

# Journal of the Senate

SECOND REGULAR SESSION

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TWENTY-SECOND DAY—MONDAY, FEBRUARY 16, 2004

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The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

“Nevertheless, amid the greatest difficulties of my Administration, when I could not see any other resort, I would place my whole reliance on God, knowing that all would go well, and that He would decide for the right.” (Abraham Lincoln, October 24, 1863)

Gracious God, we gather to again deal with the various difficulties that we face; help us to rely on You knowing that You will decide what is right for us and guide and direct our hearts and minds in all we do. And Lord, we pray for Fred Fisher’s family, that You may comfort them and us in our grief and help us commend him to Your loving care. 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 for Thursday, February 12, 2004, was read and approved.

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

Present—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—34		

Absent with leave—Senators—None

The Senate observed a moment of silence in memory of Fred Fisher.

## RESOLUTIONS

Senator Cauthorn offered Senate Resolution No. 1325, regarding Emily Kiddoo, Memphis, which was adopted.

Senator Yeckel offered Senate Resolution No. 1326, regarding John “Jack” Pieschel, Affton, which was adopted.

Senator Yeckel offered Senate Resolution No. 1327, regarding Captain Terry Roberds, Oakville, which was adopted.

Senator Yeckel offered Senate Resolution No.

1328, regarding Elaine Kimker, Crestwood, which was adopted.

Senator Wheeler offered Senate Resolution No. 1329, regarding Maria Jurado, Kansas City, which was adopted.

Senator Vogel offered Senate Resolution No. 1330, regarding National TRIO Day, which was adopted.

Senator Vogel offered Senate Resolution No. 1331, regarding the late Joe Fancler, Tipton, which was adopted.

Senator Gibbons offered Senate Resolution No. 1332, regarding volunteers of the March of Dimes, which was adopted.

Senator Dolan offered Senate Resolution No. 1333, regarding David L. Juline, Moscow Mills, which was adopted.

Senators Gibbons and Dougherty offered Senate Resolution No. 1334, regarding Mary Ellen O'Brien, Kirkwood, which was adopted.

Senator Scott offered Senate Resolution No. 1335, regarding Bruce Hager, Cole Camp, which was adopted.

### CONCURRENT RESOLUTIONS

Senator Caskey moved that **SCR 34** be taken up for adoption, which motion prevailed.

On motion of Senator Caskey, **SCR 34** was adopted by the following vote:

#### YEAS—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Vogel	Wheeler	Yeckel—31	

#### NAYS—Senators—None

#### Absent—Senators

Coleman	Dolan	Stoll—3
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Absent with leave—Senators—None

### INTRODUCTION OF BILLS

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

#### **SB 1254**—By Klindt.

An Act to repeal section 643.350, RSMo, and to enact in lieu thereof one new section relating to the Missouri air emission reduction fund.

#### **SB 1255**—By Dougherty.

An Act to repeal section 195.070, RSMo, and to enact in lieu thereof one new section relating to advanced practice nurses.

#### **SB 1256**—By Caskey.

An Act to repeal section 56.814, RSMo, and to enact in lieu thereof eight new sections relating to district attorneys.

#### **SB 1257**—By Days and Foster.

An Act to repeal section 160.261, RSMo, and to enact in lieu thereof one new section relating to school discipline, with penalty provisions.

#### **SB 1258**—By Scott.

An Act to repeal section 565.110, RSMo, and to enact in lieu thereof one new section relating to kidnapping of a child, with penalty provisions.

#### **SB 1259**—By Childers.

An Act to repeal section 306.127, RSMo, and to enact in lieu thereof one new section relating to temporary boater education permits, with a termination date.

#### **SB 1260**—By Dolan.

An Act to repeal section 307.178, RSMo, and to enact in lieu thereof one new section relating to seat belts.

#### **SB 1261**—By Dolan.

An Act to repeal sections 287.020 and 287.067, RSMo, and to enact in lieu thereof two new sections relating to occupational diseases within the workers' compensation law.

