

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-EIGHTH DAY—WEDNESDAY, FEBRUARY 26, 2014

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“But we speak God’s wisdom, secret and hidden, which God decreed before the ages for our glory.” (1 Corinthians 2:7)

O Lord, we ask You to mercifully receive the prayers of Your people here which call out to You: grant that we may both perceive and know what things we ought to do and also may have the grace and power to faithfully fulfill the same. 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.

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

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh—32

Absent—Senators—None

Absent with leave—Senator Wasson—1

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Schmitt offered Senate Resolution No. 1461, regarding Parents as Teachers, which was adopted.

Senator Munzlinger offered Senate Resolution No. 1462, regarding Dr. Charles J. McClain, which was adopted.

Senator Wallingford offered Senate Resolution No. 1463, regarding Kathryn “Kathy” Glasco, Chaffee,

which was adopted.

Senator Sater offered Senate Resolution No. 1464, regarding Rex Kay, Monett, which was adopted.

Senator Sater offered Senate Resolution No. 1465, regarding Arthur Hale, Forsyth, which was adopted.

Senator Justus offered Senate Resolution No. 1466, regarding Nita Jones, Fulton, which was adopted.

Senator Lamping offered Senate Resolution No. 1467, regarding Segepoh Thomas, which was adopted.

Senator Lamping offered Senate Resolution No. 1468, regarding Beral Mbaikoubou, which was adopted.

Senator Dempsey offered Senate Resolution No. 1469, regarding James Schuette, which was adopted.

Senator Dempsey offered Senate Resolution No. 1470, regarding C.J. Vogt, which was adopted.

Senator Dempsey offered Senate Resolution No. 1471, regarding Kent Keiser, which was adopted.

Senator Dempsey offered Senate Resolution No. 1472, regarding Dave Groeblichhoff, which was adopted.

Senator Dempsey offered Senate Resolution No. 1473, regarding Don Claas, which was adopted.

Senator Dempsey offered Senate Resolution No. 1474, regarding Stephen “Steve” Barteau, which was adopted.

Senator Dempsey offered Senate Resolution No. 1475, regarding Robin Goodin, which was adopted.

Senator Dempsey offered Senate Resolution No. 1476, regarding Regi Jonak-Ward, which was adopted.

Senator Dempsey offered Senate Resolution No. 1477, regarding Charles Howes, which was adopted.

CONCURRENT RESOLUTIONS

Senator Kehoe offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 37

Relating to the recognition of the first Tuesday of every September as American Red Cross Blood Donation Day.

WHEREAS, prior to the beginning of World War II, the United States Congress requested the American Red Cross begin a national blood collection program to support the armed forces; and

WHEREAS, the American Red Cross Blood Services has grown into a national network that provides about 40 percent of the nation’s blood; and

WHEREAS, the American Red Cross collects approximately 5.6 million blood donations nationwide each year from roughly 3.3 million volunteer donors; and

WHEREAS, in Missouri, the American Red Cross hosts more than 3,500 blood drives and collects more than 137,000 units of blood each year; and

WHEREAS, the American Red Cross is able to accomplish this in Missouri with the help of more than 2,000 volunteer sponsors and blood drive coordinators; and

WHEREAS, our communities depend on the American Red Cross and on voluntary blood donors:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-seventh General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby recognize the first Tuesday of September of each year as “American Red Cross Blood Donation Day”; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

Senator Lamping offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 38

WHEREAS, Article I of the United States Constitution begins “All legislative powers herein granted shall be vested in a Congress”; and

WHEREAS, the Congress has exceeded the legislative powers granted in the Constitution thereby encroaching on the powers that are “reserved to the states respectively, or to the people” as the Tenth Amendment affirms and the rights “retained by the people” to which the Ninth Amendment refers; and

WHEREAS, in Federalist No. 10, James Madison wrote that “No man is allowed to be a judge in his own cause, because his interest would certainly bias his judgment, and... with greater reason, a body of men are unfit to be both judges and parties at the same time”; and

WHEREAS, this same principle was emphasized in the 1798 Kentucky Resolutions (drafted by Thomas Jefferson) that the United States government “was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the Constitution, the measure of its powers”; and

WHEREAS, the United States Constitution should then be amended to enable the several states to correct violations of the limited powers by the United States and thereby restore the proper balance between the powers of Congress and those of the several States, and better prevent the denial or disparagement of the rights retained by the people:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-seventh General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby strongly urge the Congress of the United States to propose the following amendment, known as the State Repeal Amendment, or SRA:

“Any provision of law or regulation of the United States may be repealed by the several states, and such repeal shall be effective when the legislatures of a representative majority of the several states approve resolutions for this purpose that particularly describe the same provision or provisions of law or regulation to be repealed. A representative majority of the several states is a majority of the states also having together a majority of the Representatives in the Congress.”; and

BE IT FURTHER RESOLVED that should the Congress fail to act after two-thirds of the Several States petition alike in substance for a State Repeal Amendment, then a “convention to propose amendments” under Article V of the United States Constitution shall be the proper course and that delegates to such convention should be selected by the legislatures in the several states and should vote by state, according to the practices established by the 1787 Federal Convention in Philadelphia; and

BE IT FURTHER RESOLVED that the state of Missouri reserve its further right to petition in the same manner for further amendments as the General Assembly may deem warranted; and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the Legislatures of all the several states inviting them to likewise join in support of this petition; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the Missouri Congressional delegation.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 934—By Schaaf.

An Act to amend chapters 167 and 376, RSMo, by adding thereto two new sections relating to childhood

obesity.

SB 935—By Holsman.

An Act to repeal section 393.1075, RSMo, and to enact in lieu thereof one new section relating to solar rebates, with existing penalty provisions.

SB 936—By Schaefer.

An Act to repeal section 64.170, RSMo, and to enact in lieu thereof one new section relating to county ordinances establishing minimum standards for residential occupancy.

SB 937—By Schaefer.

An Act to repeal section 56.700, RSMo, and to enact in lieu thereof one new section relating to mental health duties of certain county counselors.

SB 938—By Pearce.

An Act to repeal section 37.005, RSMo, and to enact in lieu thereof one new section relating to the transfer of property by the governing bodies of certain public institutions of higher education, with an emergency clause.

SB 939—By Curls.

An Act to repeal section 67.399, RSMo, and to enact in lieu thereof one new section relating to Kansas City housing ordinances.

SB 940—By Curls.

An Act to repeal section 92.402, RSMo, and to enact in lieu thereof one new section relating to public mass transportation sales taxes.

SB 941—By Curls, Rupp and Silvey.

An Act to repeal section 173.670, RSMo, and to enact in lieu thereof three new sections relating to course work leading to industry certification.

SB 942—By Sater.

An Act to repeal sections 338.059 and 338.220, RSMo, and to enact in lieu thereof three new sections relating to pharmacy licensure.

SB 943—By Justus.

An Act to repeal sections 211.442, 211.444, 453.040, 453.065, 453.080, and 453.110, RSMo, and to enact in lieu thereof seven new sections relating to adoption, with existing penalty provisions.

Senator Lager assumed the Chair.

SB 944—By Brown, Holsman, Chappelle-Nadal, Walsh, Schaaf, Wallingford, Romine and Libla.

An Act to repeal sections 393.140 and 393.150, RSMo, and to enact in lieu thereof two new sections relating to rates of return on equity for corporations regulated by the public service commission, with an existing penalty provision.

SB 945—By Brown, Libla, Wasson, Richard, Lamping, Kraus, Rupp, Parson, Sater, Cunningham, Nieves, Schaefer, Lager and Romine.

An Act to repeal section 546.680, RSMo, and to enact in lieu thereof two new sections relating to the death penalty.

SB 946—By Dixon.

An Act to repeal section 37.020, RSMo, and to enact in lieu thereof one new section relating to bidding for public contracts.

SB 947—By Dixon.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to a sales tax for early childhood education programs.

Senator Schmitt assumed the Chair.

SB 948—By Wallingford.

An Act to amend chapter 287, RSMo, by adding thereto one new section relating to the payment of second injury fund liabilities.

SENATE BILLS FOR PERFECTION

Senator Pearce moved that **SB 493, SB 485, SB 495, SB 516, SB 534, SB 545, SB 595, SB 616** and **SB 624**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SBs 493, 485, 495, 516, 534, 545, 595, 616** and **624**, as amended, was again taken up.

Senator Schaefer offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bills Nos. 493, 485, 495, 516, 534, 545, 595, 616 and 624, Page 5, Section 162.081, Line 116, by inserting after all said line the following:

“9. If the state board of education reasonably believes that a school district is unlikely to provide for the minimum school term required by section 163.021 because of financial difficulty, the state board of education may, prior to the start of the school term:

(1) Allow continued governance by the existing district school board under terms and conditions established by the state board of education; or

(2) Lapse the corporate organization of the district and implement one of the options available under subdivision (2) of subsection 3 of this section.”

