



GOVERNOR OF MISSOURI

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JEREMIAH W. (JAY) NIXON
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TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 493, 485, 495, 516, 534, 545, 595, 616 & 624 entitled:

AN ACT

To repeal 160.011, 160.041, 160.400, 160.405, 160.415, 160.417, 162.081, 162.1250, 163.021, 163.036, 163.073, 163.410, 167.121, 167.131, 171.029, 171.031, 171.033, 177.011, 177.088, and 210.861, RSMo, and to enact in lieu thereof forty-seven new sections relating to elementary and secondary education, with an emergency clause.

I disapprove of Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 493, 485, 495, 516, 534, 545, 595, 616 & 624. My reasons for disapproval are as follows:

Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 493, 485, 495, 516, 534, 545, 595, 616 & 624 is the legislature's attempt to create transfer solutions for students attending schools in unaccredited districts. Unfortunately, not only would Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 493, 485, 495, 516, 534, 545, 595, 616 & 624 not solve the school transfer problems it was intended to address, it would create new problems that exacerbate the hardships faced by the children who attend unaccredited schools.

Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 493, 485, 495, 516, 534, 545, 595, 616 & 624 would authorize the expenditure of public funds for the tuition of students who transfer from an unaccredited school in an unaccredited district in St. Louis, St. Louis County and Jackson County to private, nonsectarian schools located in the students' district of residence. Although proponents of this provision claim that only local tax dollars would be expended and that they would be expended

only if approved by the district's voters, no such vote would be required after a district has been unaccredited for three years. Either with or without a vote, the result would be the same—public money would be diverted to private schools, in clear violation of the Missouri Constitution.¹ In addition, through its enactment of Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 493, 485, 495, 516, 534, 545, 595, 616 & 624, the General Assembly would extend this private school option without holding private schools responsible for how well they educate students. Unlike the accountability to taxpayers that locally elected school boards provide, this scheme for directing public funds to private schools would come with no such protection. Private schools do not have to answer to voters, their leadership does not have to stand for election or re-election, and their budgets are not transparent to allow public scrutiny. Accordingly, public funds should not be diverted to private schools.

In a particularly cruel reversal of existing law, Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 493, 485, 495, 516, 534, 545, 595, 616 & 624 would also eliminate the current requirement that unaccredited districts pay for the transportation costs of transfers. This policy would be grossly unfair to the hundreds of families whose children transferred to accredited districts during the most recent school year with the understanding that their future transportation costs would be paid by the unaccredited, sending district. In this way, Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 493, 485, 495, 516, 534, 545, 595, 616 & 624 would pull the rug out from under these families by eliminating the current obligation to pay for their school transportation costs.

Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 493, 485, 495, 516, 534, 545, 595, 616 & 624 would also allow receiving districts to discount the tuition paid for transfers in exchange for not having to consider those students' performance data for accountability purposes for up to five years. Enshrining this cynical bargain in law shortchanges the very transfer students whose educational struggles this legislation was purported to help. This discount would allow districts to discard the transfer students they accept and not be held accountable for how they educate these students. As an example, consider transfers by high school students—a receiving district that accepted these students and extended a 30% tuition discount would never need to account for their academic performance on the district's Annual Performance Report.

Unrelated to the school transfer problem it purports to address, Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 493, 485, 495, 516, 534, 545, 595, 616 & 624 also includes a provision very similar to the one I vetoed in

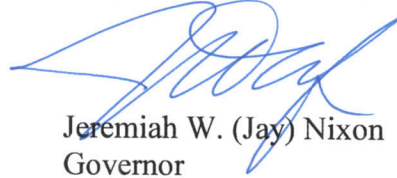
¹ Article III, Section 38(a) of the Missouri Constitution provides:

The general assembly shall have no power to grant public money or property, or lend or authorize the lending of public credit, to any private person, association or corporation, excepting aid in public calamity, and general laws providing for pensions for the blind, for old age assistance, for aid to dependent or crippled children or the blind, for direct relief, for adjusted compensation, bonus or rehabilitation for discharged members of the armed services of the United States who were bona fide residents of this state during their service, and for the rehabilitation of other persons.

Senate Committee Substitute for House Committee Substitute for House Bill No. 1789 (2012). This provision would deviate from the well-established procedure for assigning a student to another school district if the student's residence is located so as to create an unusual or unreasonable transportation hardship. A similar provision did not meet my approval in 2012 and neither does this one.

In accordance with the above-stated reasons for disapproval, I am returning Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 493, 485, 495, 516, 534, 545, 595, 616 & 624 without my approval.

Respectfully submitted,



Jeremiah W. (Jay) Nixon
Governor