

# Journal of the Senate

FIRST REGULAR SESSION

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**FORTY-FIRST DAY—WEDNESDAY, MARCH 25, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Live in such a way that those who know you but don't know God will come to know God because they know you.” (Unknown)

Creator Lord, we are mindful that we are and the way we live is the medium of Your message. Many look closely and carefully at all we do here and make judgements fairly and unfairly but determine what type of people we really are from our behavior. So help us live and be the type of people we profess ourselves to be so that others will truly see You in us and come to know You. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Engler announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Rupp offered Senate Resolution No. 588, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Philip Dennis, O'Fallon, which was adopted.

Senator Rupp offered Senate Resolution No. 589, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Sam Mercurio, O'Fallon, which was adopted.

Senator Crowell offered Senate Resolution No. 590, regarding the 2008-2009 Class 1 State Champion Scott County Central boys basketball team, which was adopted.

Senator Ridgeway offered Senate Resolution No. 591, regarding John Dillon, Clay County, which was adopted.

Senators Ridgeway and Days offered Senate Resolution No. 592, regarding Susan G. Komen for the Cure<sup>®</sup>, which was adopted.

Senator Schmitt offered Senate Resolution No. 593, regarding Travis Todd Cayer, Webster Groves, which was adopted.

**SENATE BILLS FOR PERFECTION**

Senator Griesheimer moved that **SB 5**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Griesheimer, **SS** for **SCS** for **SB 5** was withdrawn rendering the pending amendment moot.

Senator Griesheimer offered **SS No. 2** for **SCS** for **SB 5**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 5

An Act to amend chapter 64, RSMo, by adding thereto fifteen new sections relating to the Missouri county planning act, with penalty provisions.

Senator Griesheimer moved that **SS No. 2** for **SCS** for **SB 5** be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SS No. 2** for **SCS** for **SB 5** was declared perfected and ordered printed.

Senator Griesheimer moved that **SB 363**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 363**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 363

An Act to repeal sections 32.063, 136.055, 144.025, 144.060, 144.070, 144.080, 144.100, and 144.130, RSMo, and to enact in lieu thereof ten new sections relating to motor vehicle sales taxes, with penalty provisions.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 363** be adopted.

President Pro Tem Shields assumed the Chair.

Senator Griesheimer offered **SS** for **SCS** for **SB 363**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 363

An Act to repeal sections 32.063, 136.055, 144.060, 144.070, 301.280, and 301.562, RSMo, and to enact in lieu thereof seven new sections relating to motor vehicle dealers, with penalty provisions.

Senator Griesheimer moved that **SS** for **SCS** for **SB 363** be adopted.

Senator Shoemyer offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 363, Page 8, Section 144.070, Line 22, by inserting immediately after said line the following:

“144.140. From every remittance to the director of revenue made on or before the date when the same becomes due, the person required to remit the same shall be entitled to deduct and retain an amount equal to [two percent thereof.]:

**(1) One percent if such person has collected an amount greater than two hundred and fifty thousand dollars in sales taxes during such three month period;**

**(2) One and one-half percent if such person has collected an amount no less than one hundred twenty-five thousand dollars but no more than two hundred fifty thousand dollars in sales taxes during such three month period; or**

**(3) Two percent if such person has collected an amount less than one hundred twenty-five thousand dollars in sales taxes during such three month period.”; and**

Further amend the title and enacting clause accordingly.

Senator Shoemyer moved that the above amendment be adopted.

Senator Purgason offered **SA 1** to **SA 1**:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 363, Page 1, Section 144.140, Line 6, by striking “[two percent thereof.]:” and inserting in lieu thereof the following: “**three** percent thereof.”; and further amend said amendment, page, lines 7 - 16, by striking all of said lines.

Senator Purgason moved that the above amendment be adopted.

At the request of Senator Griesheimer, **SB 363**, with **SCS**, **SS** for **SCS**, **SA 1** and **SA 1** to **SA 1** (pending), was placed on the Informal Calendar.

Senator Dempsey moved that **SB 355**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 355**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 355

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to certain administrative fees associated with the sale of motor vehicles, vessels, and other types of vehicles.

Was taken up.

Senator Scott assumed the Chair.

Senator Dempsey moved that **SCS** for **SB 355** be adopted.

Senator Crowell offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 355, Pages 1-2, Section 301.558, Lines 20-22, by striking all of said lines and inserting in lieu thereof the following: “**the unauthorized practice of law.**”.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Dempsey moved that **SCS** for **SB 355**, as amended, be adopted, which motion prevailed.

On motion of Senator Dempsey, **SCS** for **SB 355**, as amended, was declared perfected and ordered printed.

Senator Schaefer moved that **SB 256** be taken up for perfection, which motion prevailed.

Senator Green offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 256, Page 3, Section 50.783, Line 22, by inserting after all of said line the following:

**“67.319. 1. The provisions of this section shall apply to contracts for services awarded by political subdivisions of the state of Missouri and shall be known as the “Political Subdivision Services Bidding Standards Act”.**

**2. Contracts for services by any political subdivision shall be advertised and bids solicited and awarded in compliance with other Missouri statutes, state rules, and federal and state funding requirements applicable to the specific political subdivision which are in effect on August 28, 2009, or as such requirements may be enacted or amended, and any provision of a local charter, ordinance, order, resolution, or policy applicable to the specific political subdivision which are in effect or which are subsequently adopted by the political subdivision after August 28, 2009.**

**3. If a political subdivision is not subject to a specific requirement for advertising for bids or soliciting, awarding, or rejecting bids under requirements specified in subsection 2 of this section regarding contracts for services, the political subdivision shall comply with the following provisions when soliciting bids and awarding service contracts:**

**(1) Contracts for services shall be advertised in advance of the acceptance of bids. If no provision of state law, state rule, federal or state funding requirement, or local charter, ordinance, order, resolution, or policy requiring advertising otherwise applies, bids shall be solicited by advertisement once per week for four consecutive weeks in one daily or weekly newspaper of general circulation, as**

qualified by chapter 493, RSMo, in a county or city not within a county where the political subdivision is located, with the first advertisement for bids appearing in the newspaper at least thirty days in advance of the date stated in the advertisement for acceptance of bids. For contracts over fifty thousand dollars, bids shall also be advertised by providing service and bid solicitation information at least thirty days in advance of bid opening to one or more commercial or not-for-profit organizations, which regularly provides information on contracts to be awarded to contractors providing the type of service needed. Advertisements and bid solicitations shall state the deadline for submission of bids and the time and place where bids shall be received and opened;

(2) In absence of a bid award or rejection standard specified under subsection 2 of this section, contracts for services shall be awarded in compliance with this subdivision. If no provision of state law, state rule, federal or state funding requirement, or local charter, ordinance, order, resolution, or policy otherwise applies, the contract shall be awarded to the lowest responsible bidder that submits a bid which is responsive to the contract as advertised by the political subdivision. The determination of the bidder's qualification shall be made based on his or her education and training. The political subdivision may reject the low bidder by declaring the bidder ineligible for the contract award based on the bidder's failure to provide a performance or payment bond as required by section 107.170, RSMo, if applicable, the bidder's nonperformance on previous contracts with the political subdivision, or other reasons specified as to the bidder's inability to adequately perform the contract. The reasons for bid rejection or award of the contract to another bidder shall be stated in writing to the low bidder within five business days of the rejection of the bid.

4. Notwithstanding any other provision of state law, state rule, or federal or state funding requirement to the contrary, or any provision of a charter, ordinance, order, resolution, or policy to the contrary, adopted by a political subdivision, no contract for services shall be awarded in violation of the following requirements:

(1) No bid shall be opened in advance of the advertised deadline for submission of bids or in a place other than that specified in the original solicitation of bids or in an amendment to the solicitation communicated in advance to all known bidders;

(2) No bid shall be accepted unless it is sealed and is in writing. If the letting of the services for which bids were solicited is cancelled, bids shall be returned to the bidder unopened;

(3) No bid shall be accepted after the advertised deadline for acceptance of bids;

(4) All bids received shall be held secure and confidential from all persons until the bids are opened at the time and place announced by the political subdivision. Bids shall be opened in a public meeting, as defined in chapter 610, RSMo.

Nothing in this section shall be construed to prohibit acceptance and processing of bids through an established program of electronic bidding by computer, provided bids accepted and processed electronically shall meet standards of confidentiality established by the requirements of the electronic bidding program which are comparable to requirements for written bids established by this section.

5. Any person submitting a bid, or who would have submitted a bid except for violations of subsection 4 of this section, shall have standing to seek equitable relief and monetary damages in a court of competent jurisdiction for monetary losses resulting from violations of subsection 4 of this section, including but not limited to, setting aside award of a contract, ordering a contract to be re-

**bid, requiring award of a contract to a different bidder than originally awarded, awarding monetary damages deemed appropriate by the court, including award of reasonable attorney's fees, or awarding a combination of such forms of relief.**

**6. Nothing in this section shall be construed to require acceptance of a bid which exceeds the amount estimated by the political subdivision for the contract. Neither shall any provision in this section prohibit a political subdivision from awarding contracts without competitive bidding when the political subdivision deems it necessary to remove an immediate danger to the public health or safety, to prevent loss to public or private property which requires government action, or to prevent an interruption of or to restore an essential public service; however, the political subdivision shall produce a written public record documenting the need to contract for such services without competitive bidding.**

**7. The provisions of this section shall not apply to procurement procedures and advertising procedures contained in sections 8.285 to 8.291, RSMo.”; and**

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Schaefer, **SB 256**, as amended, was declared perfected and ordered printed.

Senator Stouffer moved that **SB 89**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS** for **SCS** for **SB 89** was again taken up.

Senator Stouffer moved that **SS** for **SCS** for **SB 89** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SS** for **SCS** for **SB 89** was declared perfected and ordered printed.

Senator Griesheimer moved that **SB 363**, with **SCS**, **SS** for **SCS**, **SA 1** and **SA 1** to **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Griesheimer raised the point of order that **SA 1** to **SA 1** and **SA 1** are out of order as both amendments go beyond the scope of the bill.

The points of order were referred to the President Pro Tem who ruled the point of order on **SA 1** to **SA 1** not well taken and the point of order on **SA 1** well taken.

Senator Shoemyer offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 363, Page 8, Section 144.070, Line 22, by inserting immediately after said line the following:

“144.140. **1.** From every remittance to the director of revenue made on or before the date when the same becomes due, the person required to remit the same shall be entitled to deduct and retain an amount equal to two percent thereof.

**2. The provisions of subsection 1 of this section shall not apply to sales taxes collected by motor vehicle dealers on motor vehicles and trailers sold by such motor vehicle dealers. In lieu of subsection**

**1 of this section, every motor vehicle dealer authorized to collect and remit sales tax on motor vehicles and trailers sold by the motor vehicle dealer under subsection 8 of section 144.070 shall be entitled to deduct and retain from every quarterly remittance to the director of revenue an amount equal to the following:**

**(1) One percent if such motor vehicle dealer has collected an amount greater than two hundred and fifty thousand dollars in sales taxes during such three month period;**

**(2) One and one-half percent if such motor vehicle dealer has collected an amount no less than one hundred twenty-five thousand dollars but no more than two hundred fifty thousand dollars in sales taxes during such three month period; or**

**(3) Two percent if such motor vehicle dealer has collected an amount less than one hundred twenty-five thousand dollars in sales taxes during such three month period.”; and**

Further amend the title and enacting clause accordingly.

Senator Shoemyer moved that the above amendment be adopted.

At the request of Senator Griesheimer, **SB 363**, with **SCS, SS** for **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

Senator Bartle moved that **SB 261, SB 159, SB 180** and **SB 181**, with **SCS, SS No. 3** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 1** was again taken up.

Senator Goodman moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 3 for Senate Committee Substitute for Senate Bills Nos. 261, 159, 180 and 181, Pages 2-5, Section 84.830, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted.

Senator Shields requested a roll call vote be taken on the adoption of **SA 2**. He was joined in his request by Senators Vogel, Bartle, Schaefer and Pearce.

Under the provision of Senate Rule 91, Senator Wilson was excused from voting on **SA 2**.

**SA 2** failed of adoption by the following vote:

YEAS—Senators

Callahan      Crowell      Cunningham      Days      Engler      Ridgeway—6

NAYS—Senators

Barnitz      Bartle      Bray      Champion      Clemens      Dempsey      Goodman      Green  
Griesheimer      Justus      Lager      Lembke      Mayer      McKenna      Nodler      Pearce  
Purgason      Rupp      Schaefer      Schmitt      Scott      Shields      Smith      Stouffer  
Vogel      Wright-Jones—26

Absent—Senator Shoemyer—1

Absent with leave—Senators—None

Excused from voting—Senator Wilson—1

Vacancies—None

At the request of Senator Bartle, **SB 261**, **SB 159**, **SB 180** and **SB 181**, with **SCS** and **SS No. 3** for **SCS** (pending) were placed on the Informal Calendar.

### **HOUSE BILLS ON SECOND READING**

The following Bills and Joint Resolution were read the 2nd time and referred to the Committee indicated:

**HCS** for **HB 96**—Education.

**HB 744**—Appropriations.

**HB 287**—Agriculture, Food Production and Outdoor Resources.

**HB 86**—Ways and Means.

**HCS** for **HB 242**—Education.

**HB 65**—Jobs, Economic Development and Local Government.

**HCS** for **HB 580**—Jobs, Economic Development and Local Government.

**HCS** for **HB 82**—Veterans' Affairs, Pensions and Urban Affairs.

**HCS** for **HB 310**—Commerce, Consumer Protection, Energy and the Environment.

**HCS** for **HB 459**—Health, Mental Health, Seniors and Families.

**HCS** for **HB 111**—Veterans' Affairs, Pensions and Urban Affairs.

**HB 289**—Education.

**HB 682**—Education.

**HCS** for **HB 286**—Health, Mental Health, Seniors and Families.

**HCS** for **HBs 46** and **434**—Judiciary and Civil and Criminal Jurisprudence.

**HB 678**—Veterans' Affairs, Pensions and Urban Affairs.

**HCS** for **HB 359**—Transportation.

**HB 239**—Financial and Governmental Organizations and Elections.

**HCS** for **HB 740**—Health, Mental Health, Seniors and Families.

**HCS** for **HJR 23**—Ways and Means.

### **COMMUNICATIONS**

President Pro Tem Shields submitted the following:

**SENATE HEARING SCHEDULE  
95th GENERAL ASSEMBLY  
FIRST REGULAR SESSION  
MARCH 30, 2009**

	Monday	Tuesday	Wednesday	Thursday
8:00 a.m.		Appropriations SCR 2 (Nodler)	Appropriations SCR 2 (Nodler)  Transportation SCR 1 (Stouffer)	
8:15 a.m.		Health, Mental Health, Seniors and Families SCR 1 (Champion)		
8:30 a.m.			Gubernatorial Appointments SL (Shields)	Governmental Accountability and Fiscal Oversight SCR 1 (Purgason)  Veterans' Affairs, Pensions and Urban Affairs SL (Crowell)
12:00 Noon		Small Business, Insurance and Industry SCR 1 (Rupp)  Rules, Joint Rules, Resolutions and Ethics SL (Engler)	Jobs, Economic Development and Local Government SL (Griesheimer)  Agriculture, Food Production and Outdoor Resources SCR 1 (Clemens)	
12:30 p.m.	Appropriations SCR 2 (Nodler)			
1:00 p.m.		Commerce, Consumer Protection, Energy and the Environment SL (Lager)  General Laws SCR 1 (Goodman)	Education SL (Mayer)  Ways and Means SCR 1 (Vogel)  Progress and Development SCR 2 (Callahan)	
2:30 p.m.	Financial and Governmental Organizations and Elections SL (Scott)			
7:00 p.m.	Judiciary and Civil and Criminal Jurisprudence SL (Bartle)			

**REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS No. 2** for **SCS** for **SB 5**; **SCS** for **SJR 5**; **SCS** for **SBs 65** and **43**; **SCS** for **SB 188**; and **SB 272**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

**REFERRALS**

President Pro Tem Shields referred **SB 272** to the Committee on Governmental Accountability and Fiscal Oversight.

On motion of Senator Engler, the Senate recessed until 4:00 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by Senator Dempsey.

**RESOLUTIONS**

Senator Purgason offered Senate Resolution No. 594, regarding Chase Brooks Phillips, which was adopted.

Senator Schaefer offered Senate Resolution No. 595, regarding Mizzou College Republicans, which was adopted.

Senator Scott offered Senate Resolution No. 596, regarding Skyline Elementary School, Hickory County R-I School District, which was adopted.

Senator Shields offered Senate Resolution No. 597, regarding Dylan Klawuhn, which was adopted.

**REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 355**; **SB 256**; and **SS** for **SCS** for **SB 89**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

**SENATE BILLS FOR PERFECTION**

Senator Pearce moved that **SB 45**, **SB 212**, **SB 136**, **SB 278**, **SB 279**, **SB 285** and **SB 288**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Lager, **SS** for **SCS** for **SBs 45**, **212**, **136**, **278**, **279**, **285** and **288** was withdrawn rendering the pending amendment moot.

Senator Lager offered **SS No. 2** for **SCS** for **SBs 45**, **212**, **136**, **278**, **279**, **285** and **288**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 45, 212, 136, 278, 279, 285 & 288

An Act to repeal sections 32.105, 32.110, 32.111, 32.112, 32.115, 99.820, 99.865, 99.1205, 100.286, 100.297, 100.760, 100.770, 100.850, 135.090, 135.305, 135.327, 135.352, 135.355, 135.363, 135.460, 135.484, 135.490, 135.535, 135.550, 135.562, 135.575, 135.600, 135.630, 135.647, 135.679, 135.680, 135.700, 135.710, 135.750, 135.766, 135.800, 135.802, 135.803, 135.805, 135.967, 208.770, 253.550, 320.093, 348.430, 348.432, 348.434, 348.505, 447.708, 620.014, 620.017, 620.470, 620.472, 620.478, 620.495, 620.1039, 620.1881, and 660.055, RSMo, and to enact in lieu thereof sixty-two new sections relating to taxation, with penalty provisions and an emergency clause and an expiration date for a certain section.

Senator Lager moved that **SS No. 2** for **SCS** for **SBs 45, 212, 136, 278, 279, 285** and **288** be adopted.

Senator Rupp offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 45, 212, 136, 278, 279, 285 and 288, Page 60, Section 100.850, Line 3 of said page, by inserting immediately after said line the following:

“105.145. 1. The following definitions shall be applied to the terms used in this section:

(1) “Governing body”, the board, body, or persons in which the powers of a political subdivision as a body corporate, or otherwise, are vested;

(2) “Political subdivision”, any agency or unit of this state, except counties and school districts, which now is, or hereafter shall be, authorized to levy taxes or empowered to cause taxes to be levied.

2. The governing body of each political subdivision in the state shall cause to be prepared an annual report of the financial transactions of the political subdivision in such summary form as the state auditor shall prescribe by rule, except that the annual report of political subdivisions whose cash receipts for the reporting period are ten thousand dollars or less shall only be required to contain the cash balance at the beginning of the reporting period, a summary of cash receipts, a summary of cash disbursements and the cash balance at the end of the reporting period.

3. Within such time following the end of the fiscal year as the state auditor shall prescribe by rule, the governing body of each political subdivision shall cause a copy of the annual financial report to be remitted to the state auditor.

4. The state auditor shall immediately on receipt of each financial report acknowledge the receipt of the report.

5. In any fiscal year no member of the governing body of any political subdivision of the state shall receive any compensation or payment of expenses after the end of the time within which the financial statement of the political subdivision is required to be filed with the state auditor and until such time as the notice from the state auditor of the filing of the annual financial report for the fiscal year has been received.

