



SB 1273

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Link to full text: <https://www.senate.mo.gov/26info/pdf-bill/intro/SB1273.pdf>

PART 1 – QUICK SNAPSHOT

1.1 One-Paragraph Overview

SB 1273 does two main things. First, it stops cities, counties, and school districts from putting deed restrictions or local rules on public property they sell or lease that would block charter schools (or other educational uses) from using that property in the future. Second, it creates a “right of first refusal” process for **public entities** to buy or lease unused school district facilities before they go to private buyers, with required notice, appraisal, and negotiation steps. In practice, it tilts the playing field in favor of charter schools and publicly funded institutions in property deals and partially rewrites old contracts and deed restrictions that local governments already entered into.

1.2 Triage Table

- **Single-subject (Art. III, §23)**
 - **Yes (likely)** – Everything is tied to “school property” and how political subdivisions sell/lease it. Title appears consistent with content.
- **Does it grow government?**
 - **Mixed** – Adds procedural steps (notice, negotiations, mediator, appraisals) around school property transactions, but does not create a new agency.
- **Overall impact on Missouri families**
 - **Mixed** – May open more facilities to charter schools and other public uses, but does so by overriding local control and retroactively voiding certain deed restrictions, raising property-rights and rule-of-law concerns.
- **Alignment with Act for Missouri core beliefs**

SB1273

- **Mixed** – Modestly favorable to more educational options, but undermines limited, local government and respect for contracts/property rights.
- **Recommended stance**
 - **Oppose.**

PART 2 – PURPOSE & PROVISION MAP

2.1 Stated Purpose

Apparent purpose (in plain English):

To ensure that public property (especially former school facilities) can be used by charter schools or other educational purposes and to give public entities the first shot at buying or leasing unused school district facilities.

Title accuracy:

The act amends chapters 160 and 162 by adding sections “relating to school property.” That is broadly accurate and not obviously misleading given the bill’s content.

2.2 Provision-by-Provision Map

Provision 1 – Ban on local rules blocking charter-school use of former public property

- **Location:** §160.422.1 (p.1, lines 1–5).
- **What it does:** Forbids any political subdivision (cities, counties, school districts, etc.) from having ordinances, policies, or resolutions that stop property they sell/lease/transfer from being used for any lawful educational purpose by a charter school.
- **Tag: Concern**
- **Why:** State-level preemption of local land-use decisions that specifically favors charter schools and weakens local control.

Provision 2 – Ban on deed/use restrictions that exclude educational uses; voiding existing restrictions

- **Location:** §160.422.2–3 (p.1, line 6 – p.2, line 24).
- **What it does:**
 - Prohibits political subdivisions from putting deed restrictions or use restrictions on property they sell/lease that, in operation, block charter-school educational uses.

- Says any restriction that allows only specified non-educational uses is prohibited.
- Declares that any restriction in effect on the effective date that **prohibits property previously used for any educational purpose from being used for any future educational purpose is void.**
- Declares that any ordinance, policy, deed, restriction, or contract in violation of this section is void from inception.
- **Tag: Red Flag**
- **Why:** *Retroactively voids* existing deed/use restrictions, raising serious contract and property-rights concerns and overriding prior local decisions.

Provision 3 – Definition of “political subdivision”

- **Location:** §160.422.4 (p.2, lines 25–27).
- **What it does:** Clarifies that “political subdivision” includes municipalities, counties, and school districts (non-exclusive list).
- **Tag: Concern**
- **Why:** Confirms broad state preemption applies not only to school districts but to all local governments.

Provision 4 – Right of first refusal if a district offers an unused facility to a non-public party

- **Location:** §162.092.1–2 (p.2, line 1 – p.2, line 15).
- **What it does:**
 - If a school district offers an “unused facility” to someone other than a public entity, the contract must make the deal subject to a **right of first refusal** by a public entity.
 - Requires the district to post a notice on its website that the facility is available, with square footage, contact info, and a right-of-first-refusal expiration date 60 days after notification.
- **Tag: Good / Mixed**
- **Why:** Encourages unused school buildings to stay in public service, but also locks in special privileges for “public entities,” giving them priority over private buyers.