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

Senator Kehoe assumed the Chair.

Senator Lager offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bills Nos. 493, 485, 495, 516, 534, 545, 595, 616 and

624, Page 33, Section 167.848, Line 28, by inserting immediately after said line the following:

“168.205. Notwithstanding any provision of law to the contrary, two or more school districts may share a superintendent who possesses a valid Missouri superintendent’s license. If any school districts choose to share a superintendent, they shall not be required to receive approval from the department of elementary and secondary education but may notify the department.”; and

Further amend the title and enacting clause accordingly.

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

Senator Lager offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bills Nos. 493, 485, 495, 516, 534, 545, 595, 616 and 624, Page 35, Section 171.031, Line 68, by inserting immediately after said line the following:

“[161.216. 1. No public institution of higher education, political subdivision, governmental entity, or quasi-governmental entity receiving state funds shall operate, establish, or maintain, offer incentives to participate in, or mandate participation in a quality rating system for early childhood education, a training quality assurance system, any successor system, or any substantially similar system for early childhood education, unless the authority to operate, establish, or maintain such a system is enacted into law through:

(1) A bill as prescribed by article III of the Missouri Constitution;

(2) An initiative petition as prescribed by section 50 of article III of the Missouri Constitution; or

(3) A referendum as prescribed by section 52(a) of article III of the Missouri Constitution.

2. No public institution of higher education, political subdivision, governmental entity or quasi-governmental entity receiving state funds shall promulgate any rule or establish any program, policy, guideline, or plan or change any rule, program, policy, guideline, or plan to operate, establish, or maintain a quality rating system for early childhood education, a training quality assurance system, any successor system, or any substantially similar system for early childhood education unless such public institution of higher education, political subdivision, governmental entity or quasi-governmental entity receiving state funds has received statutory authority to do so in a manner consistent with subsection 1 of this section.

3. Any taxpayer of this state or any member of the general assembly shall have standing to bring suit against any public institution of higher education, political subdivision, governmental entity or quasi-governmental entity which is in violation of this section in any court with jurisdiction to enforce the provisions of this section.

4. This section shall not be construed to limit the content of early childhood education courses, research, or training carried out by any public institution of higher education. A course on quality rating systems or training quality assurance systems shall not be a requirement for certification by the state as an individual child care provider or any licensing

requirement that may be established for an individual child care provider.

5. For purposes of this section:

(1) “Early childhood education” shall mean education programs that are both centered and home-based and providing services for children from birth to kindergarten;

(2) “Quality rating system” or “training quality assurance system” shall include the model from the Missouri quality rating system pilots developed by the University of Missouri center for family policy and research, any successor model, or substantially similar model. “Quality rating system” or “training quality assurance system” shall also include but not be limited to a tiered rating system that provides a number of tiers or levels to set benchmarks for quality that build upon each other, leading to a top tier that includes program accreditation. “Quality rating system” or “training quality assurance system” may also include a tiered reimbursement system that may be tied to a tiered rating system;

(3) “Tiered reimbursement system” or “training quality assurance system” shall include but not be limited to a system that links funding to a quality rating system, a system to award higher child care subsidy payments to programs that attain higher quality levels, or a system that offers other incentives through tax policy or professional development opportunities for child care providers.]”; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted.

Senator Emery raised the point of order that **SA 6** is out of order in that it goes beyond the scope and title of the bill.

The point of order was referred to the President Pro Tem.

At the request of Senator Lager, **SA 6** was withdrawn rendering the point of order moot.

Senator Pearce offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for Senate Bills Nos. 493, 485, 495, 516, 534, 545, 595, 616 and 624, Page 14, Section 167.642, Line 9, by inserting immediately after the word “to” the following: “**any student with an individualized education program, any student receiving services through a plan prepared under Section 504 of the Rehabilitation Act of 1973,**”.

Senator Pearce moved that the above amendment be adopted.

At the request of Senator Pearce, **SB 493, SB 485, SB 495, SB 516, SB 534, SB 545, SB 595, SB 616** and **SB 624**, with **SCS** and **SA 7** (pending), were placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1510**, entitled:

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to mammograms.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1044**, entitled:

An Act to amend chapter 70, RSMo, by adding thereto one new section relating to the Missouri local government retirement system.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1081**, entitled:

An Act to amend chapter 32, RSMo, by adding thereto two new sections relating to paperless communications.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1085**, entitled:

An Act to repeal sections 182.815 and 182.817, RSMo, and to enact in lieu thereof two new sections relating to the disclosure of library records.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1126**, entitled:

An Act to repeal section 71.015, RSMo, and to enact in lieu thereof one new section relating to elections for annexation.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1197**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of Turner Syndrome awareness month.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1206**, entitled:

An Act to repeal section 37.005, RSMo, and to enact in lieu thereof one new section relating to the transfer of property by the governing bodies of certain public institutions of higher education, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1217**, entitled:

An Act to amend chapter 434, RSMo, by adding thereto five new sections relating to the unlawful transfer or assignment of pension benefits.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1270**, entitled:

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to credit card processing services.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1301**, entitled:

An Act to repeal sections 86.900 and 86.1220, RSMo, and to enact in lieu thereof two new sections relating to Kansas City police retirement systems.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REFERRALS

President Pro Tem Dempsey referred **SCR 36** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Richard, the Senate recessed until 2:30 p.m.

RECESS

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

RESOLUTIONS

Senator Emery offered Senate Resolution No. 1478, regarding Isaiah Simmons, Peculiar, which was adopted.

On behalf of Senator Wasson, Senator Richard offered Senate Resolution No. 1479, regarding Kris Dyer, Christian County, which was adopted.

Senator Pearce offered Senate Resolution No. 1480, regarding Carson Caine Utz, Odessa, which was adopted.

Senator Curls offered Senate Resolution No. 1481, regarding Beverly A. Richardson, which was adopted.

Senator Lamping offered Senate Resolution No. 1482, regarding Reverend Charles Burgoon, St. Louis, which was adopted.

Senator Lamping offered Senate Resolution No. 1483, regarding Andrew Matthew Lock, Chesterfield, which was adopted.

Senator LeVota offered Senate Resolution No. 1484, regarding Dennis Pierce, which was adopted.

Senator Sifton offered Senate Resolution No. 1485, regarding Neil Walkoff, Ballwin, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 949—By Munzlinger.

An Act to repeal section 136.055, RSMo, and to enact in lieu thereof one new section relating to transportation.

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

SB 950—By Holsman.

An Act to repeal section 99.080, RSMo, and to enact in lieu thereof one new section relating to powers granted to municipal housing authorities.

SB 951—By Holsman.

An Act to repeal sections 144.020, 144.021, 144.030, 195.017, and 263.250, RSMo, and to enact in lieu

thereof ten new sections relating to the use of marijuana for medicinal purposes, with penalty provisions and a referendum clause.

SB 952—By Dixon.

An Act to repeal section 191.905, RSMo, and to enact in lieu thereof one new section relating to MO HealthNet fraud, with existing penalty provisions.

SB 953—By Nasheed.

An Act to repeal section 135.600, RSMo, and to enact in lieu thereof one new section relating to a tax credit for donations to maternity homes.

SB 954—By Cunningham.

An Act to repeal section 301.640, RSMo, and to enact in lieu thereof one new section relating to release of lienholders' rights, with exiting penalty provisions.

SB 955—By Cunningham.

An Act to repeal section 339.507, RSMo, and to enact in lieu thereof two new sections relating to the real estate appraisers commission.

SENATE BILLS FOR PERFECTION

Senator Pearce moved that **SB 493, SB 485, SB 495, SB 516, SB 534, SB 545, SB 595, SB 616** and **SB 624**, with **SCS** and **SA 7** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 7 was again taken up.

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

Senator Emery offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for Senate Bills Nos. 493, 485, 495, 516, 534, 545, 595, 616 and 624, Page 6, Section 162.432, Line 15, by inserting after all of said line the following:

“162.1250. 1. School districts shall receive state school funding under sections 163.031, 163.043, and 163.087 for resident students who are enrolled in the school district and who are taking a virtual course or full-time virtual program offered by the school district. The school district may offer instruction in a virtual setting using technology, intranet, and internet methods of communications that could take place outside of the regular school district facility. The school district may develop a virtual program for any grade level, kindergarten through twelfth grade, with the courses available in accordance with district policy to any resident student of the district who is enrolled in the school district. Nothing in this section shall preclude a private, parochial, or home school student residing within a school district offering virtual courses or virtual programs from enrolling in the school district in accordance with the combined enrollment provisions of section 167.031 for the purposes of participating in the virtual courses or virtual programs.