6. The state auditor shall prepare sample forms for financial reports and shall mail the same to the political subdivisions of the state. Failure of the auditor to supply such forms shall not in any way excuse

any person from the performance of any duty imposed by this section.

7. All reports or financial statements hereinabove mentioned shall be considered to be public records.

**8. The provisions of this section apply to the board of directors of every transportation development district organized under sections 238.200 to 238.275, RSMo. Any transportation development district that fails to timely submit a copy of the annual financial statement to the state auditor shall be subject to a fine not to exceed five hundred dollars per day.”; and**

Further amend said bill, page 165, section 208.770, line 8 of said page, by inserting immediately after said line the following:

“238.207. 1. Whenever the creation of a district is desired, not less than fifty registered voters from each county partially or totally within the proposed district may file a petition requesting the creation of a district. However, if no persons eligible to be registered voters reside within the district, the owners of record of all of the real property, except public streets, located within the proposed district may file a petition requesting the creation of a district. The petition shall be filed in the circuit court of any county partially or totally within the proposed district.

2. Alternatively, the governing body of any local transportation authority within any county in which a proposed project may be located may file a petition in the circuit court of that county, requesting the creation of a district.

3. The proposed district area shall be contiguous and may contain all or any portion of one or more municipalities and counties; provided:

(1) Property separated only by public streets, easements or rights-of-way shall be considered contiguous;

(2) In the case of a district formed pursuant to a petition filed by the owners of record of all of the real property located within the proposed district, the proposed district area need not contain contiguous properties if:

(a) The petition provides that the only funding method for project costs will be a sales tax;

(b) The court finds that all of the real property located within the proposed district will benefit by the projects to be undertaken by the district; and

(c) Each parcel within the district is within five miles of every other parcel; and

(3) In the case of a district created pursuant to subsection 5 of this section, property separated only by public streets, easements, or rights-of-way or connected by a single public street, easement, or right-of-way shall be considered contiguous.

4. The petition shall set forth:

(1) The name, voting residence and county of residence of each individual petitioner, or, if no persons eligible to be registered voters reside within the proposed district, the name and address of each owner of record of real property located within the proposed district, or shall recite that the petitioner is the governing body of a local transportation authority acting in its official capacity;

(2) The name and address of each respondent. Respondents must include the commission and each affected local transportation authority within the proposed district, except a petitioning local transportation authority;

(3) A specific description of the proposed district boundaries including a map illustrating such boundaries;

(4) A general description of each project proposed to be undertaken by that district, including a description of the approximate location of each project;

(5) The estimated project costs and the anticipated revenues to be collected from the project;

(6) The name of the proposed district;

(7) The number of members of the board of directors of the proposed district, which shall be not less than five or more than fifteen;

(8) A statement that the terms of office of initial board members shall be staggered in approximately equal numbers to expire in one, two or three years;

(9) If the petition was filed by registered voters or by a governing body, a request that the question be submitted to the qualified voters within the limits of the proposed district whether they will establish a transportation development district to develop a specified project or projects;

(10) A proposal for funding the district initially, pursuant to the authority granted in sections 238.200 to 238.275, together with a request that the funding proposal be submitted to the qualified voters within the limits of the proposed district; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230; [and]

(11) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable; **and**

**(12) Details of the budgeted expenditures, including estimated expenditures for real physical improvements, estimated land acquisition expenses, estimated expenses for professional services and estimated interest charges.**

5. (1) As an alternative to the methods described in subsections 1 and 2 of this section, if two or more local transportation authorities have adopted resolutions calling for the joint establishment of a district, the governing body of any one such local transportation authority may file a petition in the circuit court of any county in which the proposed project is located requesting the creation of a district; or, if not less than fifty registered voters from each of two or more counties sign a petition calling for the joint establishment of a district for the purpose of developing a project that lies in whole or in part within those same counties, the petition may be filed in the circuit court of any of those counties in which not less than fifty registered voters have signed the petition.

(2) The proposed district area shall be contiguous and may contain all or any portion of one or more municipalities and counties. Property separated only by public streets, easements, or rights-of-way or connected by a single public street, easement, or right-of-way shall be considered contiguous.

(3) The petition shall set forth:

(a) That the petitioner is the governing body of a local transportation authority acting in its official capacity; or, if the petition was filed by obtaining the signatures of not less than fifty registered voters in each of two or more counties, it shall set forth the name, voting residence, and county of residence of each individual petitioner;

(b) The name of each local transportation authority within the proposed district. The resolution of the

governing body of each local transportation authority calling for the joint establishment of the district shall be attached to the petition;

(c) The name and address of each respondent. Respondents must include the commission and each affected local transportation authority within the proposed district, except a petitioning local transportation authority;

(d) A specific description of the proposed district boundaries including a map illustrating such boundaries;

(e) A general description of each project proposed to be undertaken by the district, including a description of the approximate location of each project;

(f) The name of the proposed district;

(g) The number of members of the board of directors of the proposed district;

(h) A request that the question be submitted to the qualified voters within the limits of the proposed district whether they will establish a transportation development district to develop the projects described in the petition;

(i) A proposal for funding the district initially, pursuant to the authority granted in sections 238.200 to 238.275, together with a request that the imposition of the funding proposal be submitted to the qualified voters residing within the limits of the proposed district; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230; and

(j) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable.

238.212. 1. If the petition was filed by registered voters or by a governing body, the circuit clerk in whose office the petition was filed shall give notice to the public by causing one or more newspapers of general circulation serving the counties or portions thereof contained in the proposed district to publish once a week for four consecutive weeks a notice substantially in the following form:

**NOTICE OF PETITION TO SUBMIT TO A  
POPULAR VOTE THE CREATION AND  
FUNDING OF A TRANSPORTATION  
DEVELOPMENT DISTRICT**

Notice is hereby given to all persons residing or owning property in (here specifically describe the proposed district boundaries), within the state of Missouri, that a petition has been filed asking that upon voter approval, a transportation development district by the name of “..... Transportation Development District” be formed for the purpose of developing the following transportation project: (here summarize the proposed transportation project or projects). The petition also requests voter approval of the following method(s) of funding the district, which (may) (shall not) increase the total taxes imposed within the proposed district: (describe the proposed funding methods). A copy of this petition is on file and available at the office of the clerk of the circuit court of ..... County, located at ....., Missouri. You are notified to join in or file your own petition supporting or answer opposing the creation of the transportation development district and requesting a declaratory judgment, as required by law, no later than the ..... day of ....., 20.. . You may show cause, if any there be, why such petition is defective or proposed transportation development district or its funding method, as set forth in the petition, is illegal or

unconstitutional and should not be submitted for voter approval at a general, primary or special election as directed by this court.

.....  
..... Clerk of the Circuit  
Court of ..... County

2. The circuit court may also order a public hearing on the question of the creation and funding of the proposed district, if it deems such appropriate, under such terms and conditions as it deems appropriate. **The circuit court shall order at least one public hearing on the creation and funding of the proposed district, if the petition for creating such district was filed by the owners of record of all real property within the proposed district.** If a public hearing is ordered, notice of the time, date and place of the hearing shall also be given in the notice specified in subsection 1 of this section.

238.235. 1. (1) Any transportation development district may by resolution impose a transportation development district sales tax on all retail sales made in such transportation development district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to all sales of electricity or electrical current, water and gas, natural or artificial, nor to sales of service to telephone subscribers, either local or long distance. Such transportation development district sales tax may be imposed for any transportation development purpose designated by the transportation development district in its ballot of submission to its qualified voters, except that no resolution enacted pursuant to the authority granted by this section shall be effective unless:

(a) The board of directors of the transportation development district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of this section; or

(b) The voters approved the question certified by the petition filed pursuant to subsection 5 of section 238.207.

(2) If the transportation district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of paragraph (a) of subdivision (1) of this subsection, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the transportation development district of ..... (transportation development district's name) impose a transportation development district-wide sales tax at the rate of ..... (insert amount) for a period of ..... (insert number) years from the date on which such tax is first imposed for the purpose of ..... (insert transportation development purpose)?

YES  NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the resolution and any amendments thereto shall be in effect. If a majority of the votes cast

by the qualified voters voting are opposed to the proposal, then the board of directors of the transportation development district shall have no power to impose the sales tax authorized by this section unless and until the board of directors of the transportation development district shall again have submitted another proposal to authorize it to impose the sales tax pursuant to the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon.

(3) The sales tax authorized by this section shall become effective on the first day of the month following adoption of the tax by the qualified voters.

(4) In each transportation development district in which a sales tax has been imposed in the manner provided by this section, every retailer shall add the tax imposed by the transportation development district pursuant to this section to the retailer's sale price, and when so added such tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

(5) In order to permit sellers required to collect and report the sales tax authorized by this section to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the transportation development district may establish appropriate brackets which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets provided in section 144.285, RSMo.

(6) All revenue received by a transportation development district from the tax authorized by this section which has been designated for a certain transportation development purpose shall be deposited in a special trust fund and shall be used solely for such designated purpose. Upon the expiration of the period of years approved by the qualified voters pursuant to subdivision (2) of this subsection or if the tax authorized by this section is repealed pursuant to subsection 6 of this section, all funds remaining in the special trust fund shall continue to be used solely for such designated transportation development purpose. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors in accordance with applicable laws relating to the investment of other transportation development district funds.

(7) The sales tax may be imposed in increments of one-eighth of one percent, up to a maximum of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the transportation development district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525, RSMo, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to public utilities. Any transportation development district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the district.

2. The resolution imposing the sales tax pursuant to this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, RSMo, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax and the tax shall be reported and returned to and collected by the transportation development district.

3. On and after the effective date of any tax imposed pursuant to this section, the [transportation development district] **director of revenue** shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, **and the director of revenue shall collect, in addition**

**to all other sales taxes imposed by law, the additional tax authorized pursuant to this section.** The tax imposed pursuant to this section **and the taxes imposed pursuant to all other laws of the state of Missouri** shall be collected **together** and reported upon such forms and [under] **pursuant to** such administrative rules and regulations as may be prescribed by the [transportation development district] **director of revenue.**

4. (1) All applicable provisions contained in sections 144.010 to 144.525, RSMo, governing the state sales tax, sections 32.085 and 32.087, RSMo, and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section.

(2) All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services pursuant to the provisions of sections 144.010 to 144.525, RSMo, are hereby made applicable to the imposition and collection of the tax imposed by this section.

(3) The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the transportation development district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

(4) All discounts allowed the retailer pursuant to the provisions of the state sales tax laws for the collection of and for payment of taxes pursuant to such laws are hereby allowed and made applicable to any taxes collected pursuant to the provisions of this section.

(5) The penalties provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, for violation of those sections are hereby made applicable to violations of this section.

(6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which the employee works.

5. All sales taxes [collected] **received** by the transportation development district shall be deposited by the [transportation development district] **director of revenue** in a special fund to be expended for the purposes authorized in this section. The [transportation development district] **director of revenue** shall keep accurate records of the amount of money which was collected pursuant to this section, and the records shall be open to the inspection of officers of each transportation development district and the general public.

6. (1) No transportation development district imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects.

(2) Whenever the board of directors of any transportation development district in which a transportation development sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent of the qualified voters calling for an election to repeal such transportation development sales tax, the board of directors shall, if such repeal will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects, submit to the qualified voters of such transportation development district a proposal to repeal the transportation development sales tax imposed pursuant to the provisions of this section. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal to repeal the transportation development sales tax, then the resolution imposing the transportation development sales tax, along with any amendments thereto, is repealed. If a majority of the votes cast by the qualified voters voting thereon are opposed to the proposal to repeal the transportation development sales tax, then the ordinance or resolution imposing the transportation development sales tax, along with any amendments thereto, shall remain in effect.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 45, 212, 136, 278, 279, 285 and 288, Pages 155-157, Section 135.821, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted.

At the request of Senator Pearce, **SB 45**, **SB 212**, **SB 136**, **SB 278**, **SB 279**, **SB 285** and **SB 288**, with **SCS**, **SS No. 2** for **SCS** and **SA 2** (pending), were placed on the Informal Calendar.

Senator Shields moved that **SB 291**, with **SS** and **SA 9** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 9** was again taken up.

Senator Lager moved that the above amendment be adopted.

Senator Stouffer assumed the Chair.

Senator Rupp offered **SA 1** to **SA 9**:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 9

Amend Senate Amendment No. 9 to Senate Substitute for Senate Bill No. 291, Page 5, Section 171.031, Line 5, by striking the word “may” and inserting in lieu thereof the following: “**shall**”; and further amend line 6, by striking the words “no earlier than” and inserting in lieu thereof the following: “**at least fourteen calendar days after notification of parents as to the determination of students' eligibility for public school choice options pursuant to the federal No Child Left Behind Act and regulations promulgated thereunder but no earlier than**”; and

Further amend said amendment, line 9, by inserting after the word “section.” the following: **“A school district that sets its opening date more than ten days prior to the first Monday in September as provided in subsection 3 of this section shall still comply with the fourteen day notification period described in this subsection.”**

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Dempsey assumed the Chair.

Senator Cunningham offered **SA 2 to SA 9**:

SENATE AMENDMENT NO. 2 TO  
SENATE AMENDMENT NO. 9

Amend Senate Amendment No. 9 to Senate Substitute for Senate Bill No. 291, Page 4, Section 171.029, Line 15, by inserting after the word “171.029” the following: **“1.”**; and

Further amend said section, line 24, by inserting after said line the following:

**“2. If a school district that attends less than one hundred seventy-four days meets at least two fewer performance standards on two successive annual performance reports than it met on its last annual performance report received prior to implementing a calendar year of less than one hundred seventy-four days, it shall be required to revert to a one hundred seventy-four day school year in the school year following the report of the drop in the number of performance standards met. When the number of performance standards met reaches the earlier number, the district may return to a four-day week in the next school year.”**

Senator Cunningham moved that the above amendment be adopted, which motion prevailed.

**SA 9**, as amended, was again taken up.

Senator Lager moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Days offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Bill No. 291, Page 6, Section 160.820, Line 14 of said page, by inserting immediately after said line the following:

**“162.204. Notwithstanding any provision of law to the contrary, a school district may fulfill its statutory responsibility to maintain permanent records by maintaining or storing such records in a digital or electronic format. A school district that maintains or stores records in a digital or electronic format shall follow all guidelines, suggestions, or recommendations set forth by the manufacturer of the digital or electronic storage media. A school district shall not use or maintain digital or electronic storage media beyond the manufacturer suggested or recommended period of time.”**; and

Further amend the title and enacting clause accordingly.

Senator Days moved that the above amendment be adopted, which motion prevailed.

Senator Rupp offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Bill No. 291, Page 6, Section 160.820, Line 14, by inserting after

all of said line the following:

**“162.716. 1. A student with a disability who receives special education services from a school district or special school district shall not be confined in a locked box, locked closet, or other specially designed locked space as either a discipline management practice or a behavior management technique.**

**2. As used in this section, the following terms shall mean:**

**(1) “Seclusion”, a behavior management technique that provides an opportunity for a student to regain self control in which a student is confined in a box, closet, or room that is designed solely to seclude a person and contains less than fifty square feet of space or other space from which the student is prevented from leaving;**

**(2) “Time-out”, a behavior management technique that provides a student with an opportunity to regain self-control and separates the student from other students for a limited period in a setting:**

**(a) Where a student's movement is not physically restricted;**

**(b) From which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object;**

**(3) “Weapon”, any blackjack, concealable firearm, detonator, explosive weapon, firearm, gas gun, knife, knuckles, machine gun, projectile weapon, rifle, short barrel, shotgun, or switchblade, as such terms are defined in section 571.010, RSMo;**

**3. A school district employee, a school district volunteer, or an independent contractor of a school district shall not place a student in seclusion except for use as a last resort as an emergency safety intervention for behavior that:**

**(1) Poses an imminent risk to the safety of an individual student; or**

**(2) Poses an imminent risk to the safety of others.**

**4. A room or area of seclusion shall:**

**(1) Not be locked;**

**(2) Not prevent the student from exiting the area should staff become incapacitated or leave the area; and**

**(3) Provide for adequate space, lighting, ventilation, viewing, and the safety of the student.**

**5. An employee shall not place the student in seclusion for:**

**(1) Convenience of the staff;**

**(2) As a substitute for an educational program;**

**(3) As a form of discipline or punishment;**

**(4) As a substitute for less restrictive alternatives; or**

**(5) As a substitute for adequate staffing.**

**6. Seclusion shall not be used any longer than necessary to allow for the student to regain self control:**

**(1) If the time necessary for seclusion exceeds fifteen minutes for elementary students or twenty minutes for middle or highschool students, there must be documentation to explain the extension beyond the time limit; and**

**(2) If the student is placed into seclusion for a third time in one school day, parents shall be notified immediately and given the option to remove the student from school for the remainder of the school day.**

**7. Each use of seclusion shall be:**

**(1) Documented in writing and reported to the administration, including documentation of observations of the student while in seclusion;**

**(2) Reported to the parent immediately or as soon as possible; and**

**(3) Documented in a written report and given to the parent or guardian within twenty-four hours.**

**8. Schools shall ensure all employees are informed and notified of these requirements in this section.**

**9. This section shall not prevent a student's locked, unattended confinement in an emergency situation while awaiting the arrival of law enforcement personnel if:**

**(1) The student possesses a weapon; and**

**(2) The confinement is necessary to prevent the student from causing bodily harm to the student or another person.**

**10. This section and any rules, regulations, and procedures promulgated or adopted under it shall not apply to:**

**(1) A peace officer while performing law enforcement duties;**

**(2) Juvenile probation, detention, or corrections personnel; or**

**(3) An educational services provider with whom a student is placed by a judicial authority, unless the services are provided in an educational program of a school district.**

**11. This section shall not apply to the use of seclusion in a court-ordered placement, other than in an educational program of a school district or in a placement or facility to which the federal Children's Health Act of 2000, P.L. 106-310, any subsequent amendments to the act, any regulation adopted under that act, or any subsequent amendments to such regulation, applies.**

**12. This section shall not prohibit a school district from using time-out as described in subdivision (2) of subsection 2 of this section.”; and**

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 12:**

**SENATE AMENDMENT NO. 12**

Amend Senate Substitute for Senate Bill No. 291, Page 6, Section 160.820, Line 14, by inserting after said line the following:

**“160.950. 1. There is hereby created in the state treasury the “Persistence to Graduation Fund”, which shall consist of money collected under this section. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used solely for the administration of this section. Any moneys remaining in the fund at the end of the biennium shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. The fund shall be administered by the department of elementary and secondary education.**

**2. The department of elementary and secondary education shall establish a procedure whereby seven-director, urban, and metropolitan school districts may apply for grant awards from the Persistence to Graduation Fund in order for such districts to implement drop-out prevention strategies. Successful applicants under this section shall be awarded grants for one to five consecutive years. Upon expiration of the initial grant, the district may reapply for an extension of the grant award for a period of time deemed appropriate by both the district and the department. The department of elementary and secondary education shall give preference to school districts that propose a holistic approach to drop-out prevention, directed at a broad array of students, from the pre-kindergarten level through early adulthood, including the following characteristics:**

**(1) A collaborative approach between the school district and various community organizations, including non-profit organizations, local governmental organizations, law enforcement agencies, “approved public institutions” and “approved private institutions” as such terms are defined in section 173.1102, RSMo, and institutions able to deliver proven, research-based intervention services;**

**(2) Early intervention strategies, including family engagement, early childhood education, early literacy development, family literacy, and mental health detection and treatment;**

**(3) Increased accountability measures that track at-risk students that leave the district;**

**(4) The implementation or augmentation of the following basic core strategies for drop-out prevention:**

**(a) Mentoring;**

**(b) Tutoring;**

**(c) Alternative Schooling;**

**(d) Career and Technical Education; and**

**(e) Before or After School Programs;**

**(5) The implementation of early intervention strategies for students who display strong indicators that they will not persist to graduation.**

**3. Grants awarded under this section shall be available to school districts that have a student population of which sixty percent or greater is eligible for a free and reduced lunch on the last Wednesday in January for the preceding school year who were enrolled as students of the district, as approved by the department of elementary and secondary education in accordance with applicable federal regulations.**

**4. The department of elementary and secondary education shall promulgate rules, no later than**

**January 15, 2010, for the implementation of this section, including:**

- (1) A procedure by which funds shall be allocated to the applying school districts; and**
- (2) A means to judge the effectiveness of the drop-out prevention programs of the districts that receive grants under this program.**

**Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.**

**5. The department of elementary and secondary education may cease award payments to any district at any time if the department determines that such funds are being misused or if the district's drop-out prevention program is deemed to be ineffectual. Any decision to discontinue payments of such funds shall be presented to the applicable district in writing at least thirty days prior to the cessation of fund payments.**

**6. The department of elementary and secondary education shall report to the general assembly and to the governor, no later than January fifteenth annually:**

- (1) The recipients and amounts of the grants awarded under this section; and**
- (2) The persistence to graduation data from the preceding five years for each district awarded grants under this section.**

**7. Subject to appropriation, the general assembly shall annually appropriate an amount sufficient to fund the provisions of this section.**

**8. Pursuant to section 23.253, RSMo, of the Missouri sunset act:**

**(1) The provisions of the new program authorized under this section shall sunset automatically six years after the effective date of this section unless reauthorized by an act of the general assembly; and**

**(2) If such program is reauthorized, the program authorized under this section shall sunset automatically twelve years after the effective date of the reauthorization of this section; and**

**(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and**

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Days offered **SA 13**:

**SENATE AMENDMENT NO. 13**

Amend Senate Substitute for Senate Bill No. 291, Page 26, Section 166.300, Line 19 of said page, by inserting immediately after said line the following:

**“170.400. Any and all equipment and educational materials necessary for successful participation in supplemental educational services programming shall not be deemed an incentive for the purposes of compliance with department of elementary and secondary education rules and regulations for supplemental educational services provider certification. The department of elementary and secondary education shall not prohibit providers of supplemental and educational services from allowing students to retain instructional equipment, including computers, used by them upon successful completion of supplemental and educational services.”; and**

Further amend the title and enacting clause accordingly.