Provision 5 – Good-faith negotiations, mediator, and fair-market pricing for public-entity offers

- **Location:** §162.092.3–4 (p.2, line 16 – p.3, line 36).
- **What it does:**
 - If no private offer exists, a public entity can initiate an offer.
 - School board must, within 60 days, enter good-faith negotiations for 30 days (or until agreement).
 - Requires an independent mediator who gathers independent appraisals; appraised value sets “fair market” purchase or lease price for the public entity.
 - If multiple public entities are interested, the district chooses which one gets the property.
- **Tag: Mixed**
- **Why:** Promotes structured, transparent negotiations and fair pricing but imposes extra process and costs and gives public entities a privileged lane.

Provision 6 – Terms of sale/lease, debt for improvements, and responsibility for expenses

- **Location:** §162.092.5–7 (p.3, line 37 – p.4, line 57).
- **What it does:**
 - Lets the district choose whether to sell or lease, at fair market value or less.
 - Requires leases to include access and use of common areas; if the entire facility is leased, the public entity can incur debt for improvements, and the district’s lease interest is subordinated to that debt.
 - Gives the public entity 6 months after a written offer to complete the deal.
 - Makes the public entity responsible for utilities, insurance, maintenance, property taxes, and repairs during the lease.
- **Tag: Neutral / Slightly Good**
- **Why:** Reasonable clarity on responsibilities and costs; subordination to improvement debt is a bit unusual but mostly an internal public-sector financing question.

Provision 7 – Offer-back requirement if a public entity later sells the facility

- **Location:** §162.092.8–9 (p.4, line 58 – p.5, line 88).

- **What it does:**
 - If a public entity wants to sell an unused facility it purchased, it must first offer it back to the original school district, under the same procedures.
 - Defines “public entity,” “school board-approved written plan,” and “unused facility.” “Public entity” includes the state, all political subdivisions, and **any institution supported in whole or in part by public funds**, a very broad category.
- **Tag: Mixed**
- **Why:** Encourages property to return to the school system but defines “public entity” so broadly that many quasi-public institutions get special priority.

2.3 Changes to Existing Law

- **New sections only:**
 - Adds new §160.422 and §162.092, overlaying existing education and property statutes.
- **What changes in substance:**
 - Political subdivisions lose the ability to:
 - Use deed/use restrictions to keep former public property from becoming a charter school or other educational use; and
 - Enforce existing restrictions that block future educational use of property that was once used for education.
 - School districts gain a mandated process when disposing of unused facilities:
 - Must give public entities first shot via right of first refusal/public notice;
 - Must engage in mediated appraisals and negotiations for public-entity offers;
 - Must offer facilities back to the original district if a public entity later sells them.

PART 3 – CONSTITUTIONAL & PROCESS CHECKS

3.1 Single-Subject & Original-Purpose

- **Main subject:**

- Rules governing how political subdivisions and school districts may restrict and dispose of school-related property.
- **Additional subjects / riders:**
 - Both sections deal with the same general topic: school property use and transfer. No obvious unrelated riders.
- **Title vs content:**
 - “Relating to school property” is broad but matches the bill’s actual content.
- **Original purpose:**
 - No evidence in the text of a substantial purpose shift (we only see the introduced version).
- **Conclusion:**
 - **Likely complies** with Art. III §23 single-subject and clear-title requirements.