2. Charter schools shall receive state school funding under section 160.415 for students enrolled in the charter school who are completing a virtual course or full-time virtual program offered by the charter

school. Charter schools may offer instruction in a virtual setting using technology, intranet, and internet methods of communications. The charter school may develop a virtual program for any grade level, kindergarten through twelfth grade, with the courses available in accordance with school policy and the charter school's charter to any student enrolled in the charter school.

3. For purposes of calculation and distribution of state school funding, attendance of a student enrolled in a district or charter school virtual class shall equal, upon course completion, ninety-four percent of the hours of attendance possible for such class delivered in the nonvirtual program in the student's resident district or charter school. Course completion shall be calculated in two increments, fifty percent completion and one hundred percent completion, based on the student's completion of defined assignments and assessments, with distribution of state funding to a school district or charter school at each increment equal to forty-seven percent of hours of attendance possible for such course delivered in the nonvirtual program in a student's school district of residence or charter school.

4. (1) For purposes of this subsection, a virtual school of choice means a school authorized to provide a full time kindergarten through grade twelve virtual program pursuant to this section if it meets the following requirements:

(a) Uses a unified and sequential online curriculum;

(b) Allows students to learn at a flexible pace including acceleration for advanced learners and more time for students who need it;

(c) Employs certified teachers to oversee all instruction; and

(d) Develops an individualized learning plan for all students designed by certified teachers and professional staff.

(2) Notwithstanding any provision of law to the contrary, any student who is a resident of this state and is eligible to attend a public school in a county, or in any adjoining county, that has contained any portion of a school district that has been declared unaccredited, is eligible to enroll in a virtual school of choice. For purposes of this subsection, a virtual resident student is a student who is enrolled in a virtual school of choice which is hosted by the student's district of residence or a virtual school of choice which is hosted by a charter school in the student's district of residence. There shall be no change in calculation and distribution of state school funding under subsection 3 of this section for a virtual resident student. For purposes of this subsection, a virtual transfer student is a student who is enrolled in a virtual school of choice which is neither hosted by the student's district of residence nor by a charter school in the student's district of residence. For purposes of calculation and distribution of state school funding for virtual transfer students, any virtual transfer student shall be included in the average daily attendance of his or her school district of residence. The department of elementary and secondary education shall deduct from the state aid payment made to the district of residence of a virtual transfer student an amount equal to the state adequacy target and credit the same amount to the virtual school of choice. The distribution of funds to the virtual school of choice shall be calculated in two increments, fifty percent completion and one hundred percent completion, based on the student's completion of defined assignments and assessments. No virtual transfer student shall be admitted to a virtual school of choice if admission of the student would cause the amount deducted from the district of residence's state aid to exceed the aggregate amount due to the school district as provided under subsections 1 and 2 of section 163.031 and sections 163.043 and 163.087.

The department of elementary and secondary education shall transfer any federal special education or Title I funds associated with an individual virtual transfer student to the virtual school of choice. If a clearinghouse organization or other entity to coordinate student transfers from unaccredited districts to accredited districts is created to provide school transfer availability information, it shall provide information furnished to it by schools offering courses or programs to virtual transfer students.

5. When courses are purchased from an outside vendor, the district or charter school shall ensure that they are aligned with the show-me curriculum standards and comply with state requirements for teacher certification. The state board of education reserves the right to request information and materials sufficient to evaluate the online course. Online classes should be considered like any other class offered by the school district or charter school.

[5.] 6. Any school district or charter school that offers instruction in a virtual setting, develops a virtual course or courses, or develops a virtual program of instruction shall ensure that the following standards are satisfied:

- (1) The virtual course or virtual program utilizes appropriate content-specific tools and software;
- (2) Orientation training is available for teachers, instructors, and students as needed;
- (3) Privacy policies are stated and made available to teachers, instructors, and students;
- (4) Academic integrity and internet etiquette expectations regarding lesson activities, discussions, electronic communications, and plagiarism are stated to teachers, instructors, and students prior to the beginning of the virtual course or virtual program;
- (5) Computer system requirements, including hardware, web browser, and software, are specified to participants;
- (6) The virtual course or virtual program architecture, software, and hardware permit the online teacher or instructor to add content, activities, and assessments to extend learning opportunities;
- (7) The virtual course or virtual program makes resources available by alternative means, including but not limited to, video and podcasts;
- (8) Resources and notes are available for teachers and instructors in addition to assessment and assignment answers and explanations;
- (9) Technical support and course management are available to the virtual course or virtual program teacher and school coordinator;
- (10) The virtual course or virtual program includes assignments, projects, and assessments that are aligned with students' different visual, auditory, and hands-on learning styles;
- (11) The virtual course or virtual program demonstrates the ability to effectively use and incorporate subject-specific and developmentally appropriate software in an online learning module; and
- (12) The virtual course or virtual program arranges media and content to help transfer knowledge most effectively in the online environment.

[6.] 7. Any special school district shall count any student's completion of a virtual course or program

in the same manner as the district counts completion of any other course or program for credit.

[7.] **8.** 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.”; and

Further amend the title and enacting clause accordingly.

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

Senator Schmitt offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for Senate Bills Nos. 493, 485, 495, 516, 534, 545, 595, 616 and 624, Page 21, Section 167.826, Line 40, by inserting at the end of said line the following: **“The school board of a receiving district, upon a majority vote of the board, may choose to charge a rate of tuition less than the amount that would otherwise be calculated under this subsection. If any receiving district chooses to charge a rate of tuition that is at least thirty percent less than the rate of tuition that would otherwise be calculated under this subsection, then the statewide assessment scores and all other performance data for those students whom the district received shall not be used for five school years when calculating the performance of the receiving district for purposes of the Missouri school improvement program.”**; and further amend lines 41-45 by striking all of said lines and inserting in lieu thereof the following:

“4. If the school board of a receiving district, upon a majority vote of the board, chooses to charge a rate of tuition that is less than ninety percent of the rate that would otherwise be calculated under subsection 3 of this section, ten percent of the receiving district’s tuition rate shall be paid from the supplemental tuition fund.”; and further amend line 46 by striking the following: “in this section.”.

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

Senator Nieves assumed the Chair.

Senator Keaveny offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for Senate Bills Nos. 493, 485, 495, 516, 534, 545, 595, 616 and 624, Page 8, Section 162.1310, Line 27, by inserting immediately after said line the following:

“163.018. 1. Notwithstanding the definition of “average daily attendance” in subdivision (2) of section 163.011 to the contrary, pupils between the ages of three and five who are eligible for free and reduced lunch and attend an early childhood education program that is operated by and in a district or by a charter school that has declared itself as a local educational agency providing full-day kindergarten and that meets standards established by the state board of education, shall be included in the district’s or charter school’s calculation of average daily attendance.

2. The provisions of this section shall become effective in any school year subsequent to a school year in which the amount appropriated for subsections 1 and 2 of section 163.031 is equal to or exceeds the amount necessary to fund the entire entitlement calculation determined by subsections

1 and 2 of section 163.031, and shall remain effective in all school years thereafter, irrespective of the amount appropriated for subsections 1 and 2 of section 163.031 in any succeeding year.

3. This section shall not require school attendance beyond that mandated under section 167.031 and shall not change or amend the provisions of sections 160.051, 160.053, 160.054, and 160.055 relating to kindergarten attendance.”; and

Further amend the title and enacting clause accordingly.

Senator Keaveny moved that the above amendment be adopted.

Senator Pearce raised the point of order that **SA 10** is out of order in that it goes beyond the scope of the underlying bill.

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

Senator Curls offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Committee Substitute for Senate Bills Nos. 493, 485, 495, 516, 534, 545, 595, 616 and 624, Page 1, Section A, Line 6, by inserting after all of said line the following:

“161.084. When classifying the public schools of the state under section 161.092, the state board of education shall not assign to any school district an accreditation classification of unaccredited or change a district’s accreditation classification from accredited to provisionally accredited at any time when there is no state board of education member who is a resident of the congressional district in which such school district is located.”; and

Further amend the title and enacting clause accordingly.

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

Senator Schmitt offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Committee Substitute for Senate Bills Nos. 493, 485, 495, 516, 534, 545, 595, 616 and 624, Page 22, Section 167.826, Line 75, by inserting after all of said line the following:

“6. When a district is declared unaccredited, it shall contract with any special school district located in the same or an adjoining county for the reimbursement of special education services provided by the special school district for transfer students who are residents of the unaccredited district.”; and

Further amend said section by renumbering the remaining subsection accordingly.