Senator Days moved that the above amendment be adopted, which motion prevailed.

Senator Smith offered **SA 14**:

#### SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Bill No. 291, Page 1, Section A, Line 6, by inserting after said line the following:

“160.400. 1. A charter school is an independent public school.

2. Charter schools may be operated only in a metropolitan school district or in an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants and may be sponsored by any of the following:

(1) The school board of the district;

(2) A public four-year college or university with its primary campus in the school district or in a county adjacent to the county in which the district is located, with an approved teacher education program that meets regional or national standards of accreditation;

(3) A community college located in the district; or

(4) Any private four-year college or university located in a city not within a county with an enrollment of at least one thousand students, and with an approved teacher preparation program.

3. The mayor of a city not within a county may request a sponsor under subdivision (2), (3), or (4) of subsection 2 of this section to consider sponsoring a workplace charter school, which is defined for purposes of sections 160.400 to 160.420 as a charter school with the ability to target prospective students whose parent or parents are employed in a business district, as defined in the charter, which is located in the city.

4. No sponsor shall receive from an applicant for a charter school any fee of any type for the consideration of a charter, nor may a sponsor condition its consideration of a charter on the promise of future payment of any kind.

5. The charter school shall be a Missouri nonprofit corporation incorporated pursuant to chapter 355, RSMo. The charter provided for herein shall constitute a contract between the sponsor and the charter school.

6. As a nonprofit corporation incorporated pursuant to chapter 355, RSMo, the charter school shall select the method for election of officers pursuant to section 355.326, RSMo, based on the class of corporation selected. Meetings of the governing board of the charter school shall be subject to the provisions of sections 610.010 to 610.030, RSMo, the open meetings law.

7. A sponsor of a charter school, its agents and employees are not liable for any acts or omissions of a charter school that it sponsors, including acts or omissions relating to the charter submitted by the charter school, the operation of the charter school and the performance of the charter school.

8. A charter school may affiliate with a four-year college or university, including a private college or university, or a community college as otherwise specified in subsection 2 of this section when its charter is granted by a sponsor other than such college, university or community college. Affiliation status recognizes a relationship between the charter school and the college or university for purposes of teacher training and staff development, curriculum and assessment development, use of physical facilities owned by or rented on behalf of the college or university, and other similar purposes. The primary campus of the college or university must be located within the county in which the school district lies wherein the charter school is located or in a county adjacent to the county in which the district is located. A university, college or community college may not charge or accept a fee for affiliation status.

9. The expenses associated with sponsorship of charter schools shall be defrayed by the department of elementary and secondary education retaining one and five-tenths percent of the amount of state and local funding allocated to the charter school under section 160.415, not to exceed one hundred twenty-five thousand dollars, adjusted for inflation. Such amount shall not be withheld when the sponsor is a school district or the state board of education. The department of elementary and secondary education shall remit the retained funds for each charter school to the school's sponsor, provided the sponsor remains in good standing by fulfilling its sponsorship obligations under sections 160.400 to 160.420 and 167.349, RSMo, with regard to each charter school it sponsors, **including appropriate demonstration of the following:**

**(1) Expends no less than ninety percent of its charter school sponsorship funds in support of its charter school sponsorship program, or as a direct investment in the sponsored schools;**

**(2) Maintains a comprehensive application process that follows fair procedures and rigorous criteria and grants charters only to those developers who demonstrate strong capacity for establishing and operating a quality charter school;**

**(3) Negotiates contracts with charter schools that clearly articulate the rights and responsibilities of each party regarding school autonomy, expected outcomes, measures for evaluating success or failure, performance consequences, and other material terms;**

**(4) Conducts contract oversight that evaluates performance, monitors compliance, informs intervention and renewal decisions, and ensures autonomy provided under applicable law; and**

**(5) Designs and implements a transparent and rigorous process that uses comprehensive data to make merit-based renewal decisions.**

10. No university, college or community college shall grant a charter to a nonprofit corporation if an employee of the university, college or community college is a member of the corporation's board of directors.

11. No sponsor shall grant a charter under sections 160.400 to 160.420 and 167.349, RSMo, without ensuring that a criminal background check and child abuse registry check are conducted for all members of the governing board of the charter schools or the incorporators of the charter school if initial directors are not named in the articles of incorporation, nor shall a sponsor renew a charter without ensuring a criminal background check and child abuse registry check are conducted for each member of the

governing board of the charter school.

12. No member of the governing board of a charter school shall hold any office or employment from the board or the charter school while serving as a member, nor shall the member have any substantial interest, as defined in section 105.450, RSMo, in any entity employed by or contracting with the board. No board member shall be an employee of a company that provides substantial services to the charter school. All members of the governing board of the charter school shall be considered decision-making public servants as defined in section 105.450, RSMo, for the purposes of the financial disclosure requirements contained in sections 105.483, 105.485, 105.487, and 105.489, RSMo.

13. A sponsor shall provide timely submission to the state board of education of all data necessary to demonstrate that the sponsor is in material compliance with all requirements of sections 160.400 to 160.420 and 167.349, RSMo.

14. The state board of education shall ensure each sponsor is in compliance with all requirements under sections 160.400 to 160.420 and 167.349, RSMo, for each charter school sponsored by any sponsor. The state board shall notify each sponsor of the standards for sponsorship of charter schools, delineating both what is mandated by statute and what best practices dictate. The state board, after a public hearing, may require remedial action for a sponsor that it finds has not fulfilled its obligations of sponsorship, such remedial actions including withholding the sponsor's funding and suspending for a period of up to one year the sponsor's authority to sponsor a school that it currently sponsors or to sponsor any additional school. If the state board removes the authority to sponsor a currently operating charter school, the state board shall become the interim sponsor of the school for a period of up to three years until the school finds a new sponsor or until the charter contract period lapses.

160.405. 1. A person, group or organization seeking to establish a charter school shall submit the proposed charter, as provided in this section, to a sponsor. If the sponsor is not a school board, the applicant shall give a copy of its application to the school board of the district in which the charter school is to be located and to the state board of education, within five business days of the date the application is filed with the proposed sponsor. The school board may file objections with the proposed sponsor, and, if a charter is granted, the school board may file objections with the state board of education. The charter shall include a mission statement for the charter school, a description of the charter school's organizational structure and bylaws of the governing body, which will be responsible for the policy and operational decisions of the charter school, a financial plan for the first three years of operation of the charter school including provisions for annual audits, a description of the charter school's policy for securing personnel services, its personnel policies, personnel qualifications, and professional development plan, a description of the grades or ages of students being served, the school's calendar of operation, which shall include at least the equivalent of a full school term as defined in section 160.011, and an outline of criteria specified in this section designed to measure the effectiveness of the school. The charter shall also state:

- (1) The educational goals and objectives to be achieved by the charter school;
- (2) A description of the charter school's educational program and curriculum;
- (3) The term of the charter, which shall be not less than five years, nor greater than ten years and shall be renewable;
- (4) A description of the charter school's pupil performance standards, which must meet the requirements

of subdivision (6) of subsection 5 of this section. The charter school program must be designed to enable each pupil to achieve such standards;

(5) A description of the governance and operation of the charter school, including the nature and extent of parental, professional educator, and community involvement in the governance and operation of the charter school; and

(6) A description of the charter school's policies on student discipline and student admission, which shall include a statement, where applicable, of the validity of attendance of students who do not reside in the district but who may be eligible to attend under the terms of judicial settlements.

2. Proposed charters shall be subject to the following requirements:

(1) A charter may be approved when the sponsor determines that the requirements of this section are met and determines that the applicant is sufficiently qualified to operate a charter school. The sponsor's decision of approval or denial shall be made within ninety days of the filing of the proposed charter;

(2) If the charter is denied, the proposed sponsor shall notify the applicant in writing as to the reasons for its denial and forward a copy to the state board of education within five business days following the denial;

(3) If a proposed charter is denied by a sponsor, the proposed charter may be submitted to the state board of education, along with the sponsor's written reasons for its denial. If the state board determines that the applicant meets the requirements of this section, that the applicant is sufficiently qualified to operate the charter school, and that granting a charter to the applicant would be likely to provide educational benefit to the children of the district, the state board may grant a charter and act as sponsor of the charter school. The state board shall review the proposed charter and make a determination of whether to deny or grant the proposed charter within sixty days of receipt of the proposed charter, provided that any charter to be considered by the state board of education under this subdivision shall be submitted no later than March first prior to the school year in which the charter school intends to begin operations. The state board of education shall notify the applicant in writing as the reasons for its denial, if applicable; and

(4) The sponsor of a charter school shall give priority to charter school applicants that propose a school oriented to high-risk students and to the reentry of dropouts into the school system. If a sponsor grants three or more charters, at least one-third of the charters granted by the sponsor shall be to schools that actively recruit dropouts or high-risk students as their student body and address the needs of dropouts or high-risk students through their proposed mission, curriculum, teaching methods, and services. For purposes of this subsection, a "high-risk" student is one who is at least one year behind in satisfactory completion of course work or obtaining credits for graduation, pregnant or a parent, homeless or has been homeless sometime within the preceding six months, has limited English proficiency, has been suspended from school three or more times, is eligible for free or reduced-price school lunch, or has been referred by the school district for enrollment in an alternative program. "Dropout" shall be defined through the guidelines of the school core data report. The provisions of this subsection do not apply to charters sponsored by the state board of education.

3. If a charter is approved by a sponsor, the charter application shall be submitted to the state board of education, along with a statement of finding that the application meets the requirements of sections 160.400 to 160.420 and section 167.439, RSMo, and a monitoring plan under which the charter sponsor will evaluate

the academic performance of students enrolled in the charter school. The state board of education may, within sixty days, disapprove the granting of the charter. The state board of education may disapprove a charter on grounds that the application fails to meet the requirements of sections 160.400 to 160.420 and section 167.349, RSMo, or that a charter sponsor previously failed to meet the statutory responsibilities of a charter sponsor.

4. Any disapproval of a charter pursuant to subsection 3 of this section shall be subject to judicial review pursuant to chapter 536, RSMo.

5. A charter school shall, as provided in its charter:

(1) Be nonsectarian in its programs, admission policies, employment practices, and all other operations;

(2) Comply with laws and regulations of the state, county, or city relating to health, safety, and state minimum educational standards, as specified by the state board of education, including the requirements relating to student discipline under sections 160.261, 167.161, 167.164, and 167.171, RSMo, notification of criminal conduct to law enforcement authorities under sections 167.115 to 167.117, RSMo, academic assessment under section 160.518, transmittal of school records under section 167.020, RSMo, and the minimum number of school days and hours required under section 160.041;

(3) Except as provided in sections 160.400 to 160.420, be exempt from all laws and rules relating to schools, governing boards and school districts;

(4) Be financially accountable, use practices consistent with the Missouri financial accounting manual, provide for an annual audit by a certified public accountant, publish audit reports and annual financial reports as provided in chapter 165, RSMo, provided that the annual financial report may be published on the department of elementary and secondary education's Internet web site in addition to other publishing requirements, and provide liability insurance to indemnify the school, its board, staff and teachers against tort claims. A charter school that receives local educational agency status under subsection 6 of this section shall meet the requirements imposed by the Elementary and Secondary Education Act for audits of such agencies. For purposes of an audit by petition under section 29.230, RSMo, a charter school shall be treated as a political subdivision on the same terms and conditions as the school district in which it is located. For the purposes of securing such insurance, a charter school shall be eligible for the Missouri public entity risk management fund pursuant to section 537.700, RSMo. A charter school that incurs debt must include a repayment plan in its financial plan;

(5) Provide a comprehensive program of instruction for at least one grade or age group from kindergarten through grade twelve, which may include early childhood education if funding for such programs is established by statute, as specified in its charter;

(6) (a) Design a method to measure pupil progress toward the pupil academic standards adopted by the state board of education pursuant to section 160.514, collect baseline data during at least the first three years for determining how the charter school is performing and to the extent applicable, participate in the statewide system of assessments, comprised of the essential skills tests and the nationally standardized norm-referenced achievement tests, as designated by the state board pursuant to section 160.518, complete and distribute an annual report card as prescribed in section 160.522, which shall also include a statement that background checks have been completed on the charter school's board members, report to its sponsor, the local school district, and the state board of education as to its teaching methods and any educational

innovations and the results thereof, and provide data required for the study of charter schools pursuant to subsection 4 of section 160.410. No charter school will be considered in the Missouri school improvement program review of the district in which it is located for the resource or process standards of the program.

(b) For proposed high risk or alternative charter schools, sponsors shall approve performance measures based on mission, curriculum, teaching methods, and services. Sponsors shall also approve comprehensive academic and behavioral measures to determine whether students are meeting performance standards on a different time frame as specified in that school's charter. Student performance shall be assessed comprehensively to determine whether a high risk or alternative charter school has documented adequate student progress. Student performance shall be based on sponsor-approved comprehensive measures as well as standardized public school measures. Annual presentation of charter school report card data to the department of elementary and secondary education, the state board, and the public shall include comprehensive measures of student progress.

(c) Nothing in this paragraph shall be construed as permitting a charter school to be held to lower performance standards than other public schools within a district; however, the charter of a charter school may permit students to meet performance standards on a different time frame as specified in its charter;

(7) Assure that the needs of special education children are met in compliance with all applicable federal and state laws and regulations;

(8) Provide along with any request for review by the state board of education the following:

(a) Documentation that the applicant has provided a copy of the application to the school board of the district in which the charter school is to be located, except in those circumstances where the school district is the sponsor of the charter school; and

(b) A statement outlining the reasons for approval or disapproval by the sponsor, specifically addressing the requirements of sections 160.400 to 160.420 and 167.349, RSMo.

6. The charter of a charter school may be amended at the request of the governing body of the charter school and on the approval of the sponsor. The sponsor and the governing board and staff of the charter school shall jointly review the school's performance, management and operations at least once every two years or at any point where the operation or management of the charter school is changed or transferred to another entity, either public or private. The governing board of a charter school may amend the charter, if the sponsor approves such amendment, or the sponsor and the governing board may reach an agreement in writing to reflect the charter school's decision to become a local educational agency for the sole purpose of seeking direct access to federal grants. In such case the sponsor shall give the department of elementary and secondary education written notice no later than March first of any year, with the agreement to become effective July first. The department may waive the March first notice date in its discretion. The department shall identify and furnish a list of its regulations that pertain to local educational agencies to such schools within thirty days of receiving such notice.

7. (1) A sponsor [may] **shall revoke a charter or take other appropriate remedial action, which may include placing the charter school on probationary status**, at any time if the charter school commits a serious breach of one or more provisions of its charter or on any of the following grounds: failure to meet academic performance standards as set forth in its charter, failure to meet generally accepted standards of fiscal management, failure to provide information necessary to confirm compliance with all provisions of

the charter and sections 160.400 to 160.420 and 167.349, RSMo, within forty-five days following receipt of written notice requesting such information, or violation of law.

(2) The sponsor may place the charter school on probationary status to allow the implementation of a remedial plan, which may require a change of methodology, a change in leadership, or both, after which, if such plan is unsuccessful, the charter may be revoked.

(3) At least sixty days before acting to revoke a charter, the sponsor shall notify the governing board of the charter school of the proposed action in writing. The notice shall state the grounds for the proposed action. The school's governing board may request in writing a hearing before the sponsor within two weeks of receiving the notice.

(4) The sponsor of a charter school shall establish procedures to conduct administrative hearings upon determination by the sponsor that grounds exist to revoke a charter. Final decisions of a sponsor from hearings conducted pursuant to this subsection are subject to judicial review pursuant to chapter 536, RSMo.

(5) A termination shall be effective only at the conclusion of the school year, unless the sponsor determines that continued operation of the school presents a clear and immediate threat to the health and safety of the children.

(6) A charter sponsor shall make available the school accountability report card information as provided under section 160.522 and the results of the academic monitoring required under subsection 3 of this section.

8. A sponsor shall take all reasonable steps necessary to confirm that each charter school sponsored by such sponsor is in material compliance and remains in material compliance with all material provisions of the charter and sections 160.400 to 160.420 and 167.349, RSMo. Every charter school shall provide all information necessary to confirm ongoing compliance with all provisions of its charter and sections 160.400 to 160.420 and 167.349, RSMo, in a timely manner to its sponsor.

9. A school district may enter into a lease with a charter school for physical facilities.

10. A governing board or a school district employee who has control over personnel actions shall not take unlawful reprisal against another employee at the school district because the employee is directly or indirectly involved in an application to establish a charter school. A governing board or a school district employee shall not take unlawful reprisal against an educational program of the school or the school district because an application to establish a charter school proposes the conversion of all or a portion of the educational program to a charter school. As used in this subsection, "unlawful reprisal" means an action that is taken by a governing board or a school district employee as a direct result of a lawful application to establish a charter school and that is adverse to another employee or an educational program.

11. Charter school board members shall be subject to the same liability for acts while in office as if they were regularly and duly elected members of school boards in any other public school district in this state. The governing board of a charter school may participate, to the same extent as a school board, in the Missouri public entity risk management fund in the manner provided under sections 537.700 to 537.756, RSMo.

12. Any entity, either public or private, operating, administering, or otherwise managing a charter school

shall be considered a quasi-public governmental body and subject to the provisions of sections 610.010 to 610.035, RSMo.