3.2 U.S. & Missouri Constitutional Rights

1. Impairment of contracts / retroactivity

- **Problematic language:**
 - §160.422.2–3 voids deed/use restrictions “in effect on the effective date” that prohibit or fail to permit future educational use of property previously used for any educational purpose and declares such restrictions, ordinances, policies, or contracts “void from [their] inception.”
- **Rights implicated:**
 - Missouri Constitution Art. I, §13 (no law impairing the obligation of contracts);
 - U.S. Constitution Art. I, §10 (Contracts Clause);
 - Due-process and property-rights principles (Mo. Const. Art. I §§2, 10).
- **Why it matters:**
 - The state is retroactively rewriting or voiding terms of existing property contracts and deeds entered into by political subdivisions and private parties.
 - Even if the immediate effect is to **lift** restrictions from current property owners, it undermines the reliability of long-term agreements and could harm parties or neighbors who relied on those restrictions in prior transactions and planning decisions.

2. Special treatment / equal protection / special-law concerns

- **Language:**
 - §160.422 specifically protects “any lawful educational purpose by a charter school” and forbids restrictions that, in operation, block charter use.
- **Rights implicated:**
 - Missouri’s ban on special laws (Art. III, §40);
 - Equal-protection principles (Mo. Const. Art. I, §2).
- **Why it matters:**
 - Charters get specific statutory protection against deed/use restrictions, while other private schools, churches, or family-run educational ministries do not get explicit protection.
 - The classification might be upheld under rational-basis review, but it is still a policy concern from a “no special privileges / limited government” perspective.

3. Property rights & takings climate

- While SB 1273 does not directly order a taking or seize property, its retroactive contract-voiding and top-down preemption of local land-use tools weaken the security of property rights and local agreements. That invites litigation and undermines confidence that property terms will be respected over time.

3.3 Delegation & Unelected Power

- **Independent mediator & appraisals:**
 - §162.092.3 requires an independent mediator to collect appraisals and use them to set fair-market value/lease price for public-entity deals.
 - This does **not** grant broad policy-making power; it is a technical role.
- **Regulatory blanks:**
 - The bill does not delegate sweeping rulemaking authority to agencies; it mostly sets direct statutory rules.
- **Conclusion:**
 - No serious separation-of-powers/delegation crisis; the main constitutional worries are **retroactivity and contract impairment**, not bureaucracy writing new rules.

PART 4 – IMPACT ON MISSOURI FAMILIES

4.1 Economic, Tax, and Utility Impacts

- **Household budgets:**
 - No direct new taxes, fees, or utility charges on families.
 - Administrative costs (mediators, appraisals, negotiations) are borne by school districts and public entities, and ultimately by taxpayers, but the scale is likely modest.
- **Short-term vs long-term:**
 - Short-term: More procedural friction when districts dispose of unused buildings.
 - Long-term: Could encourage quicker, structured reuse of unused facilities, potentially reducing maintenance burdens on districts.

Overall, the economic impact is **indirect and modest**, but the broader concern is **how** the state is changing the rules of property deals, not the immediate dollar amount.

4.2 Freedom, Parental Rights, and Education

- **Strengthening parental options:**
 - Making it easier for charter schools and other educational uses to access former public property may slightly expand the supply of school options, especially in urban or high-demand areas.
- **Local control:**
 - Cities/counties lose the ability to use deed restrictions or policies to manage where schools can go on formerly public land. This weakens local planning and neighbors' ability to work with local officials on traffic, safety, and neighborhood impacts.
- **State vs local:**
 - This is a shift toward **state-directed** property policy for education, away from local discretion.

Net effect on parental rights and family freedom:

- **Mixed** – Some gain in potential school options, but at the cost of reduced local say and respect for property agreements.

4.3 Moral & Cultural Climate

- SB 1273 does **not** directly address curriculum, sex/gender content, DEI, or religious liberty.

- Charter schools using these properties will still operate under existing state/federal frameworks, which may or may not align with biblical values depending on the operator.

Net impact on Missouri families:

- **Mixed** – The bill is neutral on moral content but uses heavy-handed state preemption and retroactive rule-changes that conflict with a stable, law-respecting culture of self-government.

