounds so that school districts can better screen visitors, control who has access to students and ensure student and staff safety while at school.
8. MSBA supports funding and legislation that would provide all school districts immediate access to trained first responders in the case of an emergency. MSBA supports funding to implement an increase in school resource officers or trained school law enforcement.
9. MSBA supports legislation to ensure a safe educational environment for all children free from any form of bullying/cyberbullying, discrimination, misconduct, sexual harassment or other harmful acts.
10. MSBA supports legislation that would expand the current law to require prosecutors, in addition to juvenile authorities, to notify school districts when a student in the district has been charged with a misdemeanor or felony and of the disposition of a misdemeanor or felony, regardless of whether or not the student is a juvenile or an adult.
11. MSBA supports legislation that would protect students and adults on school buses, at bus stops and on school grounds from criminal behavior through strict criminal sanctions for such actions.
12. MSBA supports providing a safe, orderly and supportive learning environment, which is an essential part of student success.

**H. Student Dress**

MSBA supports legislation that gives school districts the authority to prohibit student dress that:

1. Could pose a health or safety hazard.
2. Is contrary to the district's educational mission.
3. Is disruptive to the educational process.

**I. Student Retention and the High School Diploma**

MSBA supports legislation to require students to stay in school until the age of 18 years or earlier if the student has earned a high school diploma or its equivalent.

**J. Weapons**

MSBA supports revision of Missouri statutes regarding weapons to recognize the unique and sensitive nature of the school environment including, but not limited to:

1. Allowing each local school board the flexibility to decide whether concealed weapons should be allowed anywhere on district property, including on parking lots.
2. Allowing a person to be charged with criminal trespass if he or she does not follow district rules regarding the possession of weapons on school property.
3. Allowing students to transport and possess weapons on district property, including firearms and bows and arrows, when authorized by the local school board and related to a school-sponsored or authorized activity.

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## **V. SCHOOL BOARD GOVERNANCE and OPERATIONS**

MSBA believes that locally elected boards of education represent the most fundamental element of a democratic society and are the embodiment of representative government. It is critical that school boards set the vision for school districts, establish structures, adopt policies, hire the superintendent, and engage in advocacy on behalf of children and the schools. MSBA believes that all board members should participate in continuing education activities.

### **A. Campaign Contribution Limits**

MSBA supports reasonable limitations on campaign contributions and lobbying expenditures in order to promote grassroots involvement in state government. Such limits should not prohibit community members and businesses that support the local school district from contributing to campaigns to pass school district bond and levy initiatives.

### **B. Charter Schools**

1. MSBA supports only those charter schools that are authorized by local boards of education and subject to the same accountability standards as other Missouri public schools.
2. MSBA also supports measures that increase charter school accountability to the state and local taxpayers that fund the schools and to the students that attend the schools. These measures include, but are not limited to, requiring approval of a charter school by a majority vote of the voters of the school district in which the charter school would be located.

### **C. Conflicts of Interest**

MSBA supports clarification of conflict-of-interest statutes concerning school board members and school employees.

### **D. Consolidation of Department of Elementary and Secondary Education (DESE) and Department of Higher Education (DHE)**

MSBA opposes a merger between DESE and DHE.

### **E. Educational Placements**

MSBA opposes legislation that would erode or remove a school district's authority to make educational decisions, including placement decisions, for all students, including students in residential treatment facilities.

### **F. Election Dates**

MSBA opposes a reduction in the number of dates available to school districts for bond and levy elections.

### **G. Home Schooling**

MSBA supports legislation to require parents of children attending home schools to annually notify the district where such children reside.

### **H. Judicial System**

MSBA supports maintaining a nonpartisan state judicial system.

## V. SCHOOL BOARD GOVERNANCE and OPERATIONS

### I. Liability Protection

MSBA supports state and federal legislation that protects school districts, school board members and district employees from liability when acting in good faith.

### J. Local School District Control

1. MSBA opposes any legislation, regulation, rule or judicial decision that would diminish local control, increase bureaucratic and administrative burdens, or allow the governance of public school districts to be removed from local boards of education.
2. MSBA supports the elimination of unnecessary laws, regulations and rules that inhibit local boards of education from establishing innovative educational programs or restrict local school district budget development.