13. The chief financial officer of a charter school shall maintain a surety bond in an amount determined by the sponsor to be adequate based on the cash flow of the school.”; and

Further amend the title and enacting clause accordingly.

Senator Smith moved that the above amendment be adopted.

Senator Rupp offered SA 1 to SA 14:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 14

Amend Senate Amendment No. 14 to Senate Substitute for Senate Bill No. 291, Page 16, Section 160.405, Line 8, by inserting after the word “maintain” the following: “:

(1)”; and further amend line 9, by inserting after the word “school” the following:

“; or

**(2) An insurance policy issued by an insurance company licensed to do business in Missouri on all employees in the amount of five hundred thousand dollars or more that provides coverage in the event of employee theft.**

160.410. 1. A charter school shall enroll:

(1) All pupils resident in the district in which it operates;

(2) Nonresident pupils eligible to attend a district's school under an urban voluntary transfer program; and

(3) In the case of a workplace charter school, any student eligible to attend under subdivision (1) or (2) of this subsection whose parent is employed in the business district, who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level or building. The configuration of a business district shall be set forth in the charter and shall not be construed to create an undue advantage for a single employer or small number of employers.

2. If capacity is insufficient to enroll all pupils who submit a timely application, the charter school shall have an admissions process that assures all applicants of an equal chance of gaining admission except that:

(1) A charter school may establish a geographical area around the school whose residents will receive a preference for enrolling in the school, provided that such preferences do not result in the establishment of racially or socioeconomically isolated schools and provided such preferences conform to policies and guidelines established by the state board of education; and

(2) A charter school may also give a preference for admission of children whose siblings attend the school or whose parents are employed at the school or in the case of a workplace charter school, a child whose parent is employed in the business district or at the business site of such school.

3. A charter school shall not limit admission based on race, ethnicity, national origin, disability, gender, income level, proficiency in the English language or athletic ability, but may limit admission to pupils within a given age group or grade level.

4. The department of elementary and secondary education shall commission a study of the performance of students at each charter school in comparison with [a comparable] **an equivalent group of district students representing an equivalent demographic and geographic population** and a study of the impact of charter schools upon **the constituents they serve in** the districts in which they are located, to be conducted by a contractor selected through a request for proposal. **The department of elementary and secondary education shall coordinate the request for proposal process in conjunction with individuals representing charter public schools and the districts in which the charter schools are located.** The department of elementary and secondary education shall reimburse the contractor from funds appropriated by the general assembly for the purpose. The study of a charter school's student performance in relation to a comparable group shall be designed to provide information that would allow parents and educators to make valid comparisons of academic performance between the charter school's students and [a] **an equivalent group of district students [comparable to the students enrolled in the charter school] representing an equivalent demographic and geographic population. The student performance assessment and comparison shall include, but may not be limited to, as prescribed by the request for proposal:**

- (1) **Missouri assessment program test performance and aggregate growth over several years;**
- (2) **Student re-enrollment rates;**
- (3) **Educator, parent, and student satisfaction data;**
- (4) **Graduation rates in secondary programs; and**
- (5) **Performance of students enrolled in the same public school for three or more consecutive years.**

The impact study shall be undertaken every two years to determine the [effect] **impact** of charter schools on [education stakeholders] **the constituents they serve** in the districts where charter schools are operated. The impact study [may] **shall** include, but is not limited to, determining if changes have been made in district policy or procedures attributable to the charter school and to perceived changes in attitudes and expectations on the part of district personnel, school board members, parents, students, the business community and other education stakeholders. The department of elementary and secondary education shall make the results of the studies public and shall deliver copies to the governing boards of the charter schools, the sponsors of the charter schools, the school board and superintendent of the districts in which the charter schools are operated.

5. A charter school shall make available for public inspection, and provide upon request, to the parent, guardian, or other custodian of any school-age pupil resident in the district in which the school is located the following information:

- (1) The school's charter;
- (2) The school's most recent annual report card published according to section 160.522; and
- (3) The results of background checks on the charter school's board members.

The charter school may charge reasonable fees, not to exceed the rate specified in section 610.026, RSMo, for furnishing copies of documents under this subsection.”.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 2** to **SA 14**:

SENATE AMENDMENT NO. 2 TO  
SENATE AMENDMENT NO. 14

Amend Senate Amendment No. 14 to Senate Substitute for Senate Bill No. 291, Page 14, Section 160.405, Line 29, by inserting after said line the following:

**“(7) Any charter school that attains a score on its annual performance review consistent with the classification of unaccredited shall be classified as unaccredited by the state board of education within sixty days of the publication of the annual performance review data. Any charter school classified as unaccredited by the state board of education for two successive school years shall have their charter revoked on June thirtieth of the second full school year of such unaccredited classification after the school year during which the unaccredited classification is initially assigned.”.**

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Stouffer assumed the Chair.

**SA 14**, as amended, was again taken up.

Senator Smith moved that the above amendment be adopted, which motion prevailed.

Senator Bartle offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Bill No. 291, Page 28, Section 313.822, Line 27, by inserting after said line the following:

**“Section 1. No board of education shall enter into a collective bargaining agreement that forecloses the option of adopting a merit pay plan or performance pay plan.”; and**

Further amend the title and enacting clause accordingly.

Senator Bartle moved that the above amendment be adopted.

Senator Dempsey assumed the Chair.

Senator Green offered **SSA 1** for **SA 15**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Bill No. 291, Page 28, Section 313.822, Line 27, by inserting after said line the following:

**“Section 1. A board of education may enter into a collective bargaining agreement that includes the option of adopting a merit pay plan or performance pay plan.”; and**

Further amend the title and enacting clause accordingly.

Senator Green moved that the above substitute amendment be adopted.

Senator Bartle raised the point of order that **SSA 1** for **SA 15** is out of order as it is not a true substitute.

The point of order was referred to the President Pro Tem who ruled it well taken.

**SA 15** was again taken up.

At the request of Senator Bartle, the above amendment was withdrawn.

Senator Rupp offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Bill No. 291, Page 26, Section 166.300, Line 19, by inserting after said line the following:

“171.031. 1. Each school board shall prepare annually a calendar for the school term, specifying the opening date and providing a minimum term of at least one hundred seventy-four days and one thousand forty-four hours of actual pupil attendance. In addition, such calendar shall include six make-up days for possible loss of attendance due to inclement weather as defined in subsection 1 of section 171.033.

2. Each local school district [may] **shall** set its opening date each year, which date shall be [no earlier than] **at least fourteen calendar days after notification of parents as to the determination of students' eligibility for public school choice options pursuant to the federal No Child Left Behind Act and regulations promulgated thereunder but no earlier than** ten calendar days prior to the first Monday in September. No public school district shall select an earlier start date unless the district follows the procedure set forth in subsection 3 of this section. **A school district that sets its opening date more than ten days prior to the first Monday in September as provided in subsection 3 of this section shall still comply with the fourteen day notification period described in this subsection.**

3. A district may set an opening date that is more than ten calendar days prior to the first Monday in September only if the local school board first gives public notice of a public meeting to discuss the proposal of opening school on a date more than ten days prior to the first Monday in September, and the local school board holds said meeting and, at the same public meeting, a majority of the board votes to allow an earlier opening date. If all of the previous conditions are met, the district may set its opening date more than ten calendar days prior to the first Monday in September. The condition provided in this subsection must be satisfied by the local school board each year that the board proposes an opening date more than ten days before the first Monday in September.

4. If any local district violates the provisions of this section, the department of elementary and secondary education shall withhold an amount equal to one quarter of the state funding the district generated under section 163.031, RSMo, for each date the district was in violation of this section.

5. The provisions of subsections 2 to 4 of this section shall not apply to school districts in which school is in session for twelve months of each calendar year.

6. The state board of education may grant an exemption from this section to a school district that demonstrates highly unusual and extenuating circumstances justifying exemption from the provisions of subsections 2 to 4 of this section. Any exemption granted by the state board of education shall be valid for one academic year only.

7. No school day shall be longer than seven hours except for vocational schools which may adopt an eight-hour day in a metropolitan school district and a school district in a first class county adjacent to a city not within a county.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Cunningham offered SA 17:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Bill No. 291, Page 6, Section 160.820, Line 14 of said page, by inserting after all of said line the following:

**“162.1033. 1. The provisions of this section shall be known as the “Students First Act”.**

**2. For the school year beginning July 1, 2010, and each succeeding school year, a child in foster care under chapter 210, RSMo, may enroll in a public school for kindergarten or grades above kindergarten in a school district other than the one he or she currently attends in the manner provided in this section.**

**3. For purposes of this section, the following terms shall mean:**

**(1) “Public school”, includes school districts, charter schools, magnet schools, and the virtual school created in section 161.670, RSMo;**

**(2) “IEP”, individualized education program.**

**4. (1) Every school district shall adopt a policy which defines the term “class size” for the purposes of open enrollment. The “minimum standard” of teacher-pupil ratio promulgated by the department shall be used in formulating the policy. The policy may allow for a number of spaces to remain open to accommodate potential additional pupils who will reside in the district. The receiving district shall make available to the public the number of open seats in each grade each year on a timely basis. A child in the foster care system under chapter 210, RSMo, shall declare his or her intent by March first preceding the school year in which the student wishes to participate. Open enrollment requests shall be valid for an entire school year.**

**(2) If capacity is insufficient to enroll all pupils who submit an application, the receiving school district shall have an admissions process that assures all applicants of an equal chance of gaining admission except that preferences for admission of children whose siblings attend the school may be permitted. Whenever there is a federal court-ordered desegregation directive for a school district, enrollment options under this section are subject to the approval of the court of continuing jurisdiction, and the court order shall govern.**

**(3) If a child in the foster care system under chapter 210, RSMo, believes that a receiving district is unreasonable in disapproving applications submitted in accordance with this subsection, he or she may request that the department of elementary and secondary education review and take appropriate action. School districts shall keep records of the numbers of transfers requested into and out of the district and numbers accepted and denied. These records shall be publicly available.**

**(4) If a request filed under this section is for a child requiring special education under sections 162.670 to 162.999, the request to transfer to the other district shall be granted only if the individualized education program team in the receiving district verifies that the receiving district maintains a special education instructional program which is appropriate to meet the child's educational needs and the enrollment of the child in the receiving district's program would not cause**

the size of the class in that special education instructional program in the receiving district to exceed the maximum class size established in rules adopted by the state board of education or federal guidelines for that program. For children requiring special education, a member of the child's IEP team in the school district of residence shall be part of the IEP team in the receiving district for the initial IEP planning sessions, and the school district of residence shall pay to the receiving district the actual costs incurred in providing the appropriate special education.

5. A student who enrolls in another public school under this section shall be counted, for state school foundation aid purposes, in the receiving district.

6. For accountability purposes on adequate yearly progress and the annual performance report, the statewide assessment scores of pupils using open enrollment to attend a district other than their school district of residence shall be treated in the same manner as the scores of English language learners.

7. To the extent practicable based on available capacity, each public school district with multiple attendance centers serving the same grade level may provide intradistrict open enrollment. A district's intradistrict transfers shall receive priority over interdistrict transfers.

8. Students who participate in open enrollment shall be treated like resident students of the receiving district for school activities participation on any team, and no organization shall prevent such students from participating in school activities. Districts and organizations involved in school activities in open enrollment districts shall make a good faith effort to facilitate participation.

9. In a public school district that qualified for a small school grant under section 163.044, RSMo, for the previous school year, the addition of up to five percent average daily attendance attributable to open enrollment shall not disqualify the district for the grant, nor shall a decrease of less than five percent from the average daily attendance used to determine qualification for the grant for the subsequent school year that is attributable to open enrollment qualify a district for the grant.

10. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Cunningham moved that the above amendment be adopted.

Senator Mayer offered SA 1 to SA 17:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 17

Amend Senate Amendment No. 17 to Senate Substitute for Senate Bill No. 291, Page 1, Line 2, by inserting after said line the following:

**“162.1032. 1. For purposes of this section, the following terms shall mean:**

- (1) “Department”, the department of elementary and secondary education;
- (2) “Residency”, the term as defined under section 167.020, RSMo;
- (3) “School district”, a seven director, urban, or metropolitan school district.

2. For the school year commencing July 1, 2010, and for each succeeding school year, a parent or guardian residing in a public school district may enroll his or her child in a public school in another school district in the manner provided in this section.

3. For a parent or guardian to be able to enroll his or her child in a public school in another school district, the following shall be required:

- (1) The child shall be enrolled in and attending a public school located in Missouri; or
- (2) The parent or guardian has registered, or is preparing to register, the child for kindergarten or first grade.

4. By January fifteenth of the preceding school year, the parent shall send notification to the school district of residence and the receiving district, on an application or forms prescribed by the department, that the parent or guardian intends to enroll his or her child in a public school in a school district other than the school district of residence. If a school district does not have sufficient capacity to enroll all pupils who submit a timely application, the school district shall institute an admissions process to ensure all applicants an equal chance of admission, except that a school district may give preference for admission to siblings of children who are already enrolled in the school district under this section.

5. If a parent or guardian fails to send notification by January fifteenth as specified in subsection 4 of this section, the parent or guardian may request transfer until the third Friday in July of that calendar year, on an application or forms prescribed by the department, by sending notification to the school district of residence and the receiving district, provided that good cause exists for the failure to meet the deadline. The board of education for the receiving district shall determine if good cause exists. For purposes of this subsection, good cause shall mean:

- (1) A change in a child's residence due to a change in family residence, a change in the marital status of the child's parent or guardian, a guardianship or custody proceeding, placement in foster care, adoption, participation in a substance abuse or mental health treatment program; or
- (2) A classification of the child's resident school district as unaccredited by the state board of education or the revocation of the charter of a charter school as provided in section 160.405, RSMo, attended by the child.

6. Whenever a federal court-ordered desegregation directive exists for a school district, enrollment options under this section are subject to the approval of the court of continuing jurisdiction. The court order shall govern.

7. An application for open enrollment may be granted at any time with the approval of the receiving district and the school district of residence. If the request is granted, the board of education of the receiving district shall notify the parent or guardian and the school district of residence within five days. The parent or guardian may withdraw the request to enroll his or her child at any time prior to the start of the school year. A request for enrollment under this section shall be valid for at least one year, and once granted, shall not require another application until the pupil has completed

all grades available in the school district.

8. Each school district shall adopt a policy for appropriate class size and teacher-pupil ratios for all grade levels. The policy may allow for a number of spaces to remain open to accommodate potential additional pupils who may reside in the district. No school district shall be required to admit pupils under this section if such admittance would violate its target class size and teacher-pupil ratio under this subsection. If a school district denies enrollment to a pupil under this section, it shall state the grounds for the denial. Each school district shall maintain records on:

- (1) The number of transfers requested into and out of the district;
- (2) The number of pupils accepted into the district; and
- (3) The number of pupils denied enrollment into the district.

9. If, after enrolling his or her child in the receiving district, the parent or guardian is dissatisfied, he or she may return his or her child to the school district of residence upon notification to both the receiving district and the school district of residence. However, the parent or guardian shall not be able to reenroll his or her child in the receiving district at a later time. If the parent or guardian desires to enroll his or her child in a school district other than the school district of residence or the initial receiving district, he or she shall follow the procedures identified in this section.

10. If a request filed under this section is for a child requiring special education under sections 162.670 to 162.999, the request to transfer to the other district shall only be granted if the individualized education program team in the receiving district verifies that:

- (1) The receiving district maintains a special education instructional program that is appropriate to meet the child's educational needs; and
- (2) The enrollment of the child in the receiving district's program would not cause the size of the class in that special education instructional program to exceed the maximum class size established in rules and regulations adopted by the state board of education or federal guidelines for that program.

11. For children requiring special education, a member of the individualized education program team in the school district of residence shall be part of the individualized education program team in the receiving district for the initial planning session or sessions. The board of education of the school district of residence shall pay to the receiving district the actual costs incurred in providing the appropriate special education.

12. The statewide assessment scores of pupils who enroll in another school district under this section shall be treated in the same manner as the scores of resident pupils in that district.

13. A pupil who enrolls in another school district under this section shall be counted, for state school foundation aid purposes, in the pupil's school district of residence. Except for pupils residing in a K-8 school district attending high school in another district under section 167.131, RSMo, the board of education of the school district of residence shall pay to the receiving district an annual amount equal to the product of the weighted average daily attendance of the school district's resident pupils attending the receiving district school and the state adequacy target, multiplied by the dollar value modifier for the sending district, plus local tax revenues per weighted average daily attendance from the incidental and teachers' funds in excess of the performance levy as defined in section

**163.011, RSMo, plus all other state aid attributable to such pupils, not exceeding the per pupil cost in the sending district or receiving district, whichever is less. The district of residence shall also pay to the receiving district any other federal or state aid that the district receives on account of such child.**

**14. If a parent or guardian of a child who is participating in open enrollment under this section moves to a different school district during the course of either district's academic year, the child's first school district of residence shall be responsible for payment of the amount per pupil as calculated under subsection 13 of this section or special education costs to the receiving district for the balance of the school year in which the move occurred. The new district of residence shall be responsible for the payments during subsequent years.**

**15. If a request to transfer is due to a change in family residence, or where the child resides as a result of a change in a child's parents' marital status, a guardianship proceeding, placement in foster care, adoption, or participation in a substance abuse or mental health treatment program, and the child who is the subject of the request is not currently using any provision of open enrollment under this section, the parent or guardian shall have the option to keep the child enrolled in the child's original school district of residence with no interruption in the educational program. If a parent or guardian exercises this option, the child's new district of residence is not required to pay the amount calculated in subsection 13 of this section until the start of the first full year of enrollment of the child.**

**16. Payments shall be made to the receiving district from the school district of residence for a child participating in open enrollment under this section at least twice a year. If a timely payment is not made, the receiving district shall be entitled to a late charge of up to three percent a month on the amount overdue, not to exceed three months. When a payment is more than three months past due, the department, upon notice from the receiving district, shall withhold the amount, including interest, from the school district of residence's state school aid and send payment in full to the receiving district.**

**17. In a public school district that qualified for a small schools grant under section 163.044, RSMo, the addition of up to five percent average daily attendance attributable to open enrollment under this section shall not disqualify the district for the grant. A decrease of less than five percent from the average daily attendance used to determine qualification for the grant that is attributable to open enrollment shall not qualify a school district for the grant.**

**18. Notwithstanding sections 167.131 and 167.241, RSMo, the parent or guardian shall be responsible for transporting the pupil to school under this section without reimbursement. A school district may provide transportation for a pupil to and from a point on an existing school bus route provided that the parent or guardian transports the pupil to and from such point. Nothing in this subsection shall be construed to prohibit a school district from voluntarily providing such transportation.**

**19. Participation in interscholastic athletics for students enrolling in another school district under this section shall be governed by the Missouri State High School Activities Association's requirements and eligibility criteria and standards.**

**20. The state board of education shall promulgate rules and regulations necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it**

**complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.**

Senator Mayer moved that the above amendment be adopted.

Senator Shields offered **SSA 1** for **SA 1** to **SA 17**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 17

Amend Senate Amendment No. 17 to Senate Substitute for Senate Bill No. 291, Page 1, Line 2, by inserting after said line the following:

“160.254. 1. There is hereby established a joint committee of the general assembly, which shall be known as the “Joint Committee on Education”, which shall be composed of seven members of the senate and seven members of the house of representatives. The senate members of the committee shall be appointed by the president pro tem of the senate and the house members by the speaker of the house.

2. The committee shall meet at least twice a year. In the event of three consecutive absences on the part of any member, such member may be removed from the committee.

