2014 Legal and Policy Update

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Finance – SB 509

- Reduces state income tax rate for the top tax bracket
- Creates a tax deduction for business income
- Raises the personal exemption for low-income taxpayers
- Effective January 1, 2017
- Concern: Cutting state funds when foundation formula has not been funded for years

Finance Drama

- Last day of session the legislature passed 10 tax/finance bills that negatively impact revenue
- Governor vetoed plus vetoed over 100 specific expenditures in the budget
- Legislature overrode 2 of the bills and 47 of the line item vetoes, totaling $40 million
- Governor is still freezing funds
State Standards and Data Privacy

HB 1490

- Requires the State Board to convene work groups whenever it develops, evaluates or revises academic performance standards
- Also requires at least 3 public hearings
- Local districts and charter schools may adopt their own education standards as long as they do not conflict

State Academic Standards

- Convene work groups by October 1, 2014
- Report to State Board by October 1, 2015
- State Board must adopt and implement for the 2016-17 school year
- After adopting new standards, the State Board must develop and adopt a new standardized assessment instrument (MAP test)

Data Privacy - HB 1490

State Board must adopt a student data privacy regulation that requires DESE to:
- Make public what student data is collected or may be collected in the future
- Develop policies to comply with state and federal privacy laws, then audit and enforce
- Prohibit transferring student data unless allowed by law or DESE policies
Data Privacy - HB 1490
State Board must adopt a student data privacy regulation that requires DESE to (continued):
- Develop a detailed data security plan
- Ensure that vendor contracts include provisions that safeguard privacy and security
- Notify the governor, the Senate president pro tempore, the Speaker of the House and the Joint Committee on Education if new student data is proposed or there are changes to existing data collected.

Data Privacy - HB 1490
DESE cannot collect and school districts cannot report (to DESE?):
1. Juvenile court delinquency records
2. Criminal records
3. Student biometric information
4. Student political affiliation
5. Student religion

Other Important Changes
- 2014-15 pilot state assessments and the first year of any other new assessments cannot be used to lower a school district’s accreditation or for a teacher’s evaluation
- Any person performing work for a school district or charter school for which a teaching or administrator certificate is required “shall be an employee of the school or charter school.”
Early Childhood Education and Foundation Formula – HB 1689

- Allows districts to count for state aid preschool students who are eligible for free and reduced lunch if the district is unaccredited (July 1, 2015) or district is provisionally accredited (July 1, 2016)
- All other districts – if enough funds are appropriated
- Students are eligible to attend preschool if they are 3 before August 1

Early Childhood Education and Foundation Formula

- If the legislature underfunds the foundation formula, DESE is directed to change the formula so that the legislature can say it is fully funded!!

Missouri Student Religious Liberties Act – HB 1303

- Districts will not discriminate against students and parents based on expression of religious viewpoint
- Students may express their beliefs about religion in homework, artwork, oral assignments, etc.
- Students may pray before, during or after school
Missouri Student Religious Liberties Act
- Students may organize prayer groups or religious clubs to the same extent students may organize other activities
- Students may wear clothing, accessories and jewelry that display religious messages, as long as they do not promote disruption
- Sounds a lot like the 2012 Prayer Amendment!

Missouri Student Religious Liberties Act
- Districts must have a policy that creates a limited public forum for student speakers at all public school events, including graduation
- Cannot discriminate against the student’s viewpoint
- Policy must create viewpoint-neutral criteria for selecting speakers
- Must provide a disclaimer at graduation and may do so at other events

Cooperative Programs
- SB 492, SB 729, HB 1459
- Districts can enter into cooperative agreement with public 2-year or 4-year college where students may earn postsecondary academic credit for technical course work in information technology.
- Innovation Campus: A cooperative agreement between district and postsecondary institutions for education in science, technology, engineering and math
  - Tax credit available!
Relative Caregivers – SB 532

- Allows a relative who is caring for a child to sign an affidavit stating that he or she has tried to obtain the consent of the parent for medical/educational services, but was unable to obtain consent
- Then relative caregiver can consent to medical treatment and educational services
- May be superseded by parent
- Only applies to relatives, unfortunately

Veterans Day – SB 600

- Previously: Had to have an observance equal to at least one class
- Now: Conduct educational programs and activities and devote a period of time equal to at least one class period leading up to an observance that conveys the meaning and significance of Veterans Day.
  - Class + Observance
- Veterans Day 2014: November 11

Jumping Jacks – HB 1603

- The official state exercise is the jumping jack
- Invented by General John J. Pershing as a drill exercise for cadets
- Class project!
Prompt Payment Act - SB 529
- Expands some provisions of the act to engineers, architects, landscape architects and land surveyors, which requires quick payment of bill.
- Lowers the amount public entities can withhold from contractors and subcontractors if work is not complete.
- Must pay 98% if “substantially completed” unless written explanation of why not “substantially completed”
- Increases amount where public works bond is required to $50,000