### K. Missouri Course Access and Virtual School Program (MOCAP)

MSBA opposes state mandates that funnel education funding to non-public entities, including the MOCAP program. Alternatively, MSBA supports reform of the MOCAP program by:

1. Allowing school districts flexibility to ensure that students are receiving a quality education.
2. Requiring MOCAP vendors to enroll, educate and fully support all public school students who seek to use their services.
3. Increasing vendor transparency so that parents, students, school districts and the public have immediate access to the information necessary to make good decisions regarding student education.
4. Increasing vendor accountability and vendor responsibility for complying with laws public school districts are subject to, particularly those applicable to students with disabilities or student safety.
5. Protecting taxpayer dollars by ensuring that education is provided at an affordable rate, is not duplicative, and is a quality program.

### L. Open Enrollment

MSBA opposes legislation that would permit students to attend schools outside the district they reside in unless the legislation meets all the following objectives:

1. All local funding remains with the resident district.
2. No school district is required to accept nonresident students. If they do, they may limit the number or grade-level of the students admitted. However, the school district cannot refuse to admit students based on race, color, religion, sex, national origin, ancestry, disability, or migrant status, English language learner status, homeless status or prior student performance. Measures are taken to prohibit transfers that would foster racial or economic segregation.
3. Parents or the receiving school district are responsible for student transportation.
4. Measures are taken to prohibit recruiting or transferring for participation in athletics or other competitive activities.
5. Students must make at least a one-year commitment.



## V. SCHOOL BOARD GOVERNANCE and OPERATIONS

### **M. Public Notices**

MSBA supports legislation that would allow for state-mandated public notices to be provided in electronic forums such as community, district or state websites or on district social media accounts.

### **N. School Board Candidates**

MSBA supports legislation that would require candidates for school board to submit to a criminal background check for the limited purpose of verifying that the candidate is eligible to run for school board.

### **O. School Board Elections**

MSBA believes that school board elections should be held on the Municipal Election Day and remain nonpartisan so the school board members may focus solely on what is best for the students and the school district and are not distracted by partisan politics. Further, MSBA opposes the use of cumulative voting in the election of school directors.

### **P. School Board Evaluations**

MSBA supports all boards of education annually participating in meaningful self-evaluations to ensure responsible governance and to maintain the public's trust.

### **Q. School Board Member Recall**

MSBA opposes legislation that allows for the recall of local school board members.

### **R. School Board Member Service**

MSBA opposes term limits for school board members in that they are not conducive to effective governance.

### **S. School Board Member Training**

1. MSBA supports legislation that would require school board members to repeat initial training when they have had a break in school board service of greater than one term.
2. MSBA supports legislation that would create consequences for failing to obtain mandatory school board member training.
3. MSBA supports legislation that requires the Department of Elementary and Secondary Education (DESE) to make available to the public the names of school board members that have been trained as required by law.
4. MSBA supports legislation that requires DESE to ensure that training provided to school board members meets the requirements of state law.
5. MSBA supports legislation to require funding for mandatory school board member training provided exclusively by the Missouri School Boards' Association.

### **T. School Start Dates**

MSBA supports legislation that would restore the authority of the local board of education to set the start date for its schools without restriction.

### **U. Students Living on Military Bases**

MSBA supports students living on military bases attending their resident school districts.

## V. SCHOOL BOARD GOVERNANCE and OPERATIONS

### V. Subdistricting for School Board Elections

MSBA believes that members of the school board should focus on and represent the needs of all students in the district. For that reason, MSBA is opposed to dividing school districts into subdistricts for school board election purposes, unless the decision to do so and the process used are made by the school board or the voters of the school district.

### W. Sunshine Law

1. MSBA supports revisions to the Missouri Sunshine Law that allow school boards to operate more efficiently, allow districts to recoup the costs of expensive record production, and limit financial penalties to situations where public entities intentionally violated the law.
2. MSBA supports legislation that allows school districts the discretion to close records relating to emergency operations plans for any type of emergency where the district determines that public knowledge could compromise safety and security.
3. MSBA supports legislation that would allow for reports made to the school safety hotline to be closed.

### X. Transfer from Unaccredited Districts

MSBA urges the legislature to take all necessary steps to ensure that:

1. School districts have the discretion to accept or not accept the transfer of students from unaccredited schools.
2. School districts that exercise their discretion to accept transfer students from unaccredited schools will do so in a non-selective and non-discriminatory manner.
3. School districts that accept transfer students from unaccredited schools will receive prompt and guaranteed payment of tuition, as established by the receiving district, for the transfer students.