3. The committee shall select either a chairman or cochairmen, one of whom shall be a member of the senate and one a member of the house. A majority of the members shall constitute a quorum. Meetings of the committee may be called at such time and place as the chairman or chairmen designate.

4. The committee shall:

(1) Review and monitor the progress of education in the state's public schools and institutions of higher education;

(2) Receive reports from the commissioner of education concerning the public schools and from the commissioner of higher education concerning institutions of higher education;

(3) Conduct a study and analysis of the public school system;

(4) Make recommendations to the general assembly for legislative action;

(5) Conduct an in-depth study concerning all issues relating to the equity and adequacy of the distribution of state school aid, teachers' salaries, funding for school buildings, and overall funding levels for schools and any other education funding-related issues the committee deems relevant;

(6) Monitor the establishment of performance measures as required by section 173.1006, RSMo, and report on their establishment to the governor and the general assembly;

(7) Conduct studies and analysis regarding:

(a) The higher education system, including financing public higher education and the provision of financial aid for higher education; and

(b) The feasibility of including students enrolled in proprietary schools, as that term is defined in section 173.600, RSMo, in all state-based financial aid programs;

(8) Annually review the collection of information under section 173.093, RSMo, to facilitate a more accurate comparison of the actual costs at public and private higher education institutions;

(9) Within three years of August 28, 2007, review a new model for the funding of public higher education institutions upon submission of such model by the coordinating board for higher education;

(10) Within three years of August 28, 2007, review the impact of the higher education student funding act established in sections 173.1000 to 173.1006;

(11) Beginning August 28, 2008, upon review, approve or deny any expenditures made by the commissioner of education pursuant to section 160.530, as provided in subsection 5 of section 160.530.

**5. During the legislative interim between the first regular session of the ninety-fifth general assembly through January 29, 2010, of the second regular session of the ninety-fifth general assembly, the joint committee on education shall study the issue of open enrollment for public school students across school district boundary lines in this state. In studying this issue, the joint committee may solicit input and information necessary to fulfill its obligation, including but not limited to soliciting input and information from any state department, state agency, school district, political subdivisions of this state, teachers, and the general public. The joint committee shall prepare a final report, together with its recommendations for any legislative action deemed necessary for submission to the general assembly by December 31, 2009.**

6. The committee may make reasonable requests for staff assistance from the research and appropriations staffs of the house and senate and the committee on legislative research, as well as the department of elementary and secondary education, the department of higher education, the coordinating board for higher education, the state tax commission, the department of economic development, all school districts and other political subdivisions of this state, teachers and teacher groups, business and other commercial interests and any other interested persons.

[6.] 7. Members of the committee shall receive no compensation but may be reimbursed for reasonable and necessary expenses associated with the performance of their official duties.

Senator Shields moved that the above substitute amendment be adopted, which motion prevailed.

SA 17, as amended, was again taken up.

Senator Cunningham moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway offered SA 18:

SENATE AMENDMENT NO. 18

Amend Senate Substitute for Senate Bill No. 291, Page 26, Section 166.300, Line 19, by inserting after said line the following:

“177.088. 1. As used in this section, the following terms shall mean:

(1) “Board”, the board of education, board of trustees, board of regents, or board of governors of an educational institution;

(2) “Educational institution”, any school district, including all community college districts, and any state college or university organized under chapter 174, RSMo.

2. The board of any educational institution may enter into agreements as authorized in this section with

a not-for-profit corporation formed under the general not-for-profit corporation law of Missouri, chapter 355, RSMo, in order to provide for the acquisition, construction, improvement, extension, repair, remodeling, renovation and financing of sites, buildings, facilities, furnishings and equipment for the use of the educational institution for educational purposes.

3. The board may on such terms as it shall approve:

(1) Lease from the corporation sites, buildings, facilities, furnishings and equipment which the corporation has acquired or constructed; or

(2) Notwithstanding the provisions of this chapter or any other provision of law to the contrary, sell or lease at fair market value, which may be determined by appraisal, to the corporation any existing sites owned by the educational institution, together with any existing buildings and facilities thereon, in order for the corporation to acquire, construct, improve, extend, repair, remodel, renovate, furnish and equip buildings and facilities thereon, and then lease back or purchase such sites, buildings and facilities from the corporation; provided that upon selling or leasing the sites, buildings or facilities, the corporation agrees to enter into a lease for not more than one year but with not more than twenty-five successive options by the educational institution to renew the lease under the same conditions; and provided further that the corporation agrees to convey or sell the sites, buildings or facilities, including any improvements, extensions, renovations, furnishings or equipment, back to the educational institution with clear title at the end of the period of successive one-year options or at any time bonds, notes or other obligations issued by the corporation to pay for the improvements, extensions, renovations, furnishings or equipment have been paid and discharged.

4. Any consideration, promissory note or deed of trust which an educational institution receives for selling or leasing property to a not-for-profit corporation pursuant to this section shall be placed in a separate fund or in escrow, and neither the principal or any interest thereon shall be commingled with any other funds of the educational institutions. At such time as the title or deed for property acquired, constructed, improved, extended, repaired, remodeled or renovated under this section is conveyed to the educational institution, the consideration shall be returned to the corporation.

5. The board may make rental payments to the corporation under such leases out of its general funds or out of any other available funds, provided that in no event shall the educational institution become indebted in an amount exceeding in any year the income and revenue of the educational institution for such year plus any unencumbered balances from previous years.

6. Any bonds, notes and other obligations issued by a corporation to pay for the acquisition, construction, improvements, extensions, repairs, remodeling or renovations of sites, buildings and facilities, pursuant to this section, may be secured by a mortgage, pledge or deed of trust of the sites, buildings and facilities and a pledge of the revenues received from the rental thereof to the educational institution. Such bonds, notes and other obligations issued by a corporation shall not be a debt of the educational institution and the educational institution shall not be liable thereon, and in no event shall such bonds, notes or other obligations be payable out of any funds or properties other than those acquired for the purposes of this section, and such bonds, notes and obligations shall not constitute an indebtedness of the educational institution within the meaning of any constitutional or statutory debt limitation or restriction.

7. The interest on such bonds, notes and other obligations of the corporation and the income therefrom shall be exempt from taxation by the state and its political subdivisions, except for death and gift taxes on transfers. Sites, buildings, facilities, furnishings and equipment owned by a corporation in connection with

any project pursuant to this section shall be exempt from taxation.

8. The board may make all other contracts or agreements with the corporation necessary or convenient in connection with any project pursuant to this section. The corporation shall comply with sections 290.210 to 290.340, RSMo.

9. Notice that the board is considering a project pursuant to this section shall be given by publication in a newspaper published within the county in which all or a part of the educational institution is located which has general circulation within the area of the educational institution, once a week for two consecutive weeks, the last publication to be at least seven days prior to the date of the meeting of the board at which such project will be considered and acted upon.

10. Provisions of other law to the contrary notwithstanding, the board may refinance any lease purchase agreement that satisfies at least one of the conditions specified in subsection 6 of section 165.011, RSMo, for the purpose of payment on any lease with the corporation under this section for sites, buildings, facilities, furnishings or equipment which the corporation has acquired or constructed, but such refinance shall not extend the date of maturity of any obligation, and the refinancing obligation shall not exceed the amount necessary to pay or provide for the payment of the principal of the outstanding obligations to be refinanced, together with the interest accrued thereon to the date of maturity or redemption of such obligations and any premium which may be due under the terms of such obligations and any amounts necessary for the payments of costs and expenses related to issuing such refunding obligations and to fund a capital projects reserve fund for the obligations.

11. Provisions of other law to the contrary notwithstanding, payments made from any source by a school district, after the latter of July 1, 1994, or July 12, 1994, that result in the transfer of the title of real property to the school district, other than those payments made from the capital projects fund, shall be deducted as an adjustment to the funds payable to the district pursuant to section 163.031, RSMo, beginning in the year following the transfer of title to the district, as determined by the department of elementary and secondary education. No district with modular buildings leased in fiscal year 2004, with the lease payments made from the incidental fund and that initiates the transfer of title to the district after fiscal year 2007, shall have any adjustment to the funds payable to the district under section 163.031, RSMo, as a result of the transfer of title.

**12. Notwithstanding provisions of this section to the contrary, the board of education of any school district may enter into agreements with the county in which the school district is located, or with a city, town, or village wholly or partially located within the boundaries of the school district, in order to provide for the acquisition, construction, improvement, extension, repair, remodeling, renovation, and financing of sites, buildings, facilities, furnishings, and equipment for the use of the school district for educational purposes. Such an agreement may provide for the present or future acquisition of an ownership interest in such facilities by the school district, by lease, lease purchase agreement, option to purchase agreement, or similar provisions, and may provide for a joint venture between the school district and other entity or entities that are parties to such an agreement providing for the sharing of the costs of acquisition, construction, repair, maintenance, and operation of such facilities. The school district may wholly own such facilities, or may acquire a partial ownership interest along with the county, city, town, or village with which the agreement was executed.”; and**

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Schmitt offered **SA 19**:

SENATE AMENDMENT NO. 19

Amend Senate Substitute for Senate Bill No. 291, Page 26, Section 166.300, Line 19 of said page, by inserting after all of said line the following:

“167.126. 1. Children who are admitted to programs or facilities of the department of mental health or whose domicile is one school district in Missouri but who reside in another school district in Missouri as a result of placement arranged by or approved by the department of mental health, the department of social services or placement arranged by or ordered by a court of competent jurisdiction shall have a right to be provided the educational services as provided by law and shall not be denied admission to any appropriate regular public school or special school district program or program operated by the state board of education, as the case may be, where the child actually resides because of such admission or placement; provided, however, that nothing in this section shall prevent the department of mental health, the department of social services or a court of competent jurisdiction from otherwise providing or procuring educational services for such child.

2. Each school district or special school district constituting the domicile of any child for whom educational services are provided or procured under this section shall pay toward the per-pupil costs for educational services for such child. A school district which is not a special school district shall pay an amount equal to the average sum produced per child by the local tax effort of the district of domicile. A special school district shall pay an amount not to exceed the average sum produced per child by the local tax efforts of the domiciliary districts.

3. When educational services have been provided by the school district or special school district in which a child actually resides, **including a child who temporarily resides in a children's hospital licensed under chapter 197, RSMo, for rendering health care services to children under the age of eighteen for more than three days**, other than the district of domicile, the amounts as provided in subsection 2 **of this section** for which the domiciliary school district or special school district is responsible shall be paid by such district directly to the serving district. The school district, or special school district, as the case may be, shall send a written voucher for payment to the regular or special district constituting the domicile of the child served and the domiciliary school district or special school district receiving such voucher shall pay the district providing or procuring the services an amount not to exceed the average sum produced per child by the local tax efforts of the domiciliary districts. In the event the responsible district fails to pay the appropriate amount to the district within ninety days after a voucher is submitted, the state department of elementary and secondary education shall deduct the appropriate amount due from the next payments of any state financial aid due that district and shall pay the same to the appropriate district.

4. In cases where a child whose domicile is in one district is placed in programs or facilities operated by the department of mental health or resides in another district pursuant to assignment by that department or is placed by the department of social services or a court of competent jurisdiction into any type of publicly contracted residential site in Missouri, the department of elementary and secondary education shall, as soon as funds are appropriated, pay the serving district from funds appropriated for that purpose the amount by which the per-pupil costs of the educational services exceeds the amounts received from the domiciliary district except that any other state money received by the serving district by virtue of rendering such service shall reduce the balance due.

5. Institutions providing a place of residence for children whose parents or guardians do not reside in

the district in which the institution is located shall have authority to enroll such children in a program in the district or special district in which the institution is located and such enrollment shall be subject to the provisions of subsections 2 and 3 of this section. The provisions of this subsection shall not apply to placement authorized pursuant to subsection 1 of this section or if the placement occurred for the sole purpose of enrollment in the district or special district. "Institution" as used in this subsection means a facility organized under the laws of Missouri for the purpose of providing care and treatment of juveniles.

6. Children residing in institutions providing a place of residence for three or more such children whose domicile is not in the state of Missouri may be admitted to schools or programs provided on a contractual basis between the school district, special district or state department or agency and the proper department or agency, or persons in the state where domicile is maintained. Such contracts shall not be permitted to place any financial burden whatsoever upon the state of Missouri, its political subdivisions, school districts or taxpayers.

7. For purposes of this section the domicile of the child shall be the school district where the child would have been educated if the child had not been placed in a different school district. No provision of this section shall be construed to deny any child domiciled in Missouri appropriate and necessary, gratuitous public services.

8. For the purpose of distributing state aid under section 163.031, RSMo, a child receiving educational services provided by the district in which the child actually resides, other than the district of domicile, shall be included in average daily attendance, as defined under section 163.011, RSMo, of the district providing the educational services for the child.

9. Each school district or special school district where the child actually resides, other than the district of domicile, may receive payment from the department of elementary and secondary education, in lieu of receiving the local tax effort from the domiciliary school district. Such payments from the department shall be subject to appropriation and shall only be made for children that have been placed in a school other than the domiciliary school district by a state agency or a court of competent jurisdiction and from whom excess educational costs are billed to the department of elementary and secondary education."; and

Further amend the title and enacting clause accordingly.

Senator Schmitt moved that the above amendment be adopted, which motion prevailed.

Senator Schmitt offered **SA 20**:

SENATE AMENDMENT NO. 20

Amend Senate Substitute for Senate Bill No. 291, Page 6, Section 160.820, Line 14, by inserting after said line the following:

**"161.850. 1. By January 1, 2010, the department of elementary and secondary education shall develop and produce a publication entitled "The Parents' Bill of Rights" that shall be designed to inform parents of children with an individualized education program of their educational rights provided under federal and state law. The publication shall also state that it does not confer any right or rights beyond those conferred by federal or state law. The publication shall also state that it is for informational purposes only. The department shall post a copy of this publication on its website. The publication shall contain the department's contact information.**

**2. The publication shall contain, but may not be limited to, the following information presented**

**in a clear and concise manner:**

**(1) The right of parents to attend individualized education program meetings and represent their child's interests;**

**(2) The right of parents to have an advocate or expert present at an individualized education program meeting, which may include a Missouri Parents Act staff member;**

**(3) The right of parents to receive a copy of the child's evaluation and to disagree with its results and request one independent educational evaluation at public expense;**

**(4) The right of parents to provide a written report from outside sources as part of the evaluation process;**

**(5) The right of parents to examine all school records pertaining to the child and be provided with a copy of the individualized education program;**

**(6) The right of parents to disagree with the decision of the school district and the individualized education program team and to pursue complaint procedures, including a child complaint filed with the department of elementary and secondary education, state-paid mediation, and other due process rights;**

**(7) The right of parents with a child with an individualized education program to participate in reviews of such program, participate in any decision to change any aspects of the individualized education program, and meet with school officials whenever a change occurs in their child's education program or classroom placement;**

**(8) The right of a child to be placed in the least restrictive environment and be placed in a general education classroom, to the greatest extent possible;**

**(9) The right of parents with limited English language proficiency to have an interpreter at individualized education program meetings. The school district shall arrange for such an interpreter;**

**(10) The right of parents to have a free appropriate public education for their child with an individualized education program, which may include, but not be limited to, services and therapies such as assessment, behavior management training and supports, communication and language therapy, consultation on individualized education, information and referral assistance, life skills, occupational therapy, sensory integration therapy, and behavior therapy, such as applied behavior analysis.**

**3. Each school district shall provide the parent or parents of a child with a copy of this publication upon initial referral for evaluation, and at any such time as a school district is required under state or federal law to provide the parent or parents with notice of procedural safeguards.**

**4. The department of elementary and secondary education shall promulgate rules and regulations necessary to implement the provisions of this section, including but not limited to, the manner in which the publication described in this section shall be distributed.**

**5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general**

**assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.”; and**

Further amend the title and enacting clause accordingly.

Senator Schmitt moved that the above amendment be adopted, which motion prevailed.

Senator Cunningham offered SA 21:

SENATE AMENDMENT NO. 21

Amend Senate Substitute for Senate Bill No. 291, Page 26, Section 166.300, Line 19, by inserting after said line the following:

“168.021. 1. Certificates of license to teach in the public schools of the state shall be granted as follows:

(1) By the state board, under rules and regulations prescribed by it:

(a) Upon the basis of college credit;

(b) Upon the basis of examination;

(2) By the state board, under rules and regulations prescribed by the state board with advice from the advisory council established by section 168.015 to any individual who presents to the state board a valid doctoral degree from an accredited institution of higher education accredited by a regional accrediting association such as North Central Association. Such certificate shall be limited to the major area of postgraduate study of the holder, shall be issued only after successful completion of the examination required for graduation pursuant to rules adopted by the state board of education, and shall be restricted to those certificates established pursuant to subdivision (1) of subsection 3 of this section;

(3) By the state board, which shall issue the professional certificate classification in both the general and specialized areas most closely aligned with the current areas of certification approved by the state board, commensurate with the years of teaching experience of the applicant, and based upon the following criteria:

(a) Recommendation of a state-approved baccalaureate-level teacher preparation program;

(b) Successful attainment of the Missouri qualifying score on the exit assessment for teachers or administrators designated by the state board of education. Applicants who have not successfully achieved a qualifying score on the designated examinations will be issued a two-year nonrenewable provisional certificate; and

(c) Upon completion of a background check and possession of a valid teaching certificate in the state from which the applicant's teacher preparation program was completed; [or]

**(4) By the state board, under rules prescribed by it, on the basis of a relevant bachelor's degree, or higher degree, and a passing score for the designated exit examination, for individuals whose academic degree and professional experience are suitable to provide a basis for instruction solely in the subject matter of banking or financial responsibility, at the discretion of the state board. Such certificate shall be limited to the major area of study of the holder and shall be restricted to those certificates established under subdivision (1) of subsection 3 of this section. Holders of certificates granted under this subdivision shall be exempt from the teacher tenure act under sections 168.102 to 168.130 and each school district shall have the decision-making authority on whether to hire the**

**holders of such certificates; or**

(5) By the state board, under rules and regulations prescribed by it, on the basis of certification by the American Board for Certification of Teacher Excellence (ABCTE) and verification of ability to work with children as demonstrated by sixty contact hours in any one of the following areas as validated by the school principal: sixty contact hours in the classroom, of which at least forty-five must be teaching; sixty contact hours as a substitute teacher, with at least thirty consecutive hours in the same classroom; sixty contact hours of teaching in a private school; or sixty contact hours of teaching as a paraprofessional, for an initial four-year ABCTE certificate of license to teach, except that such certificate shall not be granted for the areas of early childhood education, elementary education, or special education. Upon the completion of the requirements listed in paragraphs (a), (b), (c), and (d) of this subdivision, an applicant shall be eligible to apply for a career continuous professional certificate under subdivision (2) of subsection 3 of this section:

- (a) Completion of thirty contact hours of professional development within four years, which may include hours spent in class in an appropriate college curriculum;
- (b) Validated completion of two years of the mentoring program of the American Board for Certification of Teacher Excellence or a district mentoring program approved by the state board of education;
- (c) Attainment of a successful performance-based teacher evaluation; and
- (d) Participate in a beginning teacher assistance program.

2. All valid teaching certificates issued pursuant to law or state board policies and regulations prior to September 1, 1988, shall be exempt from the professional development requirements of this section and shall continue in effect until they expire, are revoked or suspended, as provided by law. When such certificates are required to be renewed, the state board or its designee shall grant to each holder of such a certificate the certificate most nearly equivalent to the one so held. Anyone who holds, as of August 28, 2003, a valid PC-I, PC-II, or continuous professional certificate shall, upon expiration of his or her current certificate, be issued the appropriate level of certificate based upon the classification system established pursuant to subsection 3 of this section.