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

Senator Schaefer offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Committee Substitute for Senate Bills Nos. 493, 485, 495, 516, 534, 545, 595, 616 and

624, Page 15, Section 167.685, Line 11, by striking the words “any moneys”; and further amend lines 12-14 by striking all of said lines and inserting in lieu thereof the following: “**any gifts, bequests or public or**”; and

Further amend said bill, page 26, section 167.833, line 2 by striking the word “any”; and further amend lines 3-5 by striking all of said lines and inserting in lieu thereof the following: “**any gifts, bequests or**”; and

Further amend said bill, page 29, section 167.839, lines 3-5 by striking all of said lines and inserting in lieu thereof the following: “**any gifts, bequests**”; and

Further amend said bill, page 32, section 167.845, lines 3-5 by striking all of said lines and inserting in lieu thereof the following: “**gifts, bequests, or**”; and

Further amend said bill, page 33, section 170.320, line 2 by striking the words “any moneys”; and further amend lines 3-5 by striking all of said lines and inserting in lieu thereof the following: “**any gifts, bequests, or public or**”; and

Further amend said bill, page 35, section 171.031, lines 54-59 by striking all of said lines and inserting in lieu thereof the following: “**section.**”.

Senator Schaefer moved that the above amendment be adopted.

Senator Chappelle-Nadal offered **SA 1 to SA 13**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 13

Amend Senate Amendment No. 13 to Senate Committee Substitute for Senate Bills Nos. 493, 485, 495, 516, 534, 545, 595, 616 and 624, Page 1, Line 4, by inserting after all of said line the following:

“Further amend line 15 by inserting at the end of said line the following: “**Any person or entity that makes a gift, bequest, or donation to the fund may specify the district that shall be the recipient of such gift, bequest, or donation.**”; and”; and

Further amend said amendment, line 18, by inserting after all of said line the following:

“Further amend line 10 by inserting at the end of said line the following: “**Any person or entity that makes a gift, bequest, or donation to the fund may specify the district that shall be the recipient of such gift, bequest, or donation.**”; and”.

Senator Chappelle-Nadal moved that the above amendment be adopted, which motion prevailed.

Senator Schmitt offered **SA 2 to SA 13**:

SENATE AMENDMENT NO. 2 TO
SENATE AMENDMENT NO. 13

Amend Senate Amendment No. 13 to Senate Committee Substitute for Senate Bills Nos. 493, 485, 495, 516, 534, 545, 595, 616 and 624, Page 1, Section 171.031, Line 21, by striking all of said line and inserting in lieu thereof the following: “the following: “**section.**”.

9. (1) There is hereby created in the state treasury the “Extended Learning Time Fund”. The fund

shall consist of any moneys that may be appropriated by the general assembly from general revenue to such fund, any moneys paid into the state treasury and required by law to be credited to such fund and any gifts, bequests or public or private donations to such fund.

(2) The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be used solely for the administration of subsection 8 of this section.

(3) Notwithstanding the provisions of section 33.080 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.

(4) 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.”.

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

SA 13, as amended, was again taken up.

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

Senator Emery offered SA 14:

SENATE AMENDMENT NO. 14

Amend Senate Committee Substitute for Senate Bills Nos. 493, 485, 495, 516, 534, 545, 595, 616 and 624, Page 8, Section 162.1310, Line 14, by striking the word “Any” and inserting in lieu thereof the following: **“The school board of any district that operates an”**; and further amend lines 17-18 by striking all of said lines and inserting in lieu thereof the following: **“accredited shall adopt a policy regarding the availability of home visits by school personnel. Pursuant to such policy, the school shall offer to the parent or guardian of a student enrolled in any such school the opportunity to have at least one annual home visit.”**.

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

Senator Chappelle-Nadal offered SA 15:

SENATE AMENDMENT NO. 15

Amend Senate Committee Substitute for Senate Bills Nos. 493, 485, 495, 516, 534, 545, 595, 616 and 624, Page 20, Section 167.825, Line 6, by inserting immediately at the end of said line the following: **“However, no such transfer shall result in a class size and assigned enrollment in a receiving school that exceeds the standard level for class size and assigned enrollment as promulgated in the fifth cycle of the Missouri school improvement program’s resource standards.”**.

Senator Chappelle-Nadal moved that the above amendment be adopted.

Senator Pearce offered SA 1 to 15, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 15

Amend Senate Amendment No. 15 to Senate Committee Substitute for Senate Bills Nos. 493, 485, 495,

516, 534, 545, 595, 616 and 624, Page 1, Line 6, by striking the words “the fifth cycle of”.

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

SA 15, as amended, was again taken up.

Senator Chappelle-Nadal moved that the above amendment be adopted, which motion prevailed.

Senator Chappelle-Nadal offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Committee Substitute for Senate Bills Nos. 493, 485, 495, 516, 534, 545, 595, 616 and 624, Page 1, Section A, Line 6, by inserting after all of said line the following:

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

2. Except as further provided in subsection 4 of this section, charter schools may be operated only:

(1) In a metropolitan school district;

(2) In an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants;

(3) In a school district that has been declared unaccredited;

(4) In a school district that has been classified as provisionally accredited by the state board of education and has received scores on its annual performance report consistent with a classification of provisionally accredited or unaccredited for three consecutive school years beginning with the 2012-13 accreditation year under the following conditions:

(a) The eligibility for charter schools of any school district whose provisional accreditation is based in whole or in part on financial stress as defined in sections 161.520 to 161.529, or on financial hardship as defined by rule of the state board of education, shall be decided by a vote of the state board of education during the third consecutive school year after the designation of provisional accreditation; and

(b) The sponsor is limited to the local school board or a sponsor who has met the standards of accountability and performance as determined by the department based on sections 160.400 to 160.425 and section 167.349 and properly promulgated rules of the department; or

(5) In a school district that has been accredited without provisions, sponsored only by the local school board; provided that no board with a current year enrollment of one thousand five hundred fifty students or greater shall permit more than thirty-five percent of its student enrollment to enroll in charter schools sponsored by the local board under the authority of this subdivision, except that this restriction shall not apply to any school district that subsequently becomes eligible under subdivision (3) or (4) of this subsection or to any district accredited without provisions that sponsors charter schools prior to having a current year student enrollment of one thousand five hundred fifty students or greater.

3. Except as further provided in subsection 4 of this section, the following entities are eligible to sponsor charter schools:

(1) The school board of the district in any district which is sponsoring a charter school as of August 27, 2012, as permitted under subdivision (1) or (2) of subsection 2 of this section, the special administrative

board of a metropolitan school district during any time in which powers granted to the district's board of education are vested in a special administrative board, or if the state board of education appoints a special administrative board to retain the authority granted to the board of education of an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants, the special administrative board of such school district;

(2) A public four-year college or university with an approved teacher education program that meets regional or national standards of accreditation;

(3) A community college, the service area of which encompasses some portion of the district;

(4) Any private four-year college or university with an enrollment of at least one thousand students, with its primary campus in Missouri, and with an approved teacher preparation program;

(5) Any two-year private vocational or technical school designated as a 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as amended, which is a member of the North Central Association and accredited by the Higher Learning Commission, with its primary campus in Missouri; or

(6) The Missouri charter public school commission created in section 160.425.

4. Changes in a school district's accreditation status that affect charter schools shall be addressed as follows, except for the districts described in subdivisions (1) and (2) of subsection 2 of this section:

(1) As a district transitions from unaccredited to provisionally accredited, the district shall continue to fall under the requirements for an unaccredited district until it achieves three consecutive full school years of provisional accreditation;

(2) As a district transitions from provisionally accredited to full accreditation, the district shall continue to fall under the requirements for a provisionally accredited district until it achieves three consecutive full school years of full accreditation;

(3) In any school district classified as unaccredited or provisionally accredited where a charter school is operating and is sponsored by an entity other than the local school board, when the school district becomes classified as accredited without provisions, a charter school may continue to be sponsored by the entity sponsoring it prior to the classification of accredited without provisions and shall not be limited to the local school board as a sponsor.

A charter school operating in a school district identified in subdivision (1) or (2) of subsection 2 of this section may be sponsored by any of the entities identified in subsection 3 of this section, irrespective of the accreditation classification of the district in which it is located. A charter school in a district described in this subsection whose charter provides for the addition of grade levels in subsequent years may continue to add levels until the planned expansion is complete to the extent of grade levels in comparable schools of the district in which the charter school is operated.

5. The mayor of a city not within a county may request a sponsor under subdivision (2), (3), (4), (5), or (6) of subsection 3 of this section to consider sponsoring a "workplace charter school", which is defined for purposes of sections 160.400 to 160.425 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.