#### **SB 1262**—By Dolan.

An Act to repeal sections 301.010 and

301.217, RSMo, and to enact in lieu thereof two new sections relating to salvage motor vehicles.

**SB 1263**—By Dolan.

An Act to repeal sections 407.730 and 407.735, RSMo, and to enact in lieu thereof two new sections relating to car rental insurance, with a penalty provision.

**SB 1264**—By Scott.

An Act to repeal sections 262.810, 523.010, 523.040, and 523.070, RSMo, and to enact in lieu thereof four new sections relating to the taking of property.

**SB 1265**—By Bartle.

An Act to repeal section 590.653, RSMo, and to enact in lieu thereof one new section relating to civilian review board membership.

## REPORTS OF STANDING COMMITTEES

Senator Childers, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1197**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1107**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1106**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent

Calendar.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 920**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 921**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SRB 1108**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 754**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SB 1000**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 730**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### SENATE BILLS FOR PERFECTION

Senator Nodler moved that **SB 1080** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Clemens assumed the Chair.

Senator Days offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Bill No. 1080, Page 4, Section 160.518, Line 93, by inserting after all of said line the following:

**“Section 1. In order to ensure the safety of all students, should a student be expelled for bringing a weapon to school, violent behavior, or for an act of school violence, as such terms are defined in section 160.261, RSMo, that student shall not, for the purposes of the accreditation process of the Missouri school improvement plan, be considered a drop-out or be included in the calculation of that district’s educational persistence ratio.”; and**

Further amend the title and enacting clause accordingly.

Senator Days moved that the above amendment be adopted.

Senator Shields raised the point of order that **SA 1** is out of order as it goes beyond the scope and purpose of the bill.

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

Senator Bray offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Bill No. 1080, Page 4, Section 160.518, Line 93, by inserting after all of said line the following:

**“160.720. 1. The department of elementary and secondary education shall identify as a priority school any school building or attendance center that fails to meet acceptable standards of student achievement established by the state board of education and based upon factors which shall include, but not be limited to, student assessments, graduation rate, drop-out rate, school attendance rate, graduate placement in college, vocational or technical school, or high-wage employment and incidence of school violence.**

**2. The board of education of any district that contains a priority school shall submit a comprehensive school improvement plan that provides for the following:**

**(1) Identification of the areas of academic deficiency in student performance on the statewide assessment established pursuant to section 160.518 by disaggregating scores based upon school, grade, academic content area and student demographic subgroups, which shall include, but shall not be limited to, race, ethnicity, disability status, migrant status, limited English proficiency, and economic disadvantage;**

**(2) Implementation of research-based strategies to assist the priority school in addressing the areas of deficiency;**

**(3) Alignment of the priority school’s curriculum to address deficiencies in student achievement;**

**(4) Reallocation of district resources to address the areas of academic deficiency, which shall include focusing available funding on professional development in the areas of deficiency; and**

**(5) Listing of all school buildings and attendance centers declared to be priority**

schools in the district's annual school accountability report distributed pursuant to section 160.522.

3. The state board of education may appoint a team to conduct an educational audit of any priority school to determine the factors that have contributed to the lack of student achievement and shall give audit priority to schools based upon failure to meet standards of student achievement as established pursuant to this section.

(1) An audit team shall include an experienced teacher and an experience administrator and the size of the audit team shall be based upon the size of the school to be audited;

(2) The audit team shall report its findings to the state board of education and the local board of education;

(3) The state board may require all or part of those findings to be addressed in the comprehensive school improvement plan required pursuant to this section.

4. Comprehensive school improvement plans shall be evaluated based upon standards established pursuant to subsection 2 of this section and upon the following timelines:

(1) The comprehensive school improvement plan shall be submitted to the department of elementary and secondary education on or before August fifteenth following any school year in which a school district building meets the criteria established under subsection 1 of this section;

(2) The department of elementary and secondary education shall review and identify areas of concern in the plan within sixty days of receipt; and

(3) Changes to the plan shall be forwarded to the department of elementary and secondary education within sixty days of notice to the district of the areas of concern.