3. Certificates of license to teach in the public schools of the state shall be based upon minimum requirements prescribed by the state board of education. The state board shall provide for the following levels of professional certification: an initial professional certificate and a career continuous professional certificate.

(1) The initial professional certificate shall be issued upon completion of requirements established by the state board of education and shall be valid based upon verification of actual teaching within a specified time period established by the state board of education. The state board shall require holders of the four-year initial professional certificate to:

- (a) Participate in a mentoring program approved and provided by the district for a minimum of two years;
- (b) Complete thirty contact hours of professional development, which may include hours spent in class in an appropriate college curriculum, **or for holders of a certificate under subdivision (4) of subsection 1 of this section, an amount of professional development in proportion to the certificate holder's hours in the classroom, if the certificate holder is employed less than full-time;** and
- (c) Participate in a beginning teacher assistance program;

(2) (a) The career continuous professional certificate shall be issued upon verification of completion of four years of teaching under the initial professional certificate and upon verification of the completion of the requirements articulated in paragraphs (a), (b), and (c) of subdivision (1) of this subsection or paragraphs (a), (b), (c), and (d) of subdivision [(4)] **(5)** of subsection 1 of this section.

(b) The career continuous professional certificate shall be continuous based upon verification of actual employment in an educational position as provided for in state board guidelines and completion of fifteen contact hours of professional development per year which may include hours spent in class in an appropriate college curriculum. Should the possessor of a valid career continuous professional certificate fail, in any given year, to meet the fifteen-hour professional development requirement, the possessor may, within two years, make up the missing hours. In order to make up for missing hours, the possessor shall first complete the fifteen-hour requirement for the current year and then may count hours in excess of the current year requirement as make-up hours. Should the possessor fail to make up the missing hours within two years, the certificate shall become inactive. In order to reactivate the certificate, the possessor shall complete twenty-four contact hours of professional development which may include hours spent in the classroom in an appropriate college curriculum within the six months prior to or after reactivating his or her certificate. The requirements of this paragraph shall be monitored and verified by the local school district which employs the holder of the career continuous professional certificate.

(c) A holder of a career continuous professional certificate shall be exempt from the professional development contact hour requirements of paragraph (b) of this subdivision if such teacher has a local professional development plan in place within such teacher's school district and meets two of the three following criteria:

- a. Has ten years of teaching experience as defined by the state board of education;
- b. Possesses a master's degree; or
- c. Obtains a rigorous national certification as approved by the state board of education.

4. Policies and procedures shall be established by which a teacher who was not retained due to a reduction in force may retain the current level of certification. There shall also be established policies and procedures allowing a teacher who has not been employed in an educational position for three years or more to reactivate his or her last level of certification by completing twenty-four contact hours of professional development which may include hours spent in the classroom in an appropriate college curriculum within the six months prior to or after reactivating his or her certificate.

5. The state board shall, upon an appropriate background check, issue a professional certificate classification in the areas most closely aligned with an applicant's current areas of certification, commensurate with the years of teaching experience of the applicant, to any person who is hired to teach in a public school in this state and who possesses a valid teaching certificate from another state **or certification under subdivision (4) of subsection 1 of this section**, provided that the certificate holder shall annually complete the state board's requirements for such level of certification, and shall establish policies by which residents of states other than the state of Missouri may be assessed a fee for a certificate license to teach in the public schools of Missouri. Such fee shall be in an amount sufficient to recover any or all costs associated with the issuing of a certificate of license to teach. The board shall promulgate rules to authorize the issuance of a provisional certificate of license, which shall allow the holder to assume classroom duties pending the completion of a criminal background check under section 168.133, for any applicant who:

- (1) Is the spouse of a member of the armed forces stationed in Missouri;
- (2) Relocated from another state within one year of the date of application;
- (3) Underwent a criminal background check in order to be issued a teaching certificate of license from another state; and
- (4) Otherwise qualifies under this section.

6. The state board may assess to holders of an initial professional certificate a fee, to be deposited into the excellence in education revolving fund established pursuant to section 160.268, RSMo, for the issuance of the career continuous professional certificate. However, such fee shall not exceed the combined costs of issuance and any criminal background check required as a condition of issuance. Applicants for the initial ABCTE certificate shall be responsible for any fees associated with the program leading to the issuance of the certificate, but nothing in this section shall prohibit a district from developing a policy that permits fee reimbursement.

7. Any member of the public school retirement system of Missouri who entered covered employment with ten or more years of educational experience in another state or states and held a certificate issued by another state and subsequently worked in a school district covered by the public school retirement system of Missouri for ten or more years who later became certificated in Missouri shall have that certificate dated back to his or her original date of employment in a Missouri public school.

8. The provisions of subdivision [(4)] (5) of subsection 1 of this section, as well as any other provision of this section relating to the American Board for Certification of Teacher Excellence, shall terminate on August 28, 2014.”; and

Further amend the title and enacting clause accordingly.

Senator Cunningham moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway offered SA 22:

#### SENATE AMENDMENT NO. 22

Amend Senate Substitute for Senate Bill No. 291, Page 26, Section 166.300, Line 19, by inserting after said line the following:

**“167.018. 1. Sections 167.018 and 167.019 shall be known and may be cited as the “Foster Care Education Bill of Rights”.**

**2. Each school district shall designate a staff person as the educational liaison for foster care children. The liaison shall do all of the following in an advisory capacity:**

**(1) Ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of foster children;**

**(2) Assist foster care pupils when transferring from one school to another or from one school district to another, by ensuring proper transfer of credits, records, and grades;**

**(3) Request school records, as provided in section 167.022, within two business days of placement of a foster care pupil in a school; and**

**(4) Submit school records of foster care pupils within three business days of receiving a request for school records, under subdivision (3) of this subsection.**

**167.019. 1.** A child placing agency, as defined under section 210.481, RSMo, shall promote educational stability for foster care children by considering the child's school attendance area when making placement decisions. The foster care pupil shall have the right to remain enrolled in and attend his or her school of origin pending resolution of school placement disputes.

**2.** Each school district shall accept for credit full or partial course work satisfactorily completed by a pupil while attending a public school, nonpublic school, or nonsectarian school in accordance with district policies or regulations.

**3.** If a pupil completes the graduation requirements of his or her school district of residence while under the jurisdiction of the juvenile court as described in chapter 211, RSMo, the school district of residence shall issue a diploma to the pupil.

**4.** School districts shall ensure that if a pupil in foster care is absent from school due to a decision to change the placement of a pupil made by a court or child placing agency, or due to a verified court appearance or related court-ordered activity, the grades and credits of the pupil shall be calculated as of the date the pupil left school, and no lowering of his or her grades shall occur as a result of the absence of the pupil under these circumstances.

**5.** School districts, subject to federal law, shall be authorized to permit access of pupil school records to any child placing agency for the purpose of fulfilling educational case management responsibilities required by the juvenile officer or by law and to assist with the school transfer or placement of a pupil.

**6.** Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

**210.1050. 1.** For purposes of this section, for pupils in foster care or children placed for treatment in a licensed residential care facility by the department of social services, "full school day" shall mean six hours in which the child is under the guidance and direction of teachers in the educational process.

**2.** Each pupil in foster care or child placed for treatment in a licensed residential care facility by the department of social services shall be entitled to a full school day of education unless the school district determines that fewer hours are warranted.

**3.** The commissioner of education, or his or her designee, shall be an ombudsman to assist the family support team and the school district as they work together to meet the needs of children placed for treatment in a licensed residential care facility by the department of social services. The ombudsman shall have the final decision over discrepancies regarding school day length. A full school day of education shall be provided pending the ombudsman's final decision.

**4.** Nothing in this section shall be construed to infringe upon the rights or due process provisions of the federal Individuals with Disabilities Education Act. The provisions of the Individuals with Disabilities Education Act shall apply and control in decisions regarding school day. Nothing in this section shall be construed to deny any child domiciled in Missouri appropriate and necessary free

**public education services.”; and**

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Cunningham offered **SA 23**, which was read:

SENATE AMENDMENT NO. 23

Amend Senate Substitute for Senate Bill No. 291, Page 9, Section 162.1250, Line 12, by inserting after said line the following:

**“6. Any special school district shall count any student's attendance in a virtual course or program in the same manner as any other course or program.”**

Senator Cunningham moved that the above amendment be adopted, which motion prevailed.

Senator Wright-Jones offered **SA 24**:

SENATE AMENDMENT NO. 24

Amend Senate Substitute for Senate Bill No. 291, Page 26, Section 166.300, Line 19, by inserting after said line the following:

**“170.043. 1. Beginning with school year 2010-2011, each school district shall ensure that:**

**(1) Physical education classes shall be required for students from kindergarten to fifth grade and shall include at least one hundred fifty minutes of movement each week, consistent with the recommendations of the National Association for Sport and Physical Education as approved by the American Heart Association;**

**(2) Each child for whom it is appropriate shall have available the opportunity to participate in learning individual health self-assessment skills, including but not limited to calculating body-mass index, resting heart rate, perceived exertion levels, and target heart rate, and participating in programs that demonstrate the effects of consistent good choices such as exercise or food selection; and**

**(3) Students are encouraged in self-improvement and sustaining healthy fitness levels. If a school or school district maintains a web page, the school or district shall create a fitness page or other suitable computer application for students to record their self-assessment statistics. Any such page shall provide an appropriate level of protection of individual student records, consistent with the federal Health Information Portability and Accountability Act.**

**2. School districts shall engage, where possible, in creating community and business partnerships that will supply the resources to reward schools for improved health status through their school health councils, as required by the school wellness policy.**

**3. Each year the commissioner of education shall select for recognition students, schools, and school districts that are considered to have achieved improvement in fitness.”; and**

Further amend the title and enacting clause accordingly.

Senator Wright-Jones moved that the above amendment be adopted, which motion prevailed.

Senator Wright-Jones offered **SA 25**:

SENATE AMENDMENT NO. 25

Amend Senate Substitute for Senate Bill No. 291, Page 28, Section 313.822, Line 27, by inserting after said line the following:

**“Section 1. 1. Beginning with school year 2010-2011, each school district shall ensure that:**

**(1) Physical education classes shall be required for students from sixth to twelfth grade and shall include at least two hundred twenty-five minutes of movement each week, consistent with the recommendations of the National Association for Sport and Physical Education as approved by the American Heart Association;**

**(2) Each child for whom it is appropriate shall have available the opportunity to participate in learning individual health self-assessment skills, including but not limited to calculating body-mass index, resting heart rate, perceived exertion levels, and target heart rate, and participating in programs that demonstrate the effects of consistent good choices such as exercise or food selection; and**

**(3) Students are encouraged in self-improvement and sustaining healthy fitness levels. If a school or school district maintains a web page, the school or district shall create a fitness page or other suitable computer application for students to record their self-assessment statistics. Any such page shall provide an appropriate level of protection of individual student records, consistent with the federal Health Information Portability and Accountability Act.**

**2. School districts shall engage in creating community and business partnerships that will supply the resources to reward schools for improved health status through their school health councils, as required by the school wellness policy.**

**3. Each year the commissioner of education shall select for recognition students, schools, and school districts that are considered to have achieved improvement in fitness.”; and**

Further amend the title and enacting clause accordingly.

Senator Wright-Jones moved that the above amendment be adopted, which motion failed.

Senator Cunningham offered SA 26:

SENATE AMENDMENT NO. 26

Amend Senate Substitute for Senate Bill No. 291, Pages 9-21, Section 163.011, by striking said section from the bill and inserting in lieu thereof the following:

“163.011. As used in this chapter unless the context requires otherwise:

(1) “Adjusted operating levy”, the sum of tax rates for the current year for teachers' and incidental funds for a school district as reported to the proper officer of each county pursuant to section 164.011, RSMo;

(2) “Average daily attendance”, the quotient or the sum of the quotients obtained by dividing the total number of hours attended in a term by resident pupils between the ages of five and twenty-one by the actual number of hours school was in session in that term. To the average daily attendance of the following school term shall be added the full-time equivalent average daily attendance of summer school students. “Full-time equivalent average daily attendance of summer school students” shall be computed by dividing the total number of hours, except for physical education hours that do not count as credit toward graduation for

students in grades nine, ten, eleven, and twelve, attended by all summer school pupils by the number of hours required in section 160.011, RSMo, in the school term. For purposes of determining average daily attendance under this subdivision, the term “resident pupil” shall include all children between the ages of five and twenty-one who are residents of the school district and who are attending kindergarten through grade twelve in such district. If a child is attending school in a district other than the district of residence and the child's parent is teaching in the school district or is a regular employee of the school district which the child is attending, then such child shall be considered a resident pupil of the school district which the child is attending for such period of time when the district of residence is not otherwise liable for tuition. Average daily attendance for students below the age of five years for which a school district may receive state aid based on such attendance shall be computed as regular school term attendance unless otherwise provided by law;

(3) “Current operating expenditures”:

(a) For the fiscal year 2007 calculation, “current operating expenditures” shall be calculated using data from fiscal year 2004 and shall be calculated as all expenditures for instruction and support services except capital outlay and debt service expenditures minus the revenue from federal categorical sources; food service; student activities; categorical payments for transportation costs pursuant to section 163.161; state reimbursements for early childhood special education; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo; the vocational education entitlement for the district, as provided for in section 167.332, RSMo; and payments from other districts;

(b) In every fiscal year subsequent to fiscal year 2007, current operating expenditures shall be the amount in paragraph (a) **of this subdivision** plus any increases in state funding pursuant to sections 163.031 and 163.043 subsequent to fiscal year 2005, not to exceed five percent, per recalculation, of the state revenue received by a district in the 2004-05 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments for any district from the first preceding calculation of the state adequacy target;

(4) “District's tax rate ceiling”, the highest tax rate ceiling in effect subsequent to the 1980 tax year or any subsequent year. Such tax rate ceiling shall not contain any tax levy for debt service;

(5) “Dollar-value modifier”, an index of the relative purchasing power of a dollar, calculated as one plus fifteen percent of the difference of the regional wage ratio minus one, provided that the dollar value modifier shall not be applied at a rate less than 1.0:

(a) “County wage per job”, the total county wage and salary disbursements divided by the total county wage and salary employment for each county and the city of St. Louis as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year;

(b) “Regional wage per job”:

a. The total Missouri wage and salary disbursements of the metropolitan area as defined by the Office of Management and Budget divided by the total Missouri metropolitan wage and salary employment for the metropolitan area for the county signified in the school district number or the city of St. Louis, as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year and recalculated upon every decennial census to incorporate counties that are newly added to the description of metropolitan areas; or if no such metropolitan area is established, then:

b. The total Missouri wage and salary disbursements of the micropolitan area as defined by the Office of Management and Budget divided by the total Missouri micropolitan wage and salary employment for the micropolitan area for the county signified in the school district number, as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year, if a micropolitan area for such county has been established and recalculated upon every decennial census to incorporate counties that are newly added to the description of micropolitan areas; or

c. If a county is not part of a metropolitan or micropolitan area as established by the Office of Management and Budget, then the county wage per job, as defined in paragraph (a) of this subdivision, shall be used for the school district, as signified by the school district number;

(c) “Regional wage ratio”, the ratio of the regional wage per job divided by the state median wage per job;

(d) “State median wage per job”, the fifty-eighth highest county wage per job;

(6) “Free and reduced lunch pupil count”, the number of pupils eligible for free and reduced lunch on the last Wednesday in January for the preceding school year who were enrolled as students of the district, as approved by the department in accordance with applicable federal regulations;

(7) “Free and reduced lunch threshold” shall be calculated by dividing the total free and reduced lunch pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(8) “Limited English proficiency pupil count”, the number in the preceding school year of pupils aged three through twenty-one enrolled or preparing to enroll in an elementary school or secondary school who were not born in the United States or whose native language is a language other than English or are Native American or Alaskan native, or a native resident of the outlying areas, and come from an environment where a language other than English has had a significant impact on such individuals' level of English language proficiency, or are migratory, whose native language is a language other than English, and who come from an environment where a language other than English is dominant; and have difficulties in speaking, reading, writing, or understanding the English language sufficient to deny such individuals the ability to meet the state's proficient level of achievement on state assessments described in Public Law 107-10, the ability to achieve successfully in classrooms where the language of instruction is English, or the opportunity to participate fully in society;

(9) “Limited English proficiency threshold” shall be calculated by dividing the total limited English proficiency pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(10) “Local effort”:

(a) For the fiscal year 2007 calculation, “local effort” shall be computed as the equalized assessed valuation of the property of a school district in calendar year 2004 divided by one hundred and multiplied by the performance levy less the percentage retained by the county assessor and collector plus one hundred percent of the amount received in fiscal year 2005 for school purposes from intangible taxes, fines, escheats,

payments in lieu of taxes and receipts from state-assessed railroad and utility tax, one hundred percent of the amount received for school purposes pursuant to the merchants' and manufacturers' taxes under sections 150.010 to 150.370, RSMo, one hundred percent of the amounts received for school purposes from federal properties under sections 12.070 and 12.080, RSMo, except when such amounts are used in the calculation of federal impact aid pursuant to P.L. 81-874, fifty percent of Proposition C revenues received for school purposes from the school district trust fund under section 163.087, and one hundred percent of any local earnings or income taxes received by the district for school purposes. Under this paragraph, for a special district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, a tax levy of zero shall be utilized in lieu of the performance levy for the special school district;

(b) In every year subsequent to fiscal year 2007, "local effort" shall be the amount calculated under paragraph (a) of this subdivision plus any increase in the amount received for school purposes from fines. If a district's assessed valuation has decreased subsequent to the calculation outlined in paragraph (a) of this subdivision, the district's local effort shall be calculated using the district's current assessed valuation in lieu of the assessed valuation utilized in calculation outlined in paragraph (a) of this subdivision;

(11) "Membership" shall be the average of:

(a) The number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in September of the previous year and who were in attendance one day or more during the preceding ten school days; and

(b) The number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in January of the previous year and who were in attendance one day or more during the preceding ten school days, plus the full-time equivalent number of summer school pupils. "Full-time equivalent number of part-time students" is determined by dividing the total number of hours for which all part-time students are enrolled by the number of hours in the school term. "Full-time equivalent number of summer school pupils" is determined by dividing the total number of hours for which all summer school pupils were enrolled by the number of hours required pursuant to section 160.011, RSMo, in the school term. Only students eligible to be counted for average daily attendance shall be counted for membership;

(12) "Operating levy for school purposes", the sum of tax rates levied for teachers' and incidental funds plus the operating levy or sales tax equivalent pursuant to section 162.1100, RSMo, of any transitional school district containing the school district, in the payment year, not including any equalized operating levy for school purposes levied by a special school district in which the district is located;

(13) "Performance district", any district that has met all performance standards and indicators as established by the department of elementary and secondary education for purposes of accreditation under section 161.092, RSMo, and as reported on the final annual performance report for that district each year;

(14) "Performance levy", three dollars and forty-three cents;

(15) "School purposes" pertains to teachers' and incidental funds;

(16) "Special education pupil count", the number of public school students with a current individualized education program and receiving services from the resident district as of December first of the preceding school year, except for special education services provided through a school district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one

million inhabitants, in which case the sum of the students in each district within the county exceeding the special education threshold of each respective district within the county shall be counted within the special district and not in the district of residence for purposes of distributing the state aid derived from the special education pupil count;

(17) “Special education threshold” shall be calculated by dividing the total special education pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(18) “State adequacy target”, the sum of the current operating expenditures of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, divided by the total average daily attendance of all included performance districts [plus the total amount of funds placed in the schools first elementary and secondary education improvement fund in the preceding fiscal year divided by the total average daily attendance of all school districts for the preceding fiscal year]. The department of elementary and secondary education shall first calculate the state adequacy target for fiscal year 2007 and recalculate the state adequacy target every two years using the most current available data[; provided that the state adequacy target shall be recalculated every year to reflect the per-pupil amount of funds placed in the schools first elementary and secondary education improvement fund in the preceding fiscal year]. The recalculation shall never result in a decrease from the previous state adequacy target amount. Should a recalculation result in an increase in the state adequacy target amount, fifty percent of that increase shall be included in the state adequacy target amount in the year of recalculation, and fifty percent of that increase shall be included in the state adequacy target amount in the subsequent year. The state adequacy target may be adjusted to accommodate available appropriations;

(19) “Teacher”, any teacher, teacher-secretary, substitute teacher, supervisor, principal, supervising principal, superintendent or assistant superintendent, school nurse, social worker, counselor or librarian who shall, regularly, teach or be employed for no higher than grade twelve more than one-half time in the public schools and who is certified under the laws governing the certification of teachers in Missouri;

(20) “Weighted average daily attendance”, the average daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that exceeds the free and reduced lunch threshold, plus the product of seventy-five hundredths multiplied by the number of special education pupil count that exceeds the special education threshold, and plus the product of six-tenths multiplied by the number of limited English proficiency pupil count that exceeds the limited English proficiency threshold. For special districts established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, weighted average daily attendance shall be the average daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that exceeds the free and reduced lunch threshold, plus the product of seventy-five hundredths multiplied by the sum of the special education pupil count that exceeds the threshold for each county district, plus the product of six-tenths multiplied by the limited English proficiency pupil count that exceeds the limited English proficiency threshold. None of the districts comprising a special district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, shall use any special education pupil count in calculating their weighted average daily attendance.”; and

Further amend said bill, Page 26, section 166.300, Line 19, by inserting after all of said line the following:

“168.221. 1. The first five years of employment of all teachers entering the employment of the metropolitan school district shall be deemed a period of probation during which period all appointments of teachers shall expire at the end of each school year. During the probationary period any probationary teacher whose work is unsatisfactory shall be furnished by the superintendent of schools with a written statement setting forth the nature of his incompetency. If improvement satisfactory to the superintendent is not made within one semester after the receipt of the statement, the probationary teacher shall be dismissed. The semester granted the probationary teacher in which to improve shall not in any case be a means of prolonging the probationary period beyond five years and six months from the date on which the teacher entered the employ of the board of education. The superintendent of schools on or before the fifteenth day of April in each year shall notify probationary teachers who will not be retained by the school district of the termination of their services. Any probationary teacher who is not so notified shall be deemed to have been appointed for the next school year. Any principal who prior to becoming a principal had attained permanent employee status as a teacher shall upon ceasing to be a principal have a right to resume his or her permanent teacher position with the time served as a principal being treated as if such time had been served as a teacher for the purpose of calculating seniority and pay scale. The rights and duties and remuneration of a teacher who was formerly a principal shall be the same as any other teacher with the same level of qualifications and time of service.