Prevailing Wage – HB 1594
- Volunteer workers are not subject to prevailing wage
- Must declare in writing that they are volunteers and are not pressured to be volunteers by their employer
- MSBA is creating form

Elections - HB 1125 and SB 593
- HB 1125: Allows for persons with disabilities and active duty military that are not able to file in person to file by certificated mail and allow a personal representative to draw a number if ballot placement is made by random drawing
  – MSBA assumes stand in line too
- SB 593: Districts that do not have an election must publish a notice with the candidate names in a qualifying newspaper by April 1
RFI Tags – SB 523

- Prohibits school districts from using radio frequency identification cards, tags, or badges to track students or transmit data unless there is physical contact between the card, tag or badge and the device that reads it.
- Example: Lunch cards, library cards
- Problem: Some districts use scanners

Unemployment – SB 510

“Misconduct” is a defense to unemployment claims:
- Knowing disregard of district’s interest
- Violation of no-call, no-show policy or excessive absenteeism
- Violation of an employer’s rule
  – Exception: Did not know and could not

Communicable Diseases – SB 852

- If a Good Samaritan or emergency care provider (registered nurse) is exposed to a potential communicable disease while rendering emergency healthcare services, the patient is deemed to consent to testing and disclosure of results
- Seems to be limited to exposure in emergency medical situations
**Hemp-Based Medication**

HB 2238
- Allows for the legal administration of hemp extract to a minor with intractable epilepsy under state law
- Problem: Illegal under federal law
- MSBA is revising Policy JHCD to make it clear that the district will not administer, nor allow others to administer at school or school activities

**Criminal Code – SB 491, HB 1371**
- Goes into effect January 1, 2017
- Reorganizes the criminal code
- Renames many offenses in the 3 lists in the Safe Schools Act
  - Crimes districts must report to law enforcement
  - Crimes law enforcement must report to districts
  - 11 Deadly Sins – cannot allow back into regular program unless related to disability

**E-Cigarettes and Vapors – SB 841**
- Prohibits the sale of alternative nicotine products or vapor products to persons less than 18 years old.
- Creates consequences (infraction, confiscation and education) for a child who purchases, attempts to purchase or possesses alternative nicotine products or vapor products.
- See Policies AH and JG-R
School Protection Officers
SB 656
- School board may decide to allow after public hearing
- Teachers or administrators can volunteer to carry a weapon or a self-defense spray on school property
- Must request to be an SPO in writing, must have a concealed carry permit, and must complete mandated training
- Must notify the Department of Public Safety

Other SB 656 Issues
- Prohibits political subdivisions to pass ordinances prohibiting open-carry firearms – Not schools!
- Lowers the age on conceal carry permits from 21 to 19

Conflict of Interest Laws – SB 719
Board members and employees are prohibited from performing a service or selling property to the school district for an amount in excess of $500 per transaction or $5,000 per year to him or her, to his or her spouse, to a dependent child in his or her custody or to any business with which he or she is associated UNLESS competitively bid and the Board member/employee’s bid is the lowest.
Conflict of Interest Laws

- “Business with which you are associated”
  - Sole proprietorship of employee, spouse or dependent children
  - Partnership or joint venture of employee, spouse or dependent children
  - Owns more than 10% of stock
  - Employee is on the Board of Directors of business
  - Trust (trustee or beneficiary)

Forfeit Retirement Benefits
HB 1217

- If a district employee is found guilty of certain felonies, the employee will not be eligible to receive retirement benefits
- Felonies: stealing, receiving stolen property, forgery, counterfeiting, bribery, acceding to corruption

Amendment 9 – Passed 8/14

- “That the people shall be secure in their homes, effects, and electronic communications and data from unreasonable searches and seizures . . .”
- See also Riley v. California (2014)
- Does this impact the “reasonable suspicion” analysis when searching student phones?
OCR and Discipline Policies

- [www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.pdf](http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.pdf)
- Some school district discipline processes/policies discriminate against students on the basis of race, color, or national origin or disproportionately impact those students.

OCR and Discipline Policies

- Although African-American students represent 15% of students in the study, they make up 35% of students suspended once, 44% of those suspended more than once, and 36% of students expelled.
- Over 50% of students arrested or referred to law enforcement by schools were African-American or Hispanic.

Suspect Discipline Policies

- Those that have strict, mandatory punishment for nonviolent offenses such as being tardy, bringing a cell phone, dress code violations
- Policies that impose out-of-school suspension for being truant or tardy
Selling Food in Schools

- All food sold to students at school during the school day must meet federal nutrition standards or fit into the limited fundraiser exception.
- Vending machines, school stores, fundraisers, class sales, activity sales
- School day: From the midnight before, to 30 minutes after the end of the official school day

Fundraisers

- DESE fundraiser limits for food sold to students at school during the school day: A maximum of 5 fundraisers, per school building, per school year will be allowed. A single exempt fundraiser will have a duration of one day.
- No limit on what is sold outside the school day, what is given to students free of charge like class parties, or what is sold in areas where students are not allowed (staff workroom)

Questions?