6. 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.

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

8. As a nonprofit corporation incorporated pursuant to chapter 355, the charter school shall select the method for election of officers pursuant to section 355.326 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.

9. 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.

10. 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 3 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. A university, college or community college may not charge or accept a fee for affiliation status.

11. 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. 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 160.425 and 167.349 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.

12. Sponsors receiving funds under subsection 11 of this section shall be required to submit annual reports to the joint committee on education demonstrating they are in compliance with subsection 17 of this section.

13. 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.

14. No sponsor shall grant a charter under sections 160.400 to 160.425 and 167.349 without ensuring that a criminal background check and family care safety 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 family care registry check are conducted for each member of the governing board of the charter school.

15. 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, 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 for the purposes of the financial disclosure requirements contained in sections 105.483, 105.485, 105.487, and 105.489.

16. A sponsor shall develop the policies and procedures for:

(1) The review of a charter school proposal including an application that provides sufficient information for rigorous evaluation of the proposed charter and provides clear documentation that the education program and academic program are aligned with the state standards and grade-level expectations, and provides clear documentation of effective governance and management structures, and a sustainable operational plan;

(2) The granting of a charter;

(3) The performance framework that the sponsor will use to evaluate the performance of charter schools;

(4) The sponsor's intervention, renewal, and revocation policies, including the conditions under which the charter sponsor may intervene in the operation of the charter school, along with actions and consequences that may ensue, and the conditions for renewal of the charter at the end of the term, consistent with subsections 8 and 9 of section 160.405;

(5) Additional criteria that the sponsor will use for ongoing oversight of the charter; and

(6) Procedures to be implemented if a charter school should close, consistent with the provisions of subdivision (15) of subsection 1 of section 160.405.

The department shall provide guidance to sponsors in developing such policies and procedures.

17. (1) 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 160.425 and section 167.349. The state board of education shall ensure each sponsor is in compliance with all requirements under sections 160.400 to 160.425 and 167.349 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 shall evaluate sponsors to determine compliance with these standards every three years. The evaluation shall include a sponsor's policies and procedures in the areas of charter application approval; required charter agreement terms and content; sponsor performance evaluation and compliance monitoring; and charter renewal, intervention, and revocation decisions. Nothing shall preclude the department from undertaking an evaluation at any time for cause.

(2) If the department determines that a sponsor is in material noncompliance with its sponsorship duties, the sponsor shall be notified and given reasonable time for remediation. If remediation does not address the compliance issues identified by the department, the commissioner of education shall conduct a public hearing and thereafter provide notice to the charter sponsor of corrective action that will be recommended to the state board of education. Corrective action by the department may include withholding the sponsor's funding and suspending the sponsor's authority to sponsor a school that it currently sponsors or to sponsor any additional school until the sponsor is reauthorized by the state board of education under section 160.403.

(3) The charter sponsor may, within thirty days of receipt of the notice of the commissioner's recommendation, provide a written statement and other documentation to show cause as to why that action should not be taken. Final determination of corrective action shall be determined by the state board of education based upon a review of the documentation submitted to the department and the charter sponsor.

(4) If the state board removes the authority to sponsor a currently operating charter school under any provision of law, the Missouri charter public school commission shall become the sponsor of the school.

18. When a sponsor notifies a charter school of closure under subsection 8 of section 160.405 the department of elementary and secondary education shall exercise its financial withholding authority under subsection 12 of section 160.415 to assure all obligations of the charter school have been met.

19. In the event the department is unable to withhold sufficient funds prior to the closure as specified in subsection 18 of this section, sponsors of charter schools shall be responsible for all expenditures associated with the closure of a charter school they sponsor. The provisions of this subsection shall be applicable to newly proposed charters and those charters renewed after the effective date of this section.

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 [be] **include** a legally binding performance contract that describes the obligations and responsibilities of the school and the sponsor as outlined in sections 160.400 to 160.425 and section 167.349 and shall [also include] **address the following:**

(1) A mission and vision statement for the charter school;

(2) A description of the charter school's organizational structure and bylaws of the governing body, which will be responsible for the policy, financial management, and operational decisions 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;

(3) A financial plan for the first three years of operation of the charter school including provisions for annual audits;

(4) A description of the charter school's policy for securing personnel services, its personnel policies, personnel qualifications, and professional development plan;

(5) A description of the grades or ages of students being served;

(6) The school's calendar of operation, which shall include at least the equivalent of a full school term as defined in section 160.011;

(7) A description of the charter school's pupil performance standards and academic program performance standards, which shall meet the requirements of subdivision (6) of subsection 4 of this section. The charter school program shall be designed to enable each pupil to achieve such standards and shall contain a complete set of indicators, measures, metrics, and targets for academic program performance, including specific goals on graduation rates and standardized test performance and academic growth;

(8) A description of the charter school's educational program and curriculum;

(9) The term of the charter, which shall be five years and shall be renewable;

(10) Procedures, consistent with the Missouri financial accounting manual, for monitoring the financial accountability of the charter, which shall meet the requirements of subdivision (4) of subsection 4 of this section;

(11) Preopening requirements for applications that require that charter schools meet all health, safety, and other legal requirements prior to opening;

(12) 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 and procedures that ensure admission of students with disabilities in a nondiscriminatory manner;

(13) A description of the charter school's grievance procedure for parents or guardians;

(14) A description of the agreement between the charter school and the sponsor as to when a sponsor shall intervene in a charter school, when a sponsor shall revoke a charter for failure to comply with subsection 8 of this section, and when a sponsor will not renew a charter under subsection 9 of this section;

(15) Procedures to be implemented if the charter school should close, as provided in subdivision (6) of subsection 16 of section 160.400 including:

(a) Orderly transition of student records to new schools and archival of student records;

(b) Archival of business operation and transfer or repository of personnel records;

(c) Submission of final financial reports;

(d) Resolution of any remaining financial obligations; and

(e) Disposition of the charter school's assets upon closure;

(f) A notification plan to inform parents or guardians of students, the local school district, the retirement system in which the charter school's employees participate, and the state board of education within thirty days of the decision to close;

(16) A description of the special education and related services that shall be available to meet the needs of students with disabilities; and

(17) For all new or revised charters, procedures to be used upon closure of the charter school requiring that unobligated assets of the charter school be returned to the department of elementary and secondary education for their disposition, which upon receipt of such assets shall return them to the local school district in which the school was located, the state, or any other entity to which they would belong.

Charter schools operating on August 27, 2012, shall have until August 28, 2015, to meet the requirements of this subsection.

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

(1) A charter shall be submitted to the sponsor, and follow the sponsor's policies and procedures for review and granting of a charter approval, and be approved by the state board of education by [December first] **January thirty-first** of the year [prior to] **that is** the proposed opening date of the charter school;

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

(3) 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;

(4) 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

(5) 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 high school credits for graduation, has dropped out of school, is at risk of dropping out of school, needs drug and alcohol treatment, has severe behavioral problems, has been suspended from

school three or more times, has a history of severe truancy, is a pregnant or parenting teen, has been referred for enrollment by the judicial system, is exiting incarceration, is a refugee, is homeless or has been homeless sometime within the preceding six months, has been referred by an area school district for enrollment in an alternative program, or qualifies as high risk under department of elementary and secondary education guidelines. "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 **by the sponsor** that the application meets the requirements of sections 160.400 to 160.425 and section 167.349 and a monitoring plan under which the charter sponsor shall evaluate the academic performance of students enrolled in the charter school. The state board of education [may, within] **has** sixty days[, disapprove the granting of the charter.] **from receipt of the charter application to renew the application. Any charter application received by the state board of education on or before November fifteenth of the year prior to the proposed opening of the charter school shall be considered by the state board of education within the sixty-day period. At the conclusion of the sixty-day period, the charter application shall be deemed approved unless** the state board of education [may disapprove a] **disapproves** the charter on grounds that the application fails to meet the requirements of sections 160.400 to 160.425 and section 167.349 or that a charter sponsor previously failed to meet the statutory responsibilities of a charter sponsor. **Any disapproval of a charter application made by the state board of education shall be in writing and shall identify the specific failures of the application to meet the requirements of sections 160.400 to 160.425 and section 167.349, and the written disapproval shall be provided within five business days to the sponsor.**

4. 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, notification of criminal conduct to law enforcement authorities under sections 167.115 to 167.117, academic assessment under section 160.518, transmittal of school records under section 167.020, the minimum number of school days and hours required under section 160.041, and the employee criminal history background check and the family care safety registry check under section 168.133;

(3) Except as provided in sections 160.400 to 160.425, 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, provided that the annual financial report may be published on the department of elementary and secondary education's internet website 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 and comply with all federal audit requirements for charters with local education agency status. For purposes of an audit by petition under section 29.230, 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. A charter school that incurs debt shall 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, establish baseline student performance in accordance with the performance contract during the first year of operation, collect student performance data as defined by the annual performance report throughout the duration of the charter to annually monitor student academic performance, and to the extent applicable based upon grade levels offered by the charter school, 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 shall 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 subdivision 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. The performance standards for alternative and special purpose charter schools that target high-risk students as defined in subdivision (5) of subsection 2 of this section shall be based on measures defined in the school's performance contract with its sponsors;

(7) Comply with all applicable federal and state laws and regulations regarding students with disabilities, including sections 162.670 to 162.710, the Individuals with Disabilities Education Act (20 U.S.C. Section 1400) and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Section 794) or successor legislation;

(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 160.425 and 167.349.