2. After completion of satisfactory probationary services, appointments of teachers shall become permanent, subject to removal for any one or more causes herein described and to the right of the board to terminate the services of all who attain the age of compulsory retirement fixed by the retirement system. In determining the duration of the probationary period of employment in this section specified, the time of service rendered as a substitute teacher shall not be included.

3. No teacher whose appointment has become permanent may be removed except for one or more of the following causes: immorality, inefficiency in line of duty, violation of the published regulations of the school district, violation of the laws of Missouri governing the public schools of the state, or physical or mental condition which incapacitates him for instructing or associating with children, and then only by a vote of not less than a majority of all the members of the board, upon written charges presented by the superintendent of schools, to be heard by the board after thirty days' notice, with copy of the charges served upon the person against whom they are preferred, who shall have the privilege of being present, together with counsel, offering evidence and making defense thereto. Notifications received by an employee during a vacation period shall be considered as received on the first day of the school term following. At the request of any person so charged the hearing shall be public. The action and decision of the board upon the charges shall be final. Pending the hearing of the charges, the person charged may be suspended if the rules of the board so prescribe, but in the event the board does not by a majority vote of all the members remove the teacher upon charges presented by the superintendent, the person shall not suffer any loss of salary by reason of the suspension. Inefficiency in line of duty is cause for dismissal only after the teacher has been notified in writing at least one semester prior to the presentment of charges against him by the superintendent. The notification shall specify the nature of the inefficiency with such particularity as to enable the teacher to be informed of the nature of his inefficiency.

4. No teacher whose appointment has become permanent shall be demoted nor shall his salary be reduced unless the same procedure is followed as herein stated for the removal of the teacher because of

inefficiency in line of duty, and any teacher whose salary is reduced or who is demoted may waive the presentment of charges against him by the superintendent and a hearing thereon by the board. The foregoing provision shall apply only to permanent teachers prior to the compulsory retirement age under the retirement system. Nothing herein contained shall in any way restrict or limit the power of the board of education to make reductions in the number of teachers or principals, or both, because of insufficient funds, decrease in pupil enrollment, or abolition of particular subjects or courses of instruction, except that the abolition of particular subjects or courses of instruction shall not cause those teachers who have been teaching the subjects or giving the courses of instruction to be placed on leave of absence as herein provided who are qualified to teach other subjects or courses of instruction, if positions are available for the teachers in the other subjects or courses of instruction.

5. Whenever it is necessary to decrease the number of teachers because of insufficient funds or a substantial decrease of pupil population within the school district, the board of education upon recommendation of the superintendent of schools may cause the necessary number of teachers beginning with those serving probationary periods to be placed on leave of absence without pay, but only in the inverse order of their appointment. Nothing herein stated shall prevent a readjustment by the board of education of existing salary schedules. No teacher placed on a leave of absence shall be precluded from securing other employment during the period of the leave of absence. Each teacher placed on leave of absence shall be reinstated in inverse order of his placement on leave of absence. Such reemployment shall not result in a loss of status or credit for previous years of service. No new appointments shall be made while there are available teachers on leave of absence who are seventy years of age or less and who are adequately qualified to fill the vacancy unless the teachers fail to advise the superintendent of schools within thirty days from the date of notification by the superintendent of schools that positions are available to them that they will return to employment and will assume the duties of the position to which appointed not later than the beginning of the school year next following the date of the notice by the superintendent of schools.

6. If any regulation which deals with the promotion of [either] teachers is amended by increasing the qualifications necessary to be met before a teacher is eligible for promotion, the amendment shall fix an effective date which shall allow a reasonable length of time within which teachers may become qualified for promotion under the regulations.

**7. A teacher whose appointment has become permanent may give up the right to a permanent appointment to participate in the teacher choice compensation package under sections 168.745 to 168.750.**

**168.745. 1. There is hereby created the “Teacher Choice Compensation Package” to permit performance-based salary stipends upon the decision of the teacher in a metropolitan school district as described in section 168.747, to reward teachers for objectively demonstrated superior performance.**

**2. There is hereby created the “Teacher Choice Compensation Fund” in the state treasury. The fund shall be administered by the department of elementary and secondary education. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo.**

**3. The teacher choice compensation fund shall consist of all moneys transferred to it under this section, and all moneys otherwise appropriated to or donated to it. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the**

biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

**168.747. 1.** To be eligible for the teacher choice compensation package, all classroom personnel in a metropolitan school district reported as a code forty, fifty, or sixty through the core data system of the department of elementary and secondary education shall opt out of his or her indefinite contract under section 168.221 for the duration of employment with the district. A teacher may decide to end his or her eligibility for the teacher choice stipend but may not resume permanent teacher status with that district. A probationary teacher may opt out of consideration for a permanent contract in the second or subsequent years of employment by the district to participate in the teacher choice compensation package but may not return to permanent status in that district or resume the process for qualification for an indefinite contract in that district. A teacher who has chosen the teacher choice compensation package and changes employment to another district may choose to resume the process for qualification for an indefinite contract in that district. The teacher choice compensation package shall only be available for teachers in a metropolitan school district.

**2.** Teachers shall qualify annually in October for the stipends described in section 168.749. Stipends shall be offered in five thousand dollar increments, up to fifteen thousand dollars, but shall not exceed fifty percent of a teacher's base salary, before deductions for retirement but including designated pay for additional duties such as coaching, sponsoring, or mentoring. Any stipend received under section 168.749 shall be in addition to the base salary to which the teacher would otherwise be entitled. Teachers receiving the stipend shall receive any pay and benefits received by teachers of similar training, experience, and duties. Such stipends shall not be considered compensation for retirement purposes.

**3.** Subject to appropriation, the department of elementary and secondary education shall make a payment to the district in the amount of the stipend, to be delivered as a lump sum in January following the October of qualification. If the amount appropriated is not enough to fund the total of five thousand dollar increment payments, the department may prorate the payments.

**4.** Every person employed by the district in a teaching position, regardless of the certification status of the person, who qualifies under any of the indicators listed in section 168.749 is eligible for the teacher choice compensation package. Teachers who are employed less than full-time are eligible for teacher choice stipends on a pro-rated basis. Any teacher who is dismissed for cause who has otherwise qualified for a teacher choice stipend shall forfeit the stipend for that year.

**168.749. 1.** Beginning with school year 2010-2011, teachers who elect to participate in the teacher choice compensation package shall be eligible for stipends based on the following criteria:

**(1)** Score on a value-added test instrument or instruments. Such instruments shall be defined as those which give a reliable measurement of the skills and knowledge transferred to students during the time they are in a teacher's classroom and shall be selected by the school district from one or more of the following assessments:

**(a)** A list of recognized value-added instruments developed by the department of elementary and secondary education;

**(b)** Scores on the statewide assessments established under section 160.518, RSMo, may be used for

**this purpose, and the department of elementary and secondary education shall develop a procedure for identifying the value added by teachers that addresses the fact that not all subjects are tested at all grade levels each year under the state assessment program;**

**(c) Scores on annual tests required by the federal Elementary and Secondary Education Act reauthorization of 2002 for third through eighth grade may be used as value-added instruments if found appropriate after consideration and approval by the state board of education;**

**(d) A district may choose an instrument after a public hearing of the district board of education on the matter, with the reasons for the selection entered upon the minutes of the meeting; provided, however, that this option shall not be available to districts after scores are established for paragraphs (a), (b), and (c) of this subdivision;**

**(2) Evaluations by principals or other administrators with expertise to evaluate classroom performance;**

**(3) Evaluations by parents and by students at their appropriate developmental level.**

**Model instruments for these evaluations shall be developed or identified by the department of elementary and secondary education. Districts may use such models, may use other existing models, or may develop their own instruments. A district that develops its own instrument shall not use that instrument as its sole method of evaluation.**

**2. The department of elementary and secondary education shall develop criteria for determining eligibility for stipend increments, including a range of target scores on assessments for use by the districts. The test-score options listed in subdivision (1) of subsection 1 of this section shall be given higher weight than the evaluation options listed in subdivisions (2) and (3) of subsection 1 of this section. The decision of individual districts about the qualifications for each increment based on the evaluations listed in subdivisions (2) and (3) of subsection 1 of this section and for value-added instruments for which target scores have not been developed by the department of elementary and secondary education may address the district's unique characteristics but shall require demonstrably superior performance on the part of the teacher, based primarily on improved student achievement while taking into account classroom demographics including but not limited to students' abilities, special needs, and class size.**

**168.750. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 168.745 to 168.749 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.**

**313.778. 1. There is hereby created in the state treasury the "Schools First Elementary and Secondary Education Improvement Fund", which shall consist of taxes on excursion gambling boat proceeds as provided in subsection 2 of section 160.534, RSMo, to be used solely for the purpose of increasing funding for elementary and secondary education. The schools first elementary and secondary education improvement fund shall be state revenues collected from gaming activities for purposes of article III, section 39(d) of the constitution. [Moneys in the schools first elementary and secondary education improvement**

fund shall be kept separate from the general revenue fund as well as any other funds or accounts in the state treasury.] The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

**2. Five million dollars from the fund shall be transferred annually to the fund created in section 168.745, RSMo, to be used for purposes of sections 168.745 to 168.750, RSMo. The general assembly may appropriate any moneys remaining in the fund for other purposes.”; and**

Further amend said bill, Page 30, Section 313.778, Lines 11 to 23 of said page, by striking all of said section; and

Further amend said bill, Page 30, Section B, Lines 25 and 26, by striking said lines; and

Further amend said bill, Page 30, Section C, Line 27, by striking the following: “Section C” and inserting in lieu thereof the following: “Section B”; and

Further amend the title and enacting clause accordingly.

Senator Cunningham moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway offered **SA 27**, which was read:

SENATE AMENDMENT NO. 27

Amend Senate Substitute for Senate Bill No. 291, Page 9, Section 162.1250, Line 12, by inserting after said line the following:

**“6. A school district or charter school may contract with multiple providers of virtual courses or virtual programs, provided they meet the criteria for virtual courses or virtual programs under this section.”.**

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway offered **SA 28**, which was read:

SENATE AMENDMENT NO. 28

Amend Senate Substitute for Senate Bill No. 291, Page 28, Section 313.882, Line 27, by inserting after said line the following:

**“Section 1. No school district shall join any organization or entity that discriminates or prohibits home school students from participating in music contests or debate contests. Home school students shall be permitted to compete in music contests and debate contests in the same manner as students of a public school district.”; and**

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

**PRIVILEGED MOTIONS**

Having voted on the prevailing side, Senator Shields moved that the vote by which **SA 26** was adopted be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Engler
Goodman	Justus	Lager	Lembke	Mayer	McKenna	Pearce	Purgason
Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith
Stouffer	Wilson	Wright-Jones—27					

NAYS—Senators—None

Absent—Senators

Bartle	Days	Dempsey	Green	Griesheimer	Nodler—6
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Absent with leave—Senator Vogel—1

Vacancies—None

**SA 26** was again taken up.

At the request of Senator Cunningham, the above amendment was withdrawn.

Senator Cunningham offered **SA 29**:

**SENATE AMENDMENT NO. 29**

Amend Senate Substitute for Senate Bill No. 291, Page 26, Section 166.300, Line 19, by inserting after said line the following:

“168.221. 1. The first five years of employment of all teachers entering the employment of the metropolitan school district shall be deemed a period of probation during which period all appointments of teachers shall expire at the end of each school year. During the probationary period any probationary teacher whose work is unsatisfactory shall be furnished by the superintendent of schools with a written statement setting forth the nature of his incompetency. If improvement satisfactory to the superintendent is not made within one semester after the receipt of the statement, the probationary teacher shall be dismissed. The semester granted the probationary teacher in which to improve shall not in any case be a means of prolonging the probationary period beyond five years and six months from the date on which the teacher entered the employ of the board of education. The superintendent of schools on or before the fifteenth day of April in each year shall notify probationary teachers who will not be retained by the school district of the termination of their services. Any probationary teacher who is not so notified shall be deemed to have been appointed for the next school year. Any principal who prior to becoming a principal had attained permanent employee status as a teacher shall upon ceasing to be a principal have a right to resume his or her permanent teacher position with the time served as a principal being treated as if such time had been served as a teacher for the purpose of calculating seniority and pay scale. The rights and duties and remuneration of a teacher who was formerly a principal shall be the same as any other teacher with the same level of qualifications and time of service.

2. After completion of satisfactory probationary services, appointments of teachers shall become

permanent, subject to removal for any one or more causes herein described and to the right of the board to terminate the services of all who attain the age of compulsory retirement fixed by the retirement system. In determining the duration of the probationary period of employment in this section specified, the time of service rendered as a substitute teacher shall not be included.

3. No teacher whose appointment has become permanent may be removed except for one or more of the following causes: immorality, inefficiency in line of duty, violation of the published regulations of the school district, violation of the laws of Missouri governing the public schools of the state, or physical or mental condition which incapacitates him for instructing or associating with children, and then only by a vote of not less than a majority of all the members of the board, upon written charges presented by the superintendent of schools, to be heard by the board after thirty days' notice, with copy of the charges served upon the person against whom they are preferred, who shall have the privilege of being present, together with counsel, offering evidence and making defense thereto. Notifications received by an employee during a vacation period shall be considered as received on the first day of the school term following. At the request of any person so charged the hearing shall be public. The action and decision of the board upon the charges shall be final. Pending the hearing of the charges, the person charged may be suspended if the rules of the board so prescribe, but in the event the board does not by a majority vote of all the members remove the teacher upon charges presented by the superintendent, the person shall not suffer any loss of salary by reason of the suspension. Inefficiency in line of duty is cause for dismissal only after the teacher has been notified in writing at least one semester prior to the presentment of charges against him by the superintendent. The notification shall specify the nature of the inefficiency with such particularity as to enable the teacher to be informed of the nature of his inefficiency.

4. No teacher whose appointment has become permanent shall be demoted nor shall his salary be reduced unless the same procedure is followed as herein stated for the removal of the teacher because of inefficiency in line of duty, and any teacher whose salary is reduced or who is demoted may waive the presentment of charges against him by the superintendent and a hearing thereon by the board. The foregoing provision shall apply only to permanent teachers prior to the compulsory retirement age under the retirement system. Nothing herein contained shall in any way restrict or limit the power of the board of education to make reductions in the number of teachers or principals, or both, because of insufficient funds, decrease in pupil enrollment, or abolition of particular subjects or courses of instruction, except that the abolition of particular subjects or courses of instruction shall not cause those teachers who have been teaching the subjects or giving the courses of instruction to be placed on leave of absence as herein provided who are qualified to teach other subjects or courses of instruction, if positions are available for the teachers in the other subjects or courses of instruction.

5. Whenever it is necessary to decrease the number of teachers because of insufficient funds or a substantial decrease of pupil population within the school district, the board of education upon recommendation of the superintendent of schools may cause the necessary number of teachers beginning with those serving probationary periods to be placed on leave of absence without pay, but only in the inverse order of their appointment. Nothing herein stated shall prevent a readjustment by the board of education of existing salary schedules. No teacher placed on a leave of absence shall be precluded from securing other employment during the period of the leave of absence. Each teacher placed on leave of absence shall be reinstated in inverse order of his placement on leave of absence. Such reemployment shall not result in a loss of status or credit for previous years of service. No new appointments shall be made while there are available teachers on leave of absence who are seventy years of age or less and who are adequately qualified

to fill the vacancy unless the teachers fail to advise the superintendent of schools within thirty days from the date of notification by the superintendent of schools that positions are available to them that they will return to employment and will assume the duties of the position to which appointed not later than the beginning of the school year next following the date of the notice by the superintendent of schools.

6. If any regulation which deals with the promotion of [either] teachers is amended by increasing the qualifications necessary to be met before a teacher is eligible for promotion, the amendment shall fix an effective date which shall allow a reasonable length of time within which teachers may become qualified for promotion under the regulations.

**7. A teacher whose appointment has become permanent may give up the right to a permanent appointment to participate in the teacher choice compensation package under sections 168.745 to 168.750.**

**168.745. 1. There is hereby created the “Teacher Choice Compensation Package” to permit performance-based salary stipends upon the decision of the teacher in a metropolitan school district as described in section 168.747, to reward teachers for objectively demonstrated superior performance.**

**2. There is hereby created the “Teacher Choice Compensation Fund” in the state treasury. The fund shall be administered by the department of elementary and secondary education. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo.**

**3. The teacher choice compensation fund shall consist of all moneys transferred to it under this section, and all moneys otherwise appropriated to or donated to it. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.**

**4. The general assembly shall annually appropriate five million dollars to the fund created in this section.**

**168.747. 1. To be eligible for the teacher choice compensation package, all classroom personnel in a metropolitan school district reported as a code forty, fifty, or sixty through the core data system of the department of elementary and secondary education shall opt out of his or her indefinite contract under section 168.221 for the duration of employment with the district. A teacher may decide to end his or her eligibility for the teacher choice stipend but may not resume permanent teacher status with that district. A probationary teacher may opt out of consideration for a permanent contract in the second or subsequent years of employment by the district to participate in the teacher choice compensation package but may not return to permanent status in that district or resume the process for qualification for an indefinite contract in that district. A teacher who has chosen the teacher choice compensation package and changes employment to another district may choose to resume the process for qualification for an indefinite contract in that district. The teacher choice compensation package shall only be available for teachers in a metropolitan school district.**

**2. Teachers shall qualify annually in October for the stipends described in section 168.749. Stipends shall be offered in five thousand dollar increments, up to fifteen thousand dollars, but shall**

not exceed fifty percent of a teacher's base salary, before deductions for retirement but including designated pay for additional duties such as coaching, sponsoring, or mentoring. Any stipend received under section 168.749 shall be in addition to the base salary to which the teacher would otherwise be entitled. Teachers receiving the stipend shall receive any pay and benefits received by teachers of similar training, experience, and duties. Such stipends shall not be considered compensation for retirement purposes.