### Y. Use of Public Funds in Relation to a Ballot Issue

MSBA supports a revision of state law to allow school boards to use district funds to communicate to the public the reasons for putting a bond and levy issue on the ballot.

### Z. Virtual Education

1. MSBA supports virtual education options when the courses are provided by Missouri public school districts.
2. MSBA supports virtual education options provided by other entities when such courses are rigorous, courses are taught by Missouri-certified teachers or qualified college professors, the curriculum is aligned to Missouri learning standards, and the course and provider are approved by the local school board as part of the public school district curriculum.
3. MSBA opposes state mandates for a public school district to pay for or accept credit from virtual education providers that are not approved by the local school board.

## **VI. FEDERAL GOVERNMENTAL ISSUES**

MSBA recognizes that while public education is primarily a state and local responsibility, there are limited roles for the federal government. Local boards of education must be aware of federal issues impacting their districts and take appropriate positions. It is critical that education policy is focused on the student — not on partisan ideology.

### **A. Affordable Care Act (ACA)**

MSBA supports federal legislation and regulations that provide public school districts more flexibility in implementing the employer mandates of the Affordable Care Act (ACA) including, but not limited to:

1. Allowing school districts the discretion to decide, without penalty, whether to offer substitute employees health insurance regardless of the number of hours worked by those employees.
2. Allowing for the immediate rehire of retired employees on a part-time basis without the obligation to provide health insurance.
3. Clarifying that school districts may offer, without penalty, voluntary, long-term leaves of absence to employees without benefits.

### **B. Charter Schools**

MSBA opposes federal mandates, incentives or other federal support for states to initiate or expand charter schools unless those charter schools are sponsored by a public school board and are subject to the same accountability measures as public schools.

### **C. E-Rate Program**

MSBA supports federal legislation allowing for increased funding of the E-Rate program and flexibility in utilization of the funding, including for broadband internet capabilities to support alternative methods of instruction in order to better meet the technology needs of all school districts.

### **D. Elementary and Secondary Education Act (ESEA), also Known as Every Student Succeeds Act (ESSA)**

MSBA supports legislation and regulation to address the following:

1. Avoid stigmatizing groups of students as responsible for failure of particular schools to make annual progress.
2. Create positive incentives for states, schools, students and parents to meet and exceed the challenges created by the legislation and standards.
3. Fully fund, at federal and state levels, the ESEA programs that will enable public schools to meet the requirements imposed by the legislation and standards.
4. Measure progress by using reliable longitudinal measures of each child's academic achievement.
5. Oppose use of competitive grants to distribute funding for Title I and other formula grants and support a method of equitable distribution of funding.
6. Oppose use of high-stakes assessments that do not conform to an accepted set of accessibility standards.
7. Provide greater local flexibility in the ESEA.

## VI. FEDERAL GOVERNMENTAL ISSUES

8. Redefine accountability to place responsibility on appropriate entities, such as state education agencies.

### **E. Equal Access**

MSBA supports a change in Missouri statute to create a definition of secondary schools to include grades not lower than the fifth grade nor higher than the twelfth grade.

### **F. Family Educational Rights and Privacy Act (FERPA)**

MSBA supports revisions to this law and regulations, as well as other privacy laws, to address modern data governance issues including, but not limited to:

1. Clarifying the definition of a student record to exclude e-mail or other types of electronic messages.
2. Clarifying when districts may share, and who may share, visual depictions or recordings of students, particularly when those students have been involved in misconduct or a crime.
3. Recognizing the crucial role law enforcement, the juvenile justice system, social services, court-appointed advisors, mental health providers, and the medical community play in serving students and their families and protecting the school environment, and the need for these persons or agencies to protect the privacy of students and families but also share information when necessary to help students and families or protect the school community.
4. Recognizing the increased use of electronic service providers in classroom instruction.

### **G. Foster Care Students**

MSBA supports full funding of federal laws requiring districts provide services to foster care students and reimbursement for districts providing transportation and other services to those students.

### **H. Government Pension Offset and Windfall Elimination Provision**

MSBA supports federal legislation to amend the Government Pension Offset and Windfall Elimination Provision to remove the Social Security provisions that unfairly exclude government pension recipients from fully accessing earned Social Security benefits.

### **I. Health Insurance Taxation**

MSBA opposes any taxation of employer-provided health insurance benefits.