PART 5 – ACT FOR MISSOURI CORE PRINCIPLES CHECK

Act for Missouri 2026 Legislati...

- **100% Pro-Life:**
 - **Not implicated** – No reference to abortion, life issues, or medical policy.
- **Christian & Biblical Values:**
 - **Mixed** – Slight support for more educational options, but undercuts biblical ideas of honoring covenants/contracts and local stewardship by voiding existing property restrictions.
- **Property Taxes & Economic Freedom:**
 - **Mixed** – May reduce long-term costs of mothballed buildings by channeling them to active uses; however, retroactively altering deed/use terms undermines security of property arrangements, which is bad for economic freedom and predictable investment.
- **Literal / Original-Intent Constitutionalism:**
 - **Concern** – Retroactive contract-voiding conflicts with the spirit of Missouri's ban on laws impairing contracts and a strong view of property rights.
- **Right to Bear Arms:**
 - **Not implicated.**
- **State Sovereignty & Tenth Amendment:**
 - **Not implicated directly** – This is an internal state-level allocation of power, not a federal question.
- **Nuclear Family & Parental Rights:**
 - **Mixed** – Could aid families seeking charter options, but does nothing to secure parental rights against DESE/federal pressure and weakens local self-governance.
- **Homeschool Protection:**

- **Not implicated** – No homeschool registration or oversight language.
- **Currency & Financial Control (CBDC/FedNow, etc.):**
 - **Not implicated.**
- **Election Integrity:**
 - **Not implicated.**
- **Government Transparency:**
 - **Slight Support** – The public-notice requirement for unused facilities being available for lease or purchase is a small plus for transparency. (§162.092.2).

PART 6 – SPECIAL TOPIC TESTS (2025 PRIORITIES)

- **6.1 Amendment 3 / Personhood & Equal-Protection Test:**
 - **Not implicated.**
- **6.2 Surveillance, Digital-ID, and Data-Hub Test:**
 - **Not implicated** – No data-sharing, ID systems, or surveillance infrastructure.
- **6.3 Utilities, Energy Policy, and Data-Center / Big-User Test:**
 - **Not implicated** – Purely about school facilities, not utilities or data centers.
- **6.4 Federal Money & Strings:**
 - **Not implicated** – No explicit federal funding or program references.
- **6.5 Model-Legislation / Agenda 21 & 2030 / Globalism Indicators:**
 - No obvious “sustainable development,” “equity,” or globalist language. The bill reads like state-level charter-facility and public-property policy, not a globalist framework.

PART 7 – RED FLAGS, AMENDMENT IDEAS, & FINAL RECOMMENDATION

7.1 Red-Flag List

1. **Red Flag #1 – Retroactive contract & deed-restriction voiding**
 - **Location:** §160.422.2–3.
 - **Issue:** Declares existing deed/use restrictions void, undermining contractual certainty and raising impairment-of-contracts and due-process concerns.
2. **Red Flag #2 – Broad state preemption of local land-use decisions**

- **Location:** §160.422.1–2.
- **Issue:** Forbids political subdivisions from using deed/use tools that would block charter-school or educational use of former public property, eroding local control and neighborhood input.

3. **Red Flag #3 – Special privileges for charter schools and broad “public entity” class**

- **Location:** §160.422.1–2; §162.092.1–4, 9.
- **Issue:** Gives charter schools unique statutory protection and gives a very broad set of “public entities” first-in-line rights ahead of private buyers, creating an uneven playing field.

7.2 Possible Fixes / Amendments

This legislation is so flawed in our opinion that it cannot be corrected.

7.3 Final Recommendation

- **Oppose**

Why:

- **Retroactive contract & deed-restriction voiding:** Declares existing deed/use restrictions void, undermining contractual certainty and raising impairment-of-contracts and due-process concerns.
- **Special privileges:** Gives charter schools unique statutory protection and gives a very broad set of “public entities” first-in-line rights ahead of private buyers, creating an uneven playing field.