

May 3, 2024



The Honorable Mike Parson
Governor of Missouri
State Capitol Building
201 West Capitol Avenue, Room 216
Jefferson City, Missouri 65101

Re: Veto Request for Senate Bill 727



Dear Governor Parson,

We are writing to express our opposition to Senate Bill No. 727 and to request a veto from the Office of the Governor as a demonstration of your continuing support for public education in Missouri. Together, we represent the leadership of public school districts in Boone County directly affected by the proposed charter expansion in Senate Bill 727. Although we have various concerns about the specific details included in the legislation, this letter focuses on the unconstitutional attempt to expand charter schools into Boone County.



Specifically, Senate Bill No. 727 violates Article III, section 40(30) of the Missouri Constitution, which provides that "[t]he general assembly shall not pass any local or special law ... where a general law can be made applicable." By proposing a new classification for where charter schools are permitted to operate, Senate Bill 727 expressly and impermissibly targets Boone County without explanation, justification, or rational basis.



**North Callaway R-I
School District**

Right now, Missouri law allows for charter schools to open and operate in St. Louis City, Kansas City, and in school districts that have become unaccredited or provisionally accredited. See Section 160.400.2(1)-(5). In other words, the Legislature has determined that parents and families should be provided the choice of a charter school for their children in the State's two most densely populated urban areas as well as in any location where the current school district is failing to meet DESE's standards for performance.



Sturgeon R-V School District

Senate Bill 727 expands where charter schools may operate. But, because of a noticeable lack of political support, the Legislature did not attempt to expand the operation of charter schools throughout the entire state. Instead, Senate Bill 727 chooses a particular location for charter expansion:



Southern Boone School District

In a school district located within a county with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants, provided that the provisions of subsections 15 to 18 of section 160.415 shall not apply to any charter school operated in such county;

SB 727 (proposed addition to Section 160.400.2(5)).

Missouri has 114 counties throughout the state. Below is a list of the top ten Missouri counties by population (using the most recent census data):

St. Louis County	999,703
Jackson County	715,526
St. Charles County	406,262
Greene County	299,188
St. Louis city/county	298,018
Clay County	253,085
Jefferson County	226,984
Boone County	184,043
Jasper County	122,788
Cass County	108,205

Senate Bill 727 expands access to charter schools to Boone County, **the only county in the state** that matches the newly proposed statutory language of “a county with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants.”

In order for a new statute to survive a challenge as an unconstitutional “local or special law” in violation of Article III, section 40(30) of the Missouri Constitution, the statute must be supported by a rational basis. See *City of Aurora v. Spectra Communications Group LLC*, 592 S.W.3d 764 (Mo. 2019); *City of Chesterfield v. State*, 590 S.W.3d 840 (Mo. 2019).

Here, there is no rational basis to support the expansion of charter schools to only Boone County. As the 8th most populated county in the State, targeting Boone County for more charter schools skips over and ignores other counties with higher population and higher density. Also, targeting Boone County for more charter schools affects a perplexing and arbitrary collection of eight different school districts, ranging in size from 600 to 19,000 students in both urban and rural settings. Finally, none of the eight school districts inside of Boone County has ever been unaccredited, provisionally accredited, or at risk for loss of accreditation.

In selecting only Boone County for charter expansion, then, the State will not be able to argue to the Court a rational basis related to population or performance. The expanded definition of where charter schools may operate was **not focused on providing options to more families and students nor was it directed to locations with failing schools**.^[1]

Adding to its legal problems, not only does Senate Bill 727 impermissibly target a single county for charter school expansion without justification, Senate Bill 727 also creates an **entirely different funding structure for charter schools in that single county**. The newly proposed statutory definition allowing charter schools to operate in Boone County exempts such schools from the funding structure in place for every other charter school in the state:

In a school district located within a county with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants, provided that **the provisions of subsections 15 to 18 of section 160.415 shall not apply to any charter school operated in such county**;

SB 727 (proposed addition to Section 160.400.2(5)).

Subsections 15 through 18 of Section 160.415 direct how state school aid is distributed to charter schools. Specifically, those subsections determine how DESE calculates the financial amount to provide to each charter school based on state and local aid. The statutory provisions confirm that the obligation to create equitable funding lies with the State.

Senate Bill 727 jettisons this approach and changes the funding formula for each charter school opening in Boone County. Abandoning the obligation for equitable state funding, **Senate Bill 727 requires our school districts in Boone County to absorb the entire funding impact of financial aid to a charter school.** Our districts include a tremendous range in student size and local revenue. The opening of a charter school and the depletion of state and local funds from our urban and rural districts will have a devastating effect on some of our continued ability to operate.

Inequitable and unconstitutional, Senate Bill 727 will not survive a legal challenge brought before the Missouri courts.

We urge you to avoid the unnecessary division and cost of potential litigation. Support our public school districts and the families in our communities by vetoing Senate Bill 727.

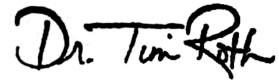
Sincerely,



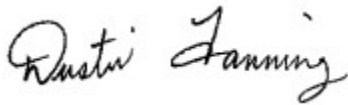
Dr. Brian Yearwood
Superintendent
Columbia Public Schools



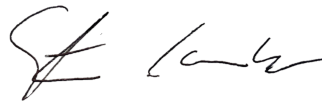
Mr. D. John Downs
Superintendent
Hallsville R-IV School District



Dr. Tim Roth
Superintendent
Southern Boone School District



Dr. Dustin Fanning
Superintendent
Sturgeon R-V School District



Mr. Steve Combs
Superintendent
Harrisburg R-VIII School District



Mr. Brent Doolin
Superintendent
Fayette R-III School District



Ms. Kenya Thompson
Superintendent
North Callaway R-I School District

[1] The following is not lost on outside observers:

- Out of 114 different counties in the state from which to choose, the Legislature elected to expand charter schools into just one (*Boone County*); and
- Out of 34 different geographic areas represented by individual Missouri senators, the Legislature elected to expand charter schools into just one (*represented by the President Pro Tem of the Senate*).