### **J. Higher Education Act**

1. MSBA supports federal legislation to expand and continue the Higher Education Act to encourage students to enter the teaching profession with an emphasis on high-need areas.
2. MSBA supports federal student loan forgiveness for teachers.

### **K. Homeless Students**

1. MSBA supports legislation and regulations that clearly define homeless students so that federal resources can be focused to serve the neediest students.

## VI. FEDERAL GOVERNMENTAL ISSUES

2. MSBA supports full funding of the McKinney-Vento Act and reimbursement for districts providing transportation and other services to homeless students.

### **L. Marijuana**

MSBA supports legislation or regulation that:

1. Clarifies the district's responsibility to administer to students cannabidiol (CBD) or other medications made from marijuana while on school property or at district activities.
2. Clarifies the district's legal obligation to allow staff members, adult students or others to possess and use CBD or other medications made from marijuana while on school property or at district activities.
3. Prohibits the marketing or sale of marijuana or CBD near school property unless approved by the school board.

### **M. Medicaid**

MSBA supports full federal funding of school-based Medicaid services.

### **N. National Standards, Curriculum and Assessments**

MSBA opposes the establishment of mandated national teacher standards, education standards, curriculum and student assessments in that they are detrimental to quality educational opportunities for Missouri's children.

### **O. Office for Civil Rights (OCR), U.S. Department of Education**

MSBA supports federal legislation or regulations that would clarify that the OCR mission is to work cooperatively and preventatively with public school districts to encourage and enforce school district compliance with specific civil rights laws and regulations.

### **P. Special Education**

MSBA supports legislative and regulatory changes to the Individuals with Disabilities Education Act (IDEA) that:

1. Authorize and streamline the timely sharing of information among public school districts, medical providers, and state and local mental health and social services agencies to provide districts relevant information to appropriately educate students with special needs.
2. Clarify school district obligations to students receiving special education in situations where schools or school districts are required to close due to a pandemic or other natural disaster and special education services cannot be effectively delivered.
3. Designate appropriate state and local agencies to have primary financial responsibility for providing select "related services" and/or reimbursing local school districts.
4. Eliminate the financial burden on districts providing services to nonresident students.
5. Eliminate unnecessary administrative process requirements.
6. Expand incentives to improve recruitment and retention of teachers, staff and service providers to students with disabilities.
7. Maintain safe learning environments for all students and staff.

## VI. FEDERAL GOVERNMENTAL ISSUES

8. Provide for full funding of federal and state commitments to special education programs. At a minimum, the federal government should meet its promise of providing 40 percent of the average cost of educating special-needs students.

### **Q. Streamlined Funding**

MSBA supports streamlined federal funding without reduction in funding from the federal government that has been designated for local school districts.

### **R. Technology and Broadband Internet**

MSBA supports federal legislation and funding to address the technology needs, including broadband internet capabilities, of school districts and communities.

### **S. U.S. Census**

Because school districts and the communities they are located in rely on resources and representation that are apportioned in accordance with the U.S. Census, MSBA supports efforts to ensure that the U.S. Census results are as accurate as possible.

### **T. Vouchers**

MSBA opposes federal mandates, incentives or other federal support for states to initiate or expand the use of vouchers, tax credits, deductions for tuition and related educational expenses, and other similar initiatives to support nonpublic K–12 schools.

## GLOSSARY

**A+ School Program** is a legislated, statewide program that allows students who meet the eligibility requirements for free tuition to attend a Missouri community college.

**Abatement, tax:** see **Tax abatement** below.

**Affordable Care Act (ACA)**, also known as The Patient Protection and Affordable Care Act nicknamed Obamacare, is a federal law that requires large employers to provide full-time employees access to affordable health insurance for themselves and their dependent children.

**Chapter 100 tax increment financing** of the Missouri Revised Statutes includes legal authority for a city or county to issue general obligation bonds to pay for industrial expansion or machinery that is leased back to a company. Because the company does not own the property, the company does not pay property taxes.<sup>1</sup>

**Chapter 353** of the Missouri Revised Statutes includes an incentive that is used by cities to encourage redevelopment of blighted areas in exchange for property tax abatement.<sup>2</sup>

**Department of Elementary and Secondary Education (DESE)** is a state agency that oversees the distribution of state and federal funds to Missouri public school districts, state and federal legal compliance, and the certification of teachers. DESE is the administrative arm of the State Board of Education.