5. The department of elementary and

secondary education shall withhold funds authorized in section 163.031, RSMo, from any school district that fails to submit a comprehensive school improvement plan based upon the standards and timelines established in this section. Withheld funds shall be released upon submission of a comprehensive school improvement plan that meets the established requirements.

6. Designation as a priority school and the effectiveness of the school district in implementing the comprehensive school improvement plan required under this section shall be considered by the state board of education in the school district's accreditation granted pursuant to section 161.092, RSMo.

7. No rule or portion of a rule promulgated under this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

[160.538. 1. By July 1, 1996, the state board of education shall develop a procedure and criteria for determining that a school in a school district is "academically deficient". In making such a determination for any school, the state board of education shall consider the results for the school from the assessment system developed pursuant to the provisions of section 160.518 together with the results from the education audit performed under subsection 2 of this section.

2. (1) Prior to a decision that a school is academically deficient, the state board of education shall appoint an audit team of at least ten persons to conduct an education audit of the school to determine the factors that have contributed to the lack of student achievement at the school as measured by the district assessment system and make a finding as to whether the school is academically deficient. The specific standards and implementation of the

education audit shall be pursuant to rules adopted by the state board of education.

(2) The audit team shall report its findings to the state board. If the audit team finds that the school is academically deficient, then the state board shall declare the school to be academically deficient.

(3) Following a decision that a school is academically deficient, the state board of education shall, within sixty days, appoint a management team of at least ten persons to conduct any necessary investigations and make any recommendations the team believes are appropriate for the administration and management of the school necessary to promote student achievement and any additional resources which are required. Funds shall be provided, upon appropriation, under subsection 2 of section 160.530 for the operation of the audit and management teams and resources needed in the district.

(4) In the appointment of the audit and management teams, the state board of education shall appoint such persons so that at least fifty percent of the team is composed of active classroom teachers at the elementary, middle or secondary level grades. Teachers who have retired within five years of the appointment may be included in the classroom teacher component of the team. Further, no more than two persons of said team may be employees of the department of elementary and secondary education. At least one member of the team shall be a public school superintendent from another district.

(5) The management team shall report its findings and recommendations to the state board within

sixty school days. The commissioner of education shall, subject to availability of resources, provide resources to the district as recommended by the management team. The management team report may also include recommendations for one or more of the following:

(a) Conduct a recall election for each member of the district school board;

(b) Suspend indefinite contracts for certificated staff in the school and a one-year maximum length for new or renewal of contracts for the superintendent or the principal of the school;

(c) Require that the district develop a plan for the recruitment and retention of high quality teachers and administrators within the district; or

(d) Appoint a school accountability council to monitor one or more school buildings in the district.

(6) The education audit team shall reevaluate the school two years after the filing of the management team report. No recall election, suspension of indefinite contract or maximum contract length limit may be imposed unless the audit team determines that the school is still academically deficient.

(7) The commissioner of education shall, upon such recommendation by the management team and upon approval by the state board of education, but only in the case where the education audit team finds the school academically deficient in its reevaluation audit under subdivision (6) of this subsection, order an election in the district to be held for the purpose of conducting a recall election of all members of the district school board. The recall election shall be held on the next available election day thereafter as

provided under section 115.123, RSMo, and shall be conducted pursuant to chapter 115, RSMo, except as otherwise provided herein.