5. (1) Proposed or existing high-risk or alternative charter schools may include alternative arrangements for students to obtain credit for satisfying graduation requirements in the school's charter application and charter. Alternative arrangements may include, but not be limited to, credit for off-campus instruction, embedded credit, work experience through an internship arranged through the school, and independent studies. When the state board of education approves the charter, any such alternative arrangements shall be approved at such time.

(2) The department of elementary and secondary education shall conduct a study of any charter school granted alternative arrangements for students to obtain credit under this subsection after three years of operation to assess student performance, graduation rates, educational outcomes, and entry into the workforce or higher education.

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 during the first year of operation and then every other year after the most recent review 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. 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. Sponsors shall annually review the charter school's compliance with statutory standards including:

(1) Participation in the statewide system of assessments, as designated by the state board of education under section 160.518;

(2) Assurances for the completion and distribution of an annual report card as prescribed in section 160.522;

(3) The collection of baseline data during the first three years of operation to determine the longitudinal success of the charter school;

(4) A method to measure pupil progress toward the pupil academic standards adopted by the state board of education under section 160.514; and

(5) Publication of each charter school's annual performance report.

8. (1) (a) A sponsor's intervention policies shall give schools clear, adequate, evidence-based, and timely notice of contract violations or performance deficiencies and mandate intervention based upon findings of the state board of education of the following:

a. The charter school provides a high school program which fails to maintain a graduation rate of at least seventy percent in three of the last four school years unless the school has dropout recovery as its mission;

b. The charter school's annual performance report results are below the district's annual performance report results based on the performance standards that are applicable to the grade level configuration of both the charter school and the district in which the charter school is located in three of the last four school years; and

c. The charter school is identified as a persistently lowest achieving school by the department of elementary and secondary education.

(b) A sponsor shall have a policy to revoke a charter during the charter term if there is:

a. Clear evidence of underperformance as [demonstrated in the charter school's annual performance report in three of the last four school years] **determined by the charter school accreditation process outlined in subsection 15 of this section;** or

b. A violation of the law or the public trust that imperils students or public funds.

(c) A sponsor shall revoke a charter or take other appropriate remedial action, which may include placing the charter school on probationary status for no more than twelve months, provided that no more than one designation of probationary status shall be allowed for the duration of the charter contract, 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 the performance contract 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 160.425 and 167.349 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 an appeal to the state board of education, which shall determine whether the charter shall be revoked.

(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.

9. (1) 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 160.425 and 167.349. Every charter school shall provide all information necessary to confirm ongoing compliance with all provisions of its charter and sections 160.400 to 160.425 and 167.349 in a timely manner to its sponsor.

(2) The sponsor's renewal process of the charter school shall be based on the thorough analysis of a comprehensive body of objective evidence and consider if:

(a) The charter school has maintained results on its annual performance report that meet or exceed the district in which the charter school is located based on the performance standards that are applicable to the grade-level configuration of both the charter school and the district in which the charter school is located in three of the last four school years;

(b) The charter school is organizationally and fiscally viable determining at a minimum that the school does not have:

a. A negative balance in its operating funds;

b. A combined balance of less than three percent of the amount expended for such funds during the previous fiscal year; or

c. Expenditures that exceed receipts for the most recently completed fiscal year;

(c) The charter is in compliance with its legally binding performance contract and sections 160.400 to 160.425 and section 167.349.

(3) (a) Beginning August first during the year in which a charter is considered for renewal, a charter school sponsor shall demonstrate to the state board of education that the charter school is in compliance with federal and state law as provided in sections 160.400 to 160.425 and section 167.349 and the school's performance contract including but not limited to those requirements specific to academic performance.

(b) Along with data reflecting the academic performance standards indicated in paragraph (a) of this subdivision, the sponsor shall submit a revised charter application to the state board of education for review.

(c) Using the data requested and the revised charter application under paragraphs (a) and (b) of this subdivision, the state board of education shall determine if compliance with all standards enumerated in this subdivision has been achieved. The state board of education at its next regularly scheduled meeting shall vote on the revised charter application.

(d) If a charter school sponsor demonstrates the objectives identified in this subdivision, the state board of education shall renew the school's charter.

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

11. 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.

12. 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.

13. 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.

14. The chief financial officer of a charter school shall maintain:

(1) A surety bond in an amount determined by the sponsor to be adequate based on the cash flow of the school; 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.

15. (1) The sponsor of each charter school shall adopt a system of classification that accredits charter schools. This system shall be based on the charter school's compliance with terms of the charter school's legally binding performance contract with the sponsor and shall also consider the following:

a. The charter school's annual performance report results based on the performance standards that are applicable to the grade level configuration of both the charter school and the district in which the charter school is located;

b. If the charter school has a high school program, the graduation rate unless the school has dropout recovery as its mission;

c. The charter school's participation in the statewide system of assessments under section 160.518;

d. The longitudinal success of the charter school as determined by comparison to the baseline data collected during the first three years of operation;

e. The measurement of pupil progress toward the pupil academic standards adopted by the state board of education under section 160.514; and

f. If the charter school is identified as a persistently lowest achieving school by the department of elementary and secondary education.

(2) The sponsor's system of accreditation shall also consider if the charter school is organizationally and fiscally viable determining at a minimum that the school does not have:

a. A negative balance in its operating funds;

b. A combined balance of less than three percent of the amount expended for such funds during the previous fiscal year; or

c. Expenditures that exceed receipts for the most recently completed fiscal year;

(3) The sponsor's system of accreditation shall also consider if the charter school has been placed on probationary status to allow the implementation of a remedial plan.

(4) In making accreditation designations, sponsors shall utilize a minimum of three years of performance data.

(5) Sponsors shall utilize the accreditation criteria of this subsection in addition to any other applicable requirements of this section when conducting their duties pursuant to subsections 8 and 9 of this section.”; and

Further amend said bill, page 2, section 161.238, lines 10-14, by striking all of said lines; and further amend said section by renumbering the remaining subsections accordingly; and

Further amend said bill, page 11, section 163.021, line 87, by inserting after all of said line the following:

“163.036. 1. In computing the amount of state aid a school district is entitled to receive for the minimum school term only under section 163.031, a school district may use an estimate of the weighted average daily attendance for the current year, or the weighted average daily attendance for the immediately preceding year or the weighted average daily attendance for the second preceding school year, whichever is greater. Beginning with the 2006-07 school year, the summer school attendance included in the average daily attendance as defined in subdivision (2) of section 163.011 shall include only the attendance hours of pupils that attend summer school in the current year. Beginning with the 2004-05 school year, when a district's official calendar for the current year contributes to a more than ten percent reduction in the average daily attendance for kindergarten compared to the immediately preceding year, the payment attributable to kindergarten shall include only the current year kindergarten average daily attendance. Any error made in the apportionment of state aid because of a difference between the actual weighted average daily attendance and the estimated weighted average daily attendance shall be corrected as provided in section 163.091, except that if the amount paid to a district estimating weighted average daily attendance exceeds the amount to which the district was actually entitled by more than five percent, interest at the rate of six percent shall be charged on the excess and shall be added to the amount to be deducted from the district's apportionment the next succeeding year.

2. Notwithstanding the provisions of subsection 1 of this section or any other provision of law, the state board of education shall make an adjustment for the immediately preceding year for any increase in the actual weighted average daily attendance above the number on which the state aid in section 163.031 was calculated. Said adjustment shall be made in the manner providing for correction of errors under subsection 1 of this section.

3. Any error made in the apportionment of state aid because of a difference between the actual equalized assessed valuation for the current year and the estimated equalized assessed valuation for the current year shall be corrected as provided in section 163.091, except that if the amount paid to a district estimating current equalized assessed valuation exceeds the amount to which the district was actually entitled, interest at the rate of six percent shall be charged on the excess and shall be added to the amount to be deducted from the district's apportionment the next succeeding year.