**E-Rate Program** is the commonly used name for the School and Library Programs of the Universal Service Fund, a federal program that is administered by the Universal Service Administrative Company (USAC) under the direction of the Federal Communications Commission. The program provides discounts to help schools and libraries obtain affordable telecommunications and internet access.<sup>3</sup>

**Elementary and Secondary Education Act (ESEA)** is a federal law that provides funding for elementary and secondary education at the state level. It was initially a part of U.S. President L. B. Johnson's "War on Poverty." The law seeks to provide students equal access to education.

ESEA was reauthorized in 2001 as the **No Child Left Behind Act**; in 2015 it was reauthorized as the **Every Student Succeeds Act (ESSA)**.<sup>4</sup>

**Family Educational Rights and Privacy Act (FERPA)** is a federal law protecting the privacy of student education records. The law applies to all schools that receive funds under an applicable U.S. Department of Education program.<sup>5</sup>

**Foundation Formula** is created by a state law that distributes state funds to local school districts in an attempt to provide adequate and equitable funding to all Missouri public school districts.

**General obligation bond** is a common type of tax-exempt municipal bond backed by the credit and taxing power of the issuing jurisdiction, such as a school district.

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<sup>1</sup> <https://exportmissouri.mo.gov/BCS%20Programs/BCSProgramDetails.aspx?BCSProgramID=47>

<sup>2</sup> [https://ded.mo.gov/sites/default/files/programs/flyers/Chapter353\\_ProgSummary\\_2016\\_0.pdf](https://ded.mo.gov/sites/default/files/programs/flyers/Chapter353_ProgSummary_2016_0.pdf)

<sup>3</sup> Wikipedia, March 2017

<sup>4</sup> Wikipedia, May 2017

<sup>5</sup> <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

**Government Pension Offset and Windfall Elimination Provision** are two federal government stipulations that reduce Social Security benefits for individuals who receive a pension based on work for a federal, state or local government such as a public school district.<sup>6</sup>

**Higher Education Act** is the federal law that governs the administration of federal student aid programs.

The **Individuals with Disabilities Education Act (IDEA)** is a federal law that requires school districts to provide a free and appropriate public education to students who qualify for special education services. IDEA was previously known as the Education for All Handicapped Children Act (EHA).

**Learning Environment** refers to the diverse physical locations, contexts and cultures in which students learn.<sup>7</sup>

**McKinney-Vento Act** is a federal law that requires school districts to identify, enroll and assist homeless students.

**Missouri Downtown Economic Stimulus Act (MODESA)** is a state-administered tax abatement program intended to create jobs and facilitate redevelopment of downtown areas.

**Parents as Teachers** program is a program administered by public school districts to promote optimal early development, learning and health of young children before they enter school by supporting and engaging their parents and caregivers.

**Prevailing Wage Law** is a Missouri law that establishes a minimum wage rate which must be paid to workers on public works construction projects, such as bridges, roads and government buildings.<sup>8</sup>

**Public Education Employee Retirement System (PEERS)** is a state-defined benefit retirement system for eligible public school employees without a teaching certificate.

**Public School Retirement System (PSRS)** is a state-defined benefit retirement system for eligible public school employees with a teaching certificate.

**Real property** is a legal term referring to lands, buildings and improvements to real estate.

**Surplus property** is property that is owned by the district but is no longer needed and can be disposed of.

**Tax abatement** programs are state laws that authorize the state or other governmental entities to reduce or eliminate the amount of property tax paid on real estate, new construction, rehabilitation and/or major improvements, typically in hopes of encouraging economic development.

**Tax Increment Financing (TIF)** is a state tax abatement program used as a subsidy for redevelopment, infrastructure, and other community-improvement projects in areas determined to be blighted, conservation, or economic development areas.

**Title I** is part of the Elementary and Secondary Education Act. It provides financial assistance to local educational agencies and schools with high numbers or high percentages of children from low-income families to help ensure that all children meet challenging state academic standards.<sup>9</sup>

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<sup>6</sup> <http://www.ncpssm.org/PublicPolicy/SocialSecurity/Documents/ArticleID/970/Government-Pension-Offset>, and <https://www.ssa.gov/planners/retire/gpo-wep.html>

<sup>7</sup> <http://edglossary.org/learning-environment/>

<sup>8</sup> <https://labor.mo.gov/DLS/PrevailingWage>

<sup>9</sup> <https://www2.ed.gov/programs/titleiparta/index.html>



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