3. (1) A district school board member of a district which contains a school declared academically deficient may be removed by the voters in a recall election. Such election shall be held upon the submission of a petition signed by voters of the district equal in number to at least twenty-five percent of the number of persons voting at the last preceding election to elect a district board member. The petition shall be filed with the election authority and the secretary of the district board of education, which petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths that the statements therein made are true as he believes and that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

(2) Within ten days from the date of filing such petition the election authority shall examine and ascertain whether said petition is signed by the requisite number of voters; and he shall attach to the petition his certificate, showing the result of the examination. If the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The election authority shall, within ten days after such amendment, make like examination of the amended petition and, if his certificate shall

show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be deemed to be sufficient, the election authority shall submit the same to the district board without delay. If the petition shall be found to be sufficient, the district board shall order the question to be submitted to the voters of the district.

(3) If a majority of the voters vote in favor of retaining the member, he shall remain in office and shall not be subject to another recall election during his term of office except as provided in subsection 2 of this section. If a majority of voters vote to remove the member, his successor shall be chosen as provided in section 162.261, RSMo.

4. Under subdivision (5) of subsection 2 of this section, a district board of education may suspend indefinite contracts and issue probationary contracts to all certificated staff in a school declared academically deficient. However, no such indefinite contract for any person may be suspended without providing the person an opportunity for a due process hearing, conducted according to the provisions of chapter 536, RSMo, and only after the school board demonstrates that the performance of the person's duties contributed to the school meeting the criteria for being declared academically deficient. The district board of any school which is declared academically deficient shall not issue new contracts or renew contracts to either the superintendent or the principal of the academically deficient school for a period of longer than one year. The provisions of other law to the contrary notwithstanding, a probationary teacher in a school declared academically deficient shall not be

granted an indefinite contract until one year after such school is no longer determined to be academically deficient, and the probationary teacher meets all other requirements for permanent status required by law.

5. (1) If the management team so recommends pursuant to subdivision (5) of subsection 2 of this section, a district board of education may appoint a school accountability council for one or more buildings within the district.

(2) The school accountability council may monitor implementation of an instructional resource reallocation plan within the areas of deficiency identified by the state board of education.

(3) The school accountability council shall consist of seven members, with no fewer than four members being the parent or guardian of a student currently enrolled in the school building.

(4) If the district board of education fails to appoint a school accountability council pursuant to this subsection, then the state board of education may appoint the council.

6. An instructional resource reallocation plan for any school building shall provide for the focusing of any discretionary local, state or federal funds available to the school on the areas of academic deficiency. The instructional resource reallocation plan shall address:

(1) Instruction in math and reading/communication arts if performance by students in those areas under the assessment system developed pursuant to section 160.518 is such that the percentage of the subject school's students scoring at step 1 of the

assessment scale is at least twice the percentage of students statewide scoring at step 1 of the assessment scale;

(2) Professional development to improve instruction in the areas of academic deficiency or in areas where the number of certificated staff teaching one or more classes outside of their area of certification results in ten percent or more of the students within the school building being taught by teachers outside their areas of certification;

(3) Special education and related services and the level of integration of children with disabilities within the regular education curriculum where the percentage of students eligible to receive services under the Individuals with Disabilities Education Act and scoring at step 1 of the assessment scale of the assessment system developed pursuant to section 160.518 is at least twice the percentage of students statewide who are eligible to receive services under the Individuals with Disabilities Education Act and who score at step 1 of the assessment scale;

(4) Any waivers required for implementation of the plan to be requested on behalf of the district from the state board of education.

7. The school accountability council shall report annually to the state board of education with regard to the implementation of the instructional resources reallocation plan until such time as the academic deficiencies are addressed.

8. Notwithstanding any other provision of law to the contrary, any district which has one or more buildings declared academically deficient shall provide summer school programming to any student making application in those areas identified as an area of concern by

the school audit team pursuant to subsection 2 of this section.

9. (1) Subject to appropriation, the state board of education may establish a program of financial aid for prospective teachers to assist schools identified as academically deficient.

(2) This program may include tuition reimbursement for current teachers and student loan forgiveness for new teachers employed within the district based upon their term of service in the district.

(3) Financial aid shall be provided in those areas of instruction where certificated staff are teaching one or more classes outside of their area of certification.]