4. For the purposes of distribution of state school aid pursuant to section 163.031, a school district with

ten percent or more of its assessed valuation that is owned by one person or corporation as commercial or personal property who is delinquent in a property tax payment may elect, after receiving notice from the county clerk on or before March fifteenth that more than ten percent of its current taxes due the preceding December thirty-first by a single property owner are delinquent, to use in the local effort calculation of the state aid formula the district's equalized assessed valuation for the preceding year or the actual assessed valuation of the year for which the taxes are delinquent less the assessed valuation of property for which the current year's property tax is delinquent. To qualify for use of the actual assessed valuation of the year for which the taxes are delinquent less the assessed valuation of property for which the current year's property tax is delinquent, a district must notify the department of elementary and secondary education on or before April first, except in the year enacted, of the current year amount of delinquent taxes, the assessed valuation of such property for which delinquent taxes are owed and the total assessed valuation of the district for the year in which the taxes were due but not paid. Any district giving such notice to the department of elementary and secondary education shall present verification of the accuracy of such notice obtained from the clerk of the county levying delinquent taxes. When any of the delinquent taxes identified by such notice are paid during a four-year period following the due date, the county clerk shall give notice to the district and the department of elementary and secondary education, and state aid paid to the district shall be reduced by an amount equal to the delinquent taxes received plus interest. The reduction in state aid shall occur over a period not to exceed five years and the interest rate on excess state aid not refunded shall be six percent annually.

5. If a district receives state aid based on equalized assessed valuation as determined by subsection 4 of this section and if prior to such notice the district was paid state aid pursuant to section 163.031, the amount of state aid paid during the year of such notice and the first year following shall equal the sum of state aid paid pursuant to section 163.031 plus the difference between the state aid amount being paid after such notice minus the amount of state aid the district would have received pursuant to section 163.031 before such notice. To be eligible to receive state aid based on this provision the district must levy during the first year following such notice at least the maximum levy permitted school districts by article X, section 11(b) of the Missouri Constitution and have a voluntary rollback of its tax rate which is no greater than one cent per one hundred dollars assessed valuation.

6. Notwithstanding the provisions of subsection 1 of this section, any district in which the local school board sponsors a charter school as provided in section 160.400 shall only be permitted to use an estimate of the district's weighted average daily attendance for the current year and shall not be permitted to use a weighted average daily attendance count from any preceding year for purposes of determining the amount of state aid to which the district is entitled.”; and

Further amend the title and enacting clause accordingly.

Senator Chappelle-Nadal moved that the above amendment be adopted, which motion prevailed.

Senator Chappelle-Nadal offered SA 17, which was read:

SENATE AMENDMENT NO. 17

Amend Senate Committee Substitute for Senate Bills Nos. 493, 485, 495, 516, 534, 545, 595, 616 and 624, Page 20, Section 167.826, Lines 21-22, by striking the words “fifth cycle of the”.

Senator Chappelle-Nadal moved that the above amendment be adopted, which motion prevailed.

Senator Pearce offered **SA 18**:

SENATE AMENDMENT NO. 18

Amend Senate Committee Substitute for Senate Bills Nos. 493, 485, 495, 516, 534, 545, 595, 616 and 624, Page 22, Section 167.827, Line 3, by striking the words “or an unaccredited school”; and further amend line 5 by striking the words “or unaccredited school”; and further amend line 10 by striking the words “or school”; and further amend line 18 by striking the words “or unaccredited school”.

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

Senator Chappelle-Nadal offered **SA 19**:

SENATE AMENDMENT NO. 19

Amend Senate Committee Substitute for Senate Bills Nos. 493, 485, 495, 516, 534, 545, 595, 616 and 624, Page 23, Section 167.827, Line 26, by inserting after “year.” the following: “**Each education authority shall adopt a policy giving enrollment preference to the lowest achieving students from low-income families if sufficient enrollment slots are not available to enroll all students who apply, while following the order of priority of this subsection.**”.

Senator Chappelle-Nadal moved that the above amendment be adopted.

Senator Silvey offered **SA 1 to SA 19**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 19

Amend Senate Amendment No. 19 to Senate Committee Substitute for Senate Bills Nos. 493, 485, 495, 516, 534, 545, 595, 616 and 624, Page 1, Line 4, by striking the words “from low-income families”.

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

SA 19, as amended, was again taken up.

Senator Chappelle-Nadal moved that the above amendment be adopted, which motion prevailed.

Senator Kehoe assumed the Chair.

Senator Dempsey offered **SA 20**, which was read:

SENATE AMENDMENT NO. 20

Amend Senate Committee Substitute for Senate Bills Nos. 493, 485, 495, 516, 534, 545, 595, 616 and 624, Page 2, Section 161.238, Line 8, by striking the words “sixty-five” and inserting in lieu thereof the following: “**fifty-five**”.

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

Senator Pearce moved that **SCS** for **SBs 493, 485, 495, 516, 534, 545, 595, 616** and **624**, as amended, be adopted, which motion prevailed.

On motion of Senator Pearce, **SCS** for **SBs 493, 485, 495, 516, 534, 545, 595, 616** and **624**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1468**, entitled:

An Act to repeal section 287.090, RSMo, and to enact in lieu thereof one new section relating to volunteers for tax-exempt organizations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1616**, entitled:

An Act to repeal section 205.190, RSMo, and to enact in lieu thereof one new section relating to county hospital trustees.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1079**, entitled:

An Act to repeal sections 379.011 and 379.012, RSMo, and to enact in lieu thereof two new sections relating to insurance documents.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1087**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial bridge.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1141**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of

a highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1201**, entitled:

An Act to repeal section 444.772, RSMo, and to enact in lieu thereof one new section relating to surface mining.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1222**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to highway designations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1238**, entitled:

An Act to repeal section 488.426, RSMo, and to enact in lieu thereof one new section relating to court filing fees.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1361**, entitled:

An Act to repeal sections 379.316, 384.015, 384.017, 384.021, and 384.023, RSMo, and to enact in lieu thereof six new sections relating to domestic surplus lines insurers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HCS** for **HB 1376**, entitled:

An Act to repeal sections 400.9-102, 400.9-105, 400.9-311, 400.9-317, 400.9-326, 400.9-503, 400.9-507, 400.9-516, 400.9-607, 400.9-802, 400.9-805, 400.9-806, and 400.2A-103, RSMo, and to enact in lieu thereof thirteen new sections relating to secured transactions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1523**, entitled:

An Act to repeal section 402.134, RSMo, and to enact in lieu thereof one new section relating to endowment funds, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HCR 7**.

HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE CONCURRENT RESOLUTION NO. 7

WHEREAS, Article I, Section VIII of the United States Constitution requires the United States Congress to regulate the value of our currency and maintain strict control over the monetary policy of the United States of America; and

WHEREAS, since its institution in 1913, the Federal Reserve Bank of the United States, by inflating the money supply and manipulating interest rates, has eroded the purchasing power of the dollar by approximately 95%, created price instability, and has contributed to boom and bust business cycles; and

WHEREAS, the Federal Reserve Bank of the United States and the United States Treasury have levied the burden of debt on American taxpayers to the degree of several trillion dollars; and

WHEREAS, a partial audit of the Federal Reserve has informed the American people that trillions of dollars were used to bail out foreign banks without the consent of the United States Congress; and

WHEREAS, agreements made by the Federal Reserve with foreign powers and foreign banking institutions should be subject to Congressional oversight; and

WHEREAS, the Federal Reserve refuses to fully disclose the details of its emergency lending practices; and

WHEREAS, allowing the Federal Reserve to operate our nation's monetary system without full disclosure and transparency has led to a lower quality of life for the American people and abuse verified by the United States Government Accountability Office in its 2011 Report to Congress; and

WHEREAS, a complete audit of the Federal Reserve, for the first time in its history, would provide answers to the American people about how our money is being spent, where our money is being spent, and at what cost:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-seventh General Assembly, Second Regular Session, the Senate concurring therein, hereby strongly urge the United States Congress to pass the Federal Reserve Transparency Act to require a complete audit of the Federal Reserve Bank of the United States in order to hold the Federal Reserve accountable to the United States Congress and the American people in accordance with Article I, Section VIII of the United States Constitution, which pertains to monetary policy that directly impacts the nation's immediate economic environment; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Chairman of the Federal Reserve Bank of the United States; Secretary of the Treasury of the United States; John Boehner, Speaker of the United States House of Representatives; Harry Reid, Majority Leader of the United States Senate; and each member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

SENATE BILLS FOR PERFECTION

Senator Silvey moved that **SB 635**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 635**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 635

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to incentives for interstate business relocation.

Was taken up.