3. Subject to appropriation, the department of elementary and secondary education shall make a payment to the district in the amount of the stipend, to be delivered as a lump sum in January following the October of qualification. If the amount appropriated is not enough to fund the total of five thousand dollar increment payments, the department may prorate the payments.

4. Every person employed by the district in a teaching position, regardless of the certification status of the person, who qualifies under any of the indicators listed in section 168.749 is eligible for the teacher choice compensation package. Teachers who are employed less than full-time are eligible for teacher choice stipends on a pro-rated basis. Any teacher who is dismissed for cause who has otherwise qualified for a teacher choice stipend shall forfeit the stipend for that year.

168.749. 1. Beginning with school year 2010-2011, teachers who elect to participate in the teacher choice compensation package shall be eligible for stipends based on the following criteria:

(1) Score on a value-added test instrument or instruments. Such instruments shall be defined as those which give a reliable measurement of the skills and knowledge transferred to students during the time they are in a teacher's classroom and shall be selected by the school district from one or more of the following assessments:

(a) A list of recognized value-added instruments developed by the department of elementary and secondary education;

(b) Scores on the statewide assessments established under section 160.518, RSMo, may be used for this purpose, and the department of elementary and secondary education shall develop a procedure for identifying the value added by teachers that addresses the fact that not all subjects are tested at all grade levels each year under the state assessment program;

(c) Scores on annual tests required by the federal Elementary and Secondary Education Act reauthorization of 2002 for third through eighth grade may be used as value-added instruments if found appropriate after consideration and approval by the state board of education;

(d) A district may choose an instrument after a public hearing of the district board of education on the matter, with the reasons for the selection entered upon the minutes of the meeting; provided, however, that this option shall not be available to districts after scores are established for paragraphs (a), (b), and (c) of this subdivision;

(2) Evaluations by principals or other administrators with expertise to evaluate classroom performance;

(3) Evaluations by parents and by students at their appropriate developmental level.

Model instruments for these evaluations shall be developed or identified by the department of elementary and secondary education. Districts may use such models, may use other existing models, or may develop their own instruments. A district that develops its own instrument shall not use that

instrument as its sole method of evaluation.

**2. The department of elementary and secondary education shall develop criteria for determining eligibility for stipend increments, including a range of target scores on assessments for use by the districts. The test-score options listed in subdivision (1) of subsection 1 of this section shall be given higher weight than the evaluation options listed in subdivisions (2) and (3) of subsection 1 of this section. The decision of individual districts about the qualifications for each increment based on the evaluations listed in subdivisions (2) and (3) of subsection 1 of this section and for value-added instruments for which target scores have not been developed by the department of elementary and secondary education may address the district's unique characteristics but shall require demonstrably superior performance on the part of the teacher, based primarily on improved student achievement while taking into account classroom demographics including but not limited to students' abilities, special needs, and class size.**

**168.750. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 168.745 to 168.749 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.”; and**

Further amend the title and enacting clause accordingly.

Senator Cunningham moved that the above amendment be adopted, which motion prevailed.

Senator Wilson offered SA 30:

SENATE AMENDMENT NO. 30

Amend Senate Substitute for Senate Bill No. 291, Page 6, Section 160.820, Line 14, by inserting after said line the following:

**“161.800. 1. This section establishes a program for public elementary and secondary schools to increase volunteer and parental involvement. The program shall be known and may be cited as the “Volunteer and Parents Incentive Program”. The department of elementary and secondary education shall implement and administer the program.**

**2. For purposes of this section, the following terms shall mean:**

**(1) “At risk student”:**

**(a) A student who is still of school age but whose continued education is in jeopardy because the student is experiencing academic deficits, including but not limited to:**

**a. Being one or more years behind their age or grade level in mathematics or reading skills through eighth grade or three or more credits behind in the number of credits toward graduation from the ninth grade through twelfth grade;**

**b. Having low scores on tests of academic achievement and scholastic aptitude;**

**c. Having low grades and academic deficiencies;**

- d. Having a history of failure and being held back in school;**
- e. Having language problems or being from a non-English speaking home; or**
- f. Not having access to appropriate educational programs.**

**(b) A student may also be considered “at risk” if the student has any of the following:**

- a. A parent or sibling who dropped out of school;**
- b. Experienced numerous family relocations;**
- c. Poor social adjustment, or deviant social behavior;**
- d. Employment of more than twenty hours per week while school is in session;**
- e. Been the victim of racial or ethnic prejudice;**
- f. Low self-esteem and expectations of teachers, parents, and the community;**
- g. A poorly educated mother or father;**
- h. Children of their own;**
- i. A deprived environment that slows economic and social development;**
- j. A fatherless home;**
- k. Been the victim of personal or family abuse, including substance abuse, emotional abuse, and sexual abuse;**

**(2) “Department”, the department of elementary and secondary education;**

**(3) “Institution of higher education”, a four year college or university located in the state of Missouri;**

**(4) “Program”, the volunteer and parents incentive program;**

**(5) “Qualifying public school”, a school located in Missouri that:**

**(a) Is located in a school district that has been classified by the state board of education as unaccredited or provisionally accredited; or**

**(b) That has a student population of more than fifty percent at-risk students.**

**3. Subject to appropriation, the department shall provide a reimbursement to parents or volunteers who donate time at a qualifying public school. For every one hundred hours that a parent or volunteer donates to a qualifying public school, the department shall provide a reimbursement of up to five hundred dollars towards the cost of three credit hours of education from a public institution of higher education located in Missouri. The reimbursement shall occur after completion of the three credit hours of education. The reimbursement amount shall not exceed five hundred dollars every two years.**

**4. A school district that participates in the program shall verify to the department the time donated by a parent or volunteer.**

**5. If a school district that participates in the program becomes classified as accredited by the state board of education, the school district may continue to participate in the program for an additional**

two years.

6. The department of elementary and secondary education shall promulgate rules and regulations to implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

7. There is hereby created in the state treasury the “Volunteer and Parents Incentive Program Fund”, which shall consist of general revenue appropriated to the program, funds received from the federal government, and voluntary contributions to support or match program activities. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used solely for the administration of the volunteer and parents incentive program. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

8. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

Further amend the title and enacting clause accordingly.

Senator Wilson moved that the above amendment be adopted, which motion prevailed.

Senator Wilson offered SA 31:

SENATE AMENDMENT NO. 31

Amend Senate Substitute for Senate Bill No. 291, Page 1, Section A, Line 6, by inserting after said line the following:

“160.375. 1. There is hereby established the “Missouri Senior Cadets Program”, which shall be administered by the department of elementary and secondary education. The program shall encourage high school seniors to mentor kindergarten through eighth grade students in their respective school districts for a minimum of ten hours per week during the school year.

2. In order to be a mentor in the program, a student must:

(1) Be a Missouri resident who attends a Missouri high school;

**(2) Possess a cumulative grade point average of at least three on a four-point scale or equivalent; and**

**(3) Plan to attend college.**

**3. The department of elementary and secondary education shall promulgate rules to implement this section, which shall include, but may not be limited to, guidelines for school districts and mentors in the program. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.**

**4. The mentor shall work with the school principal, classroom teachers, and other applicable school personnel in planning and implementing the mentoring plan. Such mentoring may occur before, during, or after school.**

**5. If a mentor in the program successfully provides mentoring services for an average of at least ten hours per week during a school year, the following shall apply:**

**(1) The mentor shall receive one hour of elective class credit, which may satisfy graduation requirements; and**

**(2) Should the mentor attend college with the stated intention of becoming a teacher, the mentor shall be reimbursed, subject to appropriation, by the department of elementary and secondary education for the costs of three credit hours per semester for a total of no more than eight semesters.**

**6. There is hereby established in the state treasury a fund to be known as the “Missouri Senior Cadets Fund”, which shall consist of all moneys that may be appropriated to it by the general assembly, and in addition may include any gifts, contributions, grants, or bequests received from federal, state, private, or other sources. The fund shall be administered by the department of elementary and secondary education. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, moneys in the fund shall be used solely for the administration of the Missouri senior cadets program. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.**

**7. Pursuant to section 23.253, RSMo, of the Missouri sunset act:**

**(1) Any new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and**

**(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and**

**(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which a program authorized under this section is sunset.”; and**

Further amend the title and enacting clause accordingly.

Senator Wilson moved that the above amendment be adopted, which motion prevailed.

Senator Crowell offered **SA 32**, which was read:

SENATE AMENDMENT NO. 32

Amend Senate Substitute for Senate Bill No. 291, Page 25, Section 166.300, Line 3, by striking the word “only” from said line; and

Further amend said page, lines 4-5, by striking said lines from the bill and inserting in lieu thereof the following: “**grants on a per pupil basis for the cost of capital improvement project.**”.

Senator Crowell moved that the above amendment be adopted.

Senator Engler offered **SSA 1** for **SA 32**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 32

Amend Senate Substitute for Senate Bill No. 291, Pages 21-26, Section 166.300, by striking all of said section from the bill; and

Further amend said bill, page 28, section 313.822, line 27, by inserting after said line the following:

**“Section 1. 1. There is hereby created within the state treasury a fund to be known as the “School Building Repair Fund”, which shall consist of all moneys that may be appropriated to it by the general assembly, and in addition may include any gifts, contributions, grants, or bequests received from federal, state, private, or other sources. The fund shall be administered by the state board of education. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, moneys in the fund shall be used solely for the administration of the school building repair fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.**

**2. Moneys in the fund shall be distributed by the state board of education to each school district in this state qualified to receive state aid pursuant to section 163.021, RSMo, on an average daily attendance basis.”; and**

Further amend the title and enacting clause accordingly.

Senator Engler moved that the above substitute amendment be adopted, which motion prevailed.

Senator Ridgeway offered **SA 33**:

SENATE AMENDMENT NO. 33

Amend Senate Substitute for Senate Bill No. 291, Page 6, Section 160.820, Line 14, by inserting after said line the following:

“161.072. The state board of education shall meet semiannually in December and in June in Jefferson City. Other meetings may be called by the president of the board on [five] **seven** days' written notice to the members. In the absence of the president, the commissioner of education shall call a meeting on request of [four] **three** members of the board, and if both the president and the commissioner of education are absent

or refuse to call a meeting, any [four] **three** members of the board may call a meeting by similar notices in writing. **The business to come before the board shall be available by free electronic record at least seven business days prior to the start of each meeting. All records of any decisions, votes, exhibits, or outcomes shall be available by free electronic media within forty-eight hours following the conclusion of every meeting. Any materials prepared for the members of the board by the staff shall be delivered to the members at least five days before the meeting, and to the extent such materials are public records as defined in section 610.010, RSMo, and are not permitted to be closed under section 610.021, RSMo, shall be made available by free electronic media at least five business days in advance of the meeting.**

161.122. The commissioner of education shall supervise the department of elementary and secondary education. Either in person or by deputy, he **or she** shall confer with and advise county and school district officers, teachers, and patrons of the public schools on all matters pertaining to the school law; visit and supervise schools, and make suggestions in regard to the subject matter and methods of instruction, the control and government of the schools, and the care and keeping of all school property; attend and assist in meetings of teachers, directors, and patrons of the public schools; and seek in every way to elevate the standards and efficiency of the instruction given in the public schools of the state. **The commissioner shall study and evaluate and test the progress, or lack thereof, in achieving these objectives and shall promptly make public by free electronic media the results of all studies and evaluations and tests insofar as consistent with student or parental privacy rights contained in federal or state law.”;** and

Further amend said bill, page 26, section 166.300, line 19, by inserting after said line the following:

“167.275. **1.** Effective January 1, 1991, all public and nonpublic secondary schools shall report to the state literacy hot line office in Jefferson City the name, mailing address and telephone number of all students sixteen years of age or older who drop out of school for any reason other than to attend another school, college or university, or enlist in the armed services. Such reports shall be made either by using the telephone hot line number or on forms developed by the department of elementary and secondary education. Upon such notification, the state literacy hot line office shall contact the student who has been reported and refer that student to the nearest location that provides adult basic education instruction leading to the completion of a general educational development certificate.

**2. All records and reports from or based upon the reports required by this section shall be made available by free electronic record on the department's web site or otherwise on the first business day of each month. The names of the students who drop out and any other information which might identify such students shall not be included in the records and reports made available by free electronic media.”;** and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Shields moved that **SS** for **SB 291**, as amended, be adopted, which motion prevailed.

On motion of Senator Shields, **SS** for **SB 291**, as amended, was declared perfected and ordered printed.

### **INTRODUCTIONS OF GUESTS**

Senator Pearce introduced to the Senate, members of Warrensburg Chamber of Commerce.

Senator Goodman introduced to the Senate, Scott George, Mt. Vernon.

Senator Barnitz introduced to the Senate, Chuck Simino, Claudia Sands and thirty-five Embarq employees from around the state.

Senator Engler introduced to the Senate, students from St. Paul Lutheran School, Farmington.

Senator Green introduced to the Senate, Gregory and Christina Heise and their daughter, Julia, Florissant; and Julia was made an honorary page.

Senator Mayer introduced to the Senate, Mitch Davis, Aaron Henderson, Chris Killian, Cody Knodell, Derek Spencer, Cameron Caldwell, David Gaebler, Nathan Smith, Skyler Kinsey, Christian Greer, Ryan Stoll, Justin Francis, Megan Richardson, Taylor Worley, Haleigh Sutton, Mary Payne, Whitney Stewart, Caroline Barton, Taylor Armes, and Frani and Christina Dunivan, members of Poplar Bluff Teenage Republicans.

Senator Barnitz introduced to the Senate, fourth grade students from St. Joseph School, Westphalia.

Senator Engler introduced to the Senate, Mr. and Mrs. Jack Adams, Ironton.

Senator Cunningham introduced to the Senate, students from Mason Ridge School, Town and Country.

Senator Days introduced to the Senate, Steven and Sandy York and their children, Steven and Emily, Florissant.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

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FORTY-SECOND DAY—THURSDAY, MARCH 26, 2009

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## FORMAL CALENDAR

### HOUSE BILLS ON SECOND READING

HCS for HB 247  
HCS for HB 236  
HB 91-Pollock, et al  
HCS for HBs 93 & 216  
HB 269-Parson, et al  
HB 488-Schad, et al  
HB 490-Schad, et al  
HB 83-Wood  
HCS for HB 148  
HCS for HB 154

HB 376-Hobbs, et al  
HB 395-Nance, et al  
HB 218-Ervin  
HB 400-Nasheed, et al  
HB 506-Funderburk, et al  
HCS for HB 251  
HB 259-Tilley  
HCS for HB 124  
HB 69-Storch  
HB 229-Ervin

### THIRD READING OF SENATE BILLS

1. SCS for SB 176-Stouffer

2. SS for SB 58-Stouffer (In Fiscal Oversight)

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|--|---------------------------------------|
| 3. SS for SCS for SB 167-Rupp<br>(In Fiscal Oversight) | 8. SCS for SB 188-Dempsey, et al      |
| 4. SCS for SB 130-McKenna, et al                       | 9. SB 272-Lager (In Fiscal Oversight) |
| 5. SS#2 for SCS for SB 5-Griesheimer                   | 10. SCS for SB 355-Dempsey            |
| 6. SCS for SJR 5-Schmitt and Lembke                    | 11. SB 256-Schaefer                   |
| 7. SCS for SBs 65 & 43-Rupp, et al                     | 12. SS for SCS for SB 89-Stouffer     |

#### SENATE BILLS FOR PERFECTION

- |                                    |   |
|------------------------------------|---|
| 1. SB 307-Dempsey and Rupp         | 9. SB 117-Green, with SCS                   |
| 2. SB 306-Dempsey, et al, with SCS | 10. SB 94-Justus, et al, with SCS           |
| 3. SJR 3-Crowell                   | 11. SB 477-Wright-Jones                     |
| 4. SB 409-Stouffer, with SCS       | 12. SB 141-Smith and Wright-Jones, with SCS |
| 5. SB 364-Clemens and Schaefer     | 13. SB 267-Mayer and Green                  |
| 6. SB 527-Nodler and Bray          | 14. SBs 335 & 16-Rupp, with SCS             |
| 7. SB 539-Schaefer, with SCS       | 15. SBs 207 & 245-Rupp, with SCS            |
| 8. SB 321-Days, et al, with SCS    | 16. SB 172-Green and Cunningham             |

#### HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS  
(Griesheimer) (In Fiscal Oversight)

#### INFORMAL CALENDAR

#### SENATE BILLS FOR PERFECTION

- |   |  |
|---|--|
| SB 7-Griesheimer, with SS (pending)   | SCS for SB 189-Shields   |
| SB 18-Bray, et al, with SCS & SS for SCS<br>(pending)   | SB 216-Scott, with SCS   |
| SB 29-Stouffer  | SBs 223 & 226-Goodman, with SCS (pending)  |
| SBs 45, 212, 136, 278, 279, 285 &<br>288-Pearce, with SCS, SS#2 for SCS<br>and SA 2 (pending) | SB 236-Lembke  |
| SB 57-Stouffer, with SCS  | SBs 261, 159, 180 & 181-Bartle and Goodman,<br>with SCS & SS#3 for SCS (pending) |
| SB 72-Stouffer, with SCS  | SB 264-Mayer   |
| SB 174-Griesheimer and Goodman, with<br>SCS, SS#2 for SCS & SA 2 (pending)                    | SB 284-Lembke, et al   |
|   | SB 363-Griesheimer, with SCS, SS for SCS<br>and SA 2 (pending)                   |

CONSENT CALENDAR

Senate Bills

Reported 3/11

SB 513-Dempsey	SB 485-Pearce
SB 396-Justus	SB 480-Shoemyer
SB 421-Pearce	SB 394-Ridgeway, with SCS
SB 435-Lembke	SB 464-Stouffer
SB 296-Scott	SB 447-Pearce
SB 276-Barnitz	SB 399-Justus
SB 337-Rupp	SB 387-Barnitz
SB 468-Justus, with SCS	SB 386-Lager
SB 338-Rupp, with SCS	SB 377-Rupp
SB 318-Lembke, with SCS	SB 266-Mayer
SB 398-Barnitz	SB 253-Justus, with SCS
SB 357-Purgason	SB 526-Clemens

Reported 3/12

SB 507-Callahan	SB 411-Crowell, with SCS
SB 563-Smith, with SCS	SB 161-Crowell

RESOLUTIONS

Reported from Committee

SR 141-Engler, with point of order (pending)	SCR 14-Schmitt
SCR 7-Pearce	SCR 21-Clemens
SR 207-Lembke and Smith, with SCS & SS for SCS (pending)	SCR 10-Rupp
SCR 11-Bartle, et al	SCR 18-Bartle and Rupp
	SCR 23-Schmitt

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