[160.720. 1. The department of elementary and secondary education shall identify for recognition by the governor schools demonstrating high student achievement to be designated as performance schools. In addition, the department of elementary and secondary education shall identify those waivers of administrative rule authorized under state law appropriate for the recognized school district or school. The department of elementary and secondary education shall endeavor to identify waivers of administrative rule that result in a meaningful reduction in administrative burden on the districts recognized in this section.

2. The department of elementary and secondary education shall identify priority school districts and priority schools based upon the following criteria:

(1) School attendance centers declared academically deficient by the state board of education as authorized by section 160.538;

(2) School districts declared unaccredited or provisionally accredited by the state board of education pursuant to section 161.092, RSMo; or

(3) School districts or school attendance centers that do not meet any of the accreditation standards on student performance established by the state board of education based upon the statewide assessment system authorized pursuant to section 160.518.

3. The board of education of any priority school district or priority school shall submit, as a part of a comprehensive school improvement plan, an accountability compliance statement that shall:

(1) Identify and analyze areas of deficiency in student performance by school, grade and academic content area;

(2) Provide a comprehensive strategy for addressing these areas of deficiency;

(3) Assure disclosure of these areas of deficiency in the school accountability report card required pursuant to section 160.522;

(4) Permit a metropolitan district that is implementing a program of academic improvement in a school or schools identified pursuant to a settlement agreement for a desegregation lawsuit to submit the elements of the accountability compliance statement required in subdivisions (1) to (3) of this subsection for review for possible waiver solely in regard to the schools identified for academic improvement pursuant to the settlement agreement; provided, however, that the department of elementary and secondary education shall meet with any district covered by the provisions of this subdivision prior to the district submitting any element of an accountability compliance statement, so

that the department may identify elements of the settlement agreement academic improvement plan that are substantially similar to the requirements contained in this section, and the department shall advise such district if, based on its review, any further plan or reporting of such plans or elements is required; and

(5) Require school boards of each district to annually review the school discipline provisions contained in section 160.261, and sections 167.023, 167.026, 167.117, 167.161 to 167.171 and 167.335, RSMo, and ensure that the district's discipline policies are consistent with the above listed sections.

4. The comprehensive strategy for addressing areas of deficiency required pursuant to this section shall address the following areas:

(1) Align curriculum to address areas of deficiency in student achievement;

(2) Develop, for any student who is not receiving special education services under an individualized education plan pursuant to sections 162.670 to 162.699, RSMo, who is performing at a level not determined or at the lowest level of proficiency in any subject area under the statewide assessment established pursuant to section 160.518, an individual performance plan in that subject area which shall:

(a) Be developed by the teacher or teachers in consultation with the child's parent, guardian, or other adult responsible for the student's education;

(b) Outline responsibilities for the student, parent, guardian, or other adult responsible for the student's education,

teachers, and administrators in implementing the plan. Such plans shall not require the level of documentation and procedural complexities of an individualized education plan pursuant to sections 162.670 to 162.699, RSMo, but shall contain sufficient detail for all parties to understand their responsibilities in the implementation of the student's performance plan;

(c) State that the student's parent, guardian, or other adult responsible for the student's education shall act in good faith to implement the student performance plan and make reasonable efforts to meet with the teacher when requested or required by the plan; and

(d) Require those students performing at a level not determined or at the lowest level of proficiency in any subject area under the statewide assessment established pursuant to section 160.518 to be provided with additional instruction time and for students in grade nine to eleven to retake the assessment;

(3) Focus state and local professional development funds on the areas of greatest academic need, including a statement relating to accessing the resources and services of the regional professional development center and support from state professional development funds;

(4) Create programs to improve teacher and administrator effectiveness;

(5) Establish school accountability councils consistent with the procedures stated in subsection 5 of section 160.538 or align any existing parent advisory council with the requirements of subsection 5 of section 160.538;

(6) Develop a resource reallocation plan for the district; and

(7) Consider the need to implement strategies pursuant to this subsection for feeder schools of any priority school.

