

Joint Committee on Administrative Rules

May 25, 2023

Open Meeting

The Joint Committee on Administrative Rules met in Joint Committee Room 117 for the purpose of approving minutes from April 6, 2023 open meeting, April 6, 2023 closed meeting, and May 8, 2023 open meeting, to hear the Department of Elementary and Secondary Education presentation and Stride, Inc. presentation on 5 CSR 20-100.230, the Virtual School Rule.

Chairman, Representative Nick Schroer established a quorum and called the meeting to order.

Director, Sarah Schappe calls the roll. The following members were present:

Senators

Nick Schroer

Holly Rehder

John Rizzo

Curtis Trent

Representatives

Barbara Washington

Louis Riggs

Alex Riley

Peter Meredith

Staff

Sarah Schappe

Jill Quick

Senator Schroer made a motion to approve the minutes from April 6, 2023 and May 8, 2023.

Voice vote was called. 6 aye/0 no, the motion passes. The meeting minutes from April 6, 2023 and May 8, 2023 were approved.

Senator Schroer moves to the hearing on 5 CSR 20-100.230 on virtual instruction programs. Senator Schroer calls the first proponent of the rule to provide testimony.

Senator Schroer provided opportunity for questions and moved onto the issue of fiscal notes with questions and testimony from Lowell Pearson.

Lowell Pearson with Hush Blackwell law firm, representing Stride, Inc. testified in opposition to 5 CSR 20-100.230 regarding virtual instruction. Lowell Pearson believes the fiscal note is inaccurate, the rule fails to account for changes in law made in 2020 in HB 1522 and the proposed amendment is in violation of federal law.

Senator Schroer had comments and questions regarding HB 1522.

Lowell Pearson had testimony regarding Senator Schroer's questions.

Representative Meredith asked questions about attendance of the virtual programs.

Kari Mensees with Department of Elementary & Secondary Education refuted Mr. Pearson's testimony and testified in favor of the rule.

Senator Schroer asked if there were any questions on the payment testimony. No questions were asked.

Sarah Madden with Department of Elementary & Secondary Education refuted Mr. Pearson's testimony and testified in favor of the rule. Ms. Pearson believes the fiscal costs were discussed with stakeholders and contribute to the discussion and said they didn't receive any input from anyone including Stride.

Senator Schroer asked if there are any questions on the fiscal note. No questions were asked.

Ms. Madden continued her testimony on information sharing and violations of FERPA.

Senator Schroer called the committee to stand at ease and go into executive session in 5 minutes.

Senator Schroer thanks the department and witnesses for their attendance.

Senator Schroer moves into executive session. Senator Schroer moves to hold the rule in abeyance. This would allow the department to pull the rule back and work on some changes with the fiscal note and FERPA.

Senator Schroer moves to disprove the proposed amendment to 5 CSR 20-100.230 because it is in conflict with State law and because it is arbitrary and capricious as to create a substantial inequity as to be unreasonably burdensome on persons affected.

Senator Schroer asked for discussion on the motion.

Representative Meredith preferred to spend time with the memo from the opposition before voting.

Senator Schroer stated that if they waited they would lose jurisdiction.

Senator Schroer made a motion to take the roll call vote. Representative Riggs seconds the motion.

Sarah Schappe takes the roll call vote:

Aye

Senator Nick Schroer

Senator Holly Rehder

Senator Curtis Trent

Representative Ben Baker

Representative Louis Riggs

Representative Alex Riley

No

Senator John Rizzo

Senator Barbara Washington

Representative Peter Meredith

Representative David Tyson Smith

Senator Schroer states by a vote of 6 ayes and 4 noes, the motion carries.

Senator Schroer states he will work with the Committee to come up with an amended versions.