Senator Silvey moved that **SCS** for **SB 635** be adopted.

Senator Silvey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 635, Page 2, Section 135.1670, Line 34, by inserting at the end of said line the following: “**The provisions of subsection 2 of this section shall not apply to incentives reserved on behalf of and awarded to Missouri employers prior to the provisions of subsection 2 of this section taking effect.**”.

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

Senator Silvey moved that **SCS** for **SB 635**, as amended, be adopted, which motion prevailed.

On motion of Senator Silvey, **SCS** for **SB 635**, as amended, was declared perfected and ordered printed.

Senator Brown moved that **SB 735**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 735**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 735

An Act to amend chapter 419, RSMo, by adding thereto one new section relating to campgrounds, with penalty provisions.

Was taken up.

Senator Brown moved that **SCS** for **SB 735** be adopted.

At the request of Senator Brown, **SB 735**, with **SCS** (pending), was placed on the Informal Calendar.

On motion of Senator Richard, the Senate recessed until 9:45 p.m.

RECESS

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

REPORTS OF STANDING COMMITTEES

Senator Richard, 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 **SBs 493, 485, 495, 516, 534, 545, 595, 616** and **624**; and **SCS** for **SB 635**, 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 Dempsey referred **SCS** for **SBs 493, 485, 495, 516, 534, 545, 595, 616** and **624** to the Committee on Governmental Accountability and Fiscal Oversight.

INTRODUCTIONS OF GUESTS

Senator Pearce introduced to the Senate, Densil and Cyndi Allen, and their daughter, Emma; Warrensburg R-VI Gifted Association of Missouri.

Senator Romine introduced to the Senate, Ste. Genevieve Gifted Students.

Senator Schmitt introduced to the Senate, Debbie Welcher and her daughter, Sydney, Des Peres; and Sydney was made an honorary page.

Senator Holsman introduced to the Senate, Dr. Jared Gerhardt, Kansas City.

Senator Brown introduced to the Senate, Lori Laughlin, Diane Davis and thirty gifted students from Waynesville.

Senator Schaaf introduced to the Senate, members of Missouri Hospice and Palliative Care Association.

Senator Lager introduced to the Senate, East Buchanan R-I Gifted Students.

On behalf of Senator Dempsey and himself, Senator Rupp introduced to the Senate, his parents, Chester, Jr. and Eleanor Rupp, St. Charles.

Senator Schaefer introduced to the Senate, his wife, Stacia, their son, Max, and gifted students from Rock Bridge High School, Columbia.

Senator Sifton introduced to the Senate, gifted students from Maplewood and Richmond Heights Middle School.

Senator Rupp introduced to the Senate, the Physician of the Day, Charles “Rick” Bowen, M.D., St. Louis.

On behalf of Senator Kehoe, the President introduced to the Senate, his wife, Claudia, Jefferson City.

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

SENATE CALENDAR

TWENTY-NINTH DAY—THURSDAY, FEBRUARY 27, 2014

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 831-Wallingford	SB 859-Brown
SB 832-Walsh	SB 860-Cunningham
SB 833-Walsh	SB 861-Schaefer
SB 834-Walsh	SB 862-Lager
SB 835-Munzlinger	SB 863-Emery
SB 836-Munzlinger	SB 864-Schaaf
SB 837-Sifton	SB 865-Nieves
SB 838-Emery	SB 866-Wasson
SB 839-Sater	SB 867-Wasson
SB 840-Pearce	SB 868-Sater
SB 841-Wasson	SB 869-Schmitt
SB 842-Parson	SB 870-Holsman
SB 843-Schaefer	SB 871-Holsman
SB 844-Dixon	SB 872-Wallingford and Justus
SB 845-Chappelle-Nadal	SB 873-Brown
SB 846-Richard	SB 874-Wasson
SB 847-Schaaf	SB 875-Sater
SB 848-LeVota	SB 876-LeVota
SB 849-Walsh	SB 877-Kraus
SB 850-Munzlinger	SB 878-Lamping
SB 852-Schmitt	SB 879-Sifton
SB 853-Wasson	SB 880-Sifton
SB 854-Wasson	SB 881-Sifton
SB 855-Schaefer	SB 882-Brown
SB 856-Emery	SB 883-Wasson
SB 857-Holsman	SB 884-Wallingford and Sater
SB 858-Kraus	SB 885-Pearce

SB 886-Schaefer	SB 925-Emery
SB 887-Schaefer	SB 926-Sater
SB 888-Parson	SB 927-Lamping
SB 889-Parson	SB 928-Lamping
SB 890-Kehoe	SB 929-Lamping
SB 891-Kehoe	SB 930-Lamping
SB 892-Kraus	SB 931-Nieves
SB 893-Kraus	SB 932-Nieves
SB 894-Munzlinger	SB 933-Nieves
SB 895-Sater	SB 934-Schaaf
SB 896-Wallingford	SB 935-Holsman
SB 897-Wallingford	SB 936-Schaefer
SB 898-Schaefer	SB 937-Schaefer
SB 899-Justus and Schaaf	SB 938-Pearce
SB 900-Lamping	SB 939-Curls
SB 901-Holsman	SB 940-Curls
SB 902-Munzlinger	SB 941-Curls, et al
SB 903-Silvey	SB 942-Sater
SB 904-Sifton	SB 943-Justus
SB 905-Sater	SB 944-Brown, et al
SB 906-Holsman	SB 945-Brown, et al
SB 907-Richard	SB 946-Dixon
SB 908-Schaefer	SB 947-Dixon
SB 909-Parson and Kehoe	SB 948-Wallingford
SB 910-Schaaf	SB 949-Munzlinger
SB 911-Libla	SB 950-Holsman
SB 912-Wasson	SB 951-Holsman
SB 913-Wasson and Cunningham	SB 952-Dixon
SB 914-Munzlinger	SB 953-Nasheed
SB 915-Dixon	SB 954-Cunningham
SB 916-Wallingford	SB 955-Cunningham
SB 917-Richard	SJR 49-Cunningham
SB 918-Holsman	SJR 50-Lamping
SB 919-Justus	SJR 51-Lamping
SB 920-Munzlinger	SJR 52-Lamping
SB 921-Schaaf	SJR 53-Lamping
SB 922-Schaaf	SJR 54-Lamping
SB 923-Emery	SJR 55-Nieves
SB 924-Emery	

HOUSE BILLS ON SECOND READING

HB 1430-Jones (110), et al
HCS for HB 1058
HB 1133-Engler, et al
HCS for HB 1051
HJR 48-Solon, et al
HJR 72-Richardson, et al
HCS for HB 1412
HCS for HBs 1253 & 1297
HCS for HB 1295
HCS for HB 1510
HCS for HB 1044
HB 1081-McCaherty, et al
HCS for HB 1085
HB 1126-Dugger and Entlicher
HB 1197-Elmer

HB 1206-Wilson
HCS for HB 1217
HB 1270-Lant, et al
HB 1301-Neth
HB 1468-Dorhman, et al
HB 1616-Muntzel, et al
HCS for HB 1079
HB 1087-Crawford and Franklin
HB 1141-Love, et al
HCS for HB 1201
HB 1222-Dugger
HB 1238-Hinson
HB 1361-Gosen and Wieland
HCS for HB 1376
HCS for HB 1523

THIRD READING OF SENATE BILLS

SCS for SB 529-Wallingford
SCS for SB 664-Brown (In Fiscal Oversight)
SB 561-Munzlinger
SS for SB 525-Cunningham
SCS for SJR 45-Silvey (In Fiscal Oversight)
SCS for SB 567-Chappelle-Nadal (In
Fiscal Oversight)

SCS for SB 666-Schmitt (In Fiscal Oversight)
SCS for SBs 493, 485, 495, 516, 534,
545, 595, 616 & 624-Pearce (In
Fiscal Oversight)
SCS for SB 635-Silvey and Holsman

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 491-Justus and Dixon, with SCS
SB 504-Munzlinger
SBs 509 & 496-Kraus, with SCS & SA 1
(pending)
SB 518-Sater, with SCS, SA 2 & SA 1 to
SA 2 (pending)
SB 519-Sater, with SS & SA 1 (pending)
SB 530-Libla, with SCS (pending)

SS for SB 543-Munzlinger
SB 575-Dixon
SB 612-Schaaf, with SCS
SB 643-Rupp, with SCS
SB 663-Munzlinger, with SCS
SB 735-Brown, with SCS (pending)
SJR 42-Schmitt

CONSENT CALENDAR

Senate Bills

Reported 2/20

SB 606-Dixon

SB 600-Sater

RESOLUTIONS

To be Referred

SCR 37-Kehoe

HCS for HCR 7

SCR 38-Lamping

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