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Sign or veto? Groups on all sides lobby Missouri Gov. Jay Nixon on student transfer bill



Missouri Gov. Jay Nixon is giving the student transfer bill “a fair and comprehensive review,” his office says, as he decides whether to sign or veto it. | File photo

BY JOE ROBERTSON

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Just what Gov. Jay Nixon plans to do with the hotly contested student transfer bill sitting on his

But the Kansas City schools superintendent got a good look at how vexing Nixon's dilemma is as he weighs his choice to sign or veto House Bill 42, which would change the rules for students wanting out of unaccredited districts.

Current law allows children to transfer into nearby districts, but it has been crippling the unaccredited districts with tuition and transportation costs.

Nixon wanted Green to join him at a recent, unrelated event in Kansas City, not just to join in the public pleasantries, but to whisk him into a private room to hear Green out on the bill.

"We talked for 45 minutes, going point by point," Green said.

Missouri's ideological splits over the bill and the many friction points throughout its 168 pages are deep and real.

And so is Nixon's ability to kill it — if he chooses to do so.

The differing positions among lawmakers, education groups and parents on issues of school choice cut through and across the usual partisan splits. The heavy Republican majority in Jefferson City is itself divided, along with Democrats, laying out the possibility for a narrower vote, vulnerable to veto powers.

The 84 votes the bill received to pass the House — against 73 nays — is far below the number of votes the House would need to override a veto. The Senate, passing it 23-11, could even be a close call.

When Nixon spoke briefly to Kansas City reporters about the bill May 12 at the University of Missouri-Kansas City before ducking in to meet with Green, he aired some concerns.

"It's a bill that got off its original path," he said.

But the official word out of the governor's office continues to be: The bill "will receive a fair and comprehensive review."

For four years, lawmakers have tried to change the transfer law, but some legislators have used the bills each year as an opportunity to push for increased school choice options that have divided the General Assembly.

The first two tries didn't pass, and Nixon successfully vetoed last year's bill.

Meanwhile, the unaccredited Normandy School District in St. Louis came under state control in an attempt to manage its financial crisis and poor academic performance. And the Riverview Gardens School District in St. Louis, also unaccredited, is feeling similar strain.

A year ago, lawmakers passed a bill that included private-school options for students looking to leave failed schools — a line that Nixon adamantly said he would not cross.

This year, lawmakers pushing for more choice removed private-school options from the bill, and Nixon's non-negotiable objection was gone.

But that meant confronting the next wave of mind-bending arguments.

The bill would expand public charter school opportunities beyond the St. Louis and Kansas City school district boundaries and into all of St. Louis County and most of Jackson County. Charter schools would become one of the options for students looking to transfer from unaccredited districts.

The bill also would make virtual schools an option for students in St. Louis and Jackson counties.

"The bill reflects what a lot of families have been asking for ... in schools that have not been doing right by kids," said Peter Franzen of the Children's Education Alliance of Missouri. "The bottom line: more options."

But superintendents and other public school district supporters that have been some of Nixon's strongest allies are laying out their concerns.

Jackson County school districts worry that charter schools in even successful districts could draw private- and home-school families into underfunded school systems and drain resources.

Opponents of the bill also warn that the virtual schools options are opening doors to for-profit programs without provisions in the bill to adequately hold virtual programs accountable.

Even the bill's original mission is unfulfilled, the critics say.

The financially broken unaccredited districts need relief in the amount of tuition that is charged by districts that receive transferring students. The bill, as a concession to local control of school boards, does not set a cap on the tuition districts can charge, but rather would put incentives in place to encourage lower tuition rates.

The legislation before the governor shouldn't be called "a transfer bill," said Gayden Carruth, the executive director of the Cooperating School Districts of Greater Kansas City. It's a "charter expansion bill," she says, that would only further imperil the children still in the districts the bill was meant to help.

Public education is charged with serving "all resident children," she said. "Not just those children whose families made a choice."

Education Commissioner Margie Vandeven, whose department is now managing Normandy's schools, issued a statement of concern.

"We appreciate the dedication of legislators in pursuing quality education opportunities for all kids," she said. "We remain concerned about the absence of a tuition cap, limited virtual school accountability and potential unintended consequences of specified interventions."

Green, in his time with Nixon, reviewed Kansas City's fears — that the bill threatened to undermine three years of improvement in the now-provisionally accredited district.

The expansion of transfer and virtual school options into the counties, he said, would treat Kansas City like the unaccredited district it was, not the nearing-full-accreditation district it has become. (Green talked with Nixon before Green's recent announcement of his expected departure from the district.)

The St. Louis American Federation of Teachers called the bill "a poorly disguised attack on our public schools."

Supporters of the bill are telling Nixon that the litany of fear surrounding the bill is unwarranted.

The warnings that districts receiving transfers would shun incentives and assess crippling tuition rates assume "the worst of human behavior," Franzen said.

Charter schools aren't massing at the gates of St. Louis and Jackson counties, said Doug Thaman, executive director of the Missouri Charter Public School Association.

He called the concern of a resource-draining influx of private-school and home-schooled children into the public school system "an unfortunate argument."

The process of opening a charter school is arduous and takes at least 18 months to two years, he said.

And even if some private-school families were to see some new opportunities for public schooling, they are taxpayers and deserve the same right to public education, he said.

What does Nixon do with this?

He let it be known in Kansas City that he thinks the bill is marked by a lot of diversions and may not do enough to fulfill its original intent of fixing the transfer law.

“Anytime a bill begins to do one thing and ends up doing other things, it deserves a look,” he said.

The governor will continue taking input, spokesman Scott Holste said. And the only time line he can give for a decision is the deadline in mid-July.

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