



MSBA
Advocacy
Positions

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**MISSOURI SCHOOL
BOARDS' ASSOCIATION**
HELPING SCHOOL BOARDS SUCCEED

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MSBA ADVOCACY POSITIONS

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MSBA ADVOCACY POSITIONS

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

E. Family Educational Rights and Privacy Act (FERPA)

MSBA supports revisions to this law and regulations 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.
4. Recognizing the increased use of electronic service providers in classroom instruction.

F. 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.

G. 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.

H. Health Insurance Taxation

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

I. 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.

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

K. Internet Sales Tax

MSBA supports legislation that would remove restrictions on the ability of states to collect sales tax revenue related to Internet transactions.

L. Medicaid

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

M. 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.

N. Office for Civil Rights (OCR), U.S. Department of Education

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

O. 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. Designate appropriate state and local agencies to have primary financial responsibility for providing select "related services" and/or reimbursing local school districts.
3. Eliminate the financial burden on districts providing services to non-resident students.
4. Eliminate unnecessary administrative process requirements.
5. Expand incentives to improve recruitment and retention of teachers, staff and service providers to students with disabilities.
6. Maintain safe learning environments for all students and staff.
7. 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.

P. Streamlined Funding

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

Q. 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 non-public K-12 schools.

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II. 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 12th grade (Pre-K–12) state and federal funding to allow all students in every school district the opportunity to achieve state and federal student performance standards.

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 non-public K–12 education because it is detrimental to public education.
3. MSBA opposes tax legislation that compromises growth in general revenue.
4. MSBA supports additional funding for the *A+ Schools Program*.
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 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 high-quality education as that provided in Missouri's Performance Districts, a similar level of local support should be required.
7. 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.
8. MSBA supports legislation in the general assembly to adopt a balanced state budget based upon the most current revenue information available at the time of adoption.
9. MSBA supports legislation to fund state and local programs to eliminate disparity in achievement among all students.
10. MSBA supports legislation providing relief to districts with a significant amount of tax-exempt property located in the district.
11. MSBA supports legislation that would prevent the governor from withholding monies appropriated by the general assembly for public schools.
12. MSBA supports the return to the maximum funding level prescribed by law for student transportation.
13. 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.

B. Appropriation Priorities

MSBA supports all current, new or expanded mandated programs to be 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:

1. Any attempt to divert revenue committed to or intended for public education.
2. Any legislation that would require school districts to divert money to county assessors.

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.

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. Non-Public School Funding

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

K. 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.

L. 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, *tax increment financing*

(TIF), Chapter 353, Chapter 100, 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.

M. 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.
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.

N. Residency

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

O. 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.

P. 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.

Q. 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.

R. 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.

S. 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.

T. Utility Deregulation

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

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III. 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 21st-Century. MSBA supports the use of credible research to improve all aspects of public education.

A. Academic Integrity

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

B. Accreditation System

MSBA supports a statewide accreditation system that reflects high standards and provides for local flexibility in improving student achievement.

C. Career Readiness

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

D. 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.
3. MSBA supports teaching methods and instructional time that are differentiated to meet individual student needs.

E. Kindergarten Readiness Assessment

MSBA supports implementation of standardized kindergarten readiness assessments.

F. 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.

G. School Innovation

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

H. 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.

I. 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 and reform student behavior before involving law enforcement in school-related incidents.

J. Student Retention

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

K. 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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IV. 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 providing guidelines for public-sector collective bargaining including, but not limited to, a definition and limitation on the subjects that may be bargained, a prohibition against contracts with indefinite expiration dates, a prohibition against arbitration and strikes, and a requirement that unions have a duty to fairly represent the employees in the bargaining unit.

D. 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.

E. 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.

F. Immunity

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

G. Professional Development

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

H. Retirement

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

I. Salary and Benefits Schedule

1. MSBA supports salary and benefit levels that 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.

J. Teacher Contracts

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

K. Unemployment Compensation Law

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

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V. 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 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. 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.

D. Safe Schools

1. MSBA supports collaborative efforts between federal, state and local policymakers, local school district leaders, higher education leaders, law enforcement and other emergency responders to provide a safe and supportive learning environment for our students and staff.
2. 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.
3. 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.
4. MSBA supports legislation that would protect students and adults on school buses from assaults by increasing the criminal sanctions for such actions.
5. MSBA supports providing a safe, orderly and supportive learning environment, which is an essential part of student success.

E. Student Dress

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

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

F. 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.

G. Weapons

MSBA supports revision of Missouri statues 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 and related to a school-sponsored or authorized activity.

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VI. 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.

B. Charter Schools

MSBA supports charter schools that are authorized solely by local boards of education and subject to the same accountability standards as other Missouri public schools.

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.

I. 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.

J. Open Enrollment

MSBA opposes any legislation that would permit parents to select schools outside of their district unless the legislation meets all of the following:

1. Address all financial issues including the determination of how state and local funds will follow nonresident students and hold districts harmless from loss of funds.
2. Assure that administrative issues such as space availability and transportation are defined by the receiving districts.
3. Not be part of any tax credit, deduction for tuition and related educational expenses, and other similar credit systems or any voucher program.
4. Not foster racial, social or economic segregation.
5. Require students to make at least a one-year commitment.

K. Reform to Missouri Human Rights Act

MSBA supports a revision to the Missouri Human Rights Act to define “employer” as a business and not an individual, to align the burden of proof to that of federal law, to exclude the application in student-on-student discrimination actions, and to prohibit punitive damages against a public entity.

L. 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.

M. School Board Member Recall

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

N. School Board Member Service

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

O. School Board Member Training

1. MSBA supports all school board members being encouraged to receive additional professional training upon being re-elected to the school board.
2. MSBA supports legislation that would create consequences for failing to obtain mandatory school board member training.
3. MSBA supports legislation to require funding for mandatory school board member training provided exclusively by the Missouri School Boards' Association.

P. School Start Dates

MSBA opposes legislation that would restrict the authority of the local board of education to set the start date for its schools.

Q. Students Living on Military Bases

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

R. Sunshine Law

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.

S. 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.

T. 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.

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