5. The school district shall include in any program for improvement of teacher and administrator effectiveness in an accountability compliance statement policies that will:

(1) Require school administrators and teachers, including teachers who are provisionally or temporarily certified, to participate in one of the following programs of professional development:

(a) A mentoring program meeting standards established by the state board of education or supervised by an individual previously designated by the department of elementary and secondary education as a regional resource teacher;

(b) Successful completion of a training program for certification as a scorer under the statewide assessment program authorized pursuant to section 160.518; or

(c) Enrollment and making adequate progress towards national board certification;

(2) Provide one additional year of intensive professional development assistance to teachers and administrators who do not complete or make adequate progress in the professional development activities described in subdivision (1) of this subsection;

(3) Exempt from the professional development requirements accountability compliance statement as

provided in subdivision (1) of this subsection any individual who:

(a) Holds qualifying scores in the appropriate professional assessment as determined by the state board of education or who elects to take and receive a qualifying score of that assessment;

(b) Holds national board certification;

(c) Is certified as a scorer under the statewide assessment program;

(d) Is designated by the department of elementary and secondary education as a regional resource teacher;

(e) Serves as a mentor teacher for one school year in a program meeting standards adopted by the state board of education; or

(f) Successfully completes an appropriate administrator academy program offered pursuant to section 168.407, RSMo.

6. Any resource reallocation plan shall include at least one of the following elements:

(1) Reduce class size in areas of academic concern;

(2) Establish full-day kindergarten or preschool programs;

(3) Establish after-school, tutoring and other programs offering extended time for learning;

(4) Employ regional resource teachers designated by the department of elementary and secondary education or national board-certified teachers, along with appropriate salary enhancements for such teachers;

(5) Establish programs of teacher home visitation to encourage parental support of student learning; and

(6) Create “school within a school” programs to achieve smaller learning communities within priority schools.

7. The state board of education shall establish by administrative rule standards to evaluate accountability compliance statements, based upon the following criteria:

(1) An accountability compliance statement shall be submitted to the department of elementary and secondary education on or before August fifteenth following any school year in which a school district meets the criteria established under subsection 2 of this section;

(2) The department of elementary and secondary education shall review and identify areas of deficiency in the plan within thirty days of receipt; and

(3) Changes to the plan shall be forwarded to the department of elementary and secondary education within thirty days of notice to the district of the areas of deficiency.

8. The department of elementary and secondary education shall withhold funds to be paid to the school district, as authorized in section 163.031, RSMo, until such time as the district submits an accountability compliance statement meeting the standards authorized pursuant to this section within the time lines established herein.

9. The department of elementary and secondary education shall develop within three years of the adoption of this section a program of administrator mentoring focusing on the need of priority schools and priority school districts and meeting standards established by the state board of education.

10. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

11. In any school year in which the school funding formula has a proration factor on line 1(b) of less than 0.9, the provisions of subsections 2 to 9 of this section relating to priority schools and priority school districts shall not be enforced. For any school year in which funding of the school aid formula at the level stated in this subsection appears to be in doubt after all appropriations bills are truly agreed and finally passed, the house budget chair and the senate appropriations chair shall send a joint letter to the commissioner of education by August fifteenth, notifying the department of elementary and secondary education of the likelihood that funding would be below the limit stated in this subsection and requesting that the department not enforce subsections 2 to 9 of this section unless and until the department's calculations for the first “live” school aid payment of the school year show that the formula will have a proration factor on line 1(b) of no less than 0.9.]”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Childers offered SA 1 to SA 2, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Bill No. 1080, Page 2, Section 160.720, Line 17, by deleting said line and insert in lieu thereof the following: “**an experienced administrator from successful school districts of comparable size**”

**and per pupil funding. The size of the audit team shall”.**

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

**SA 2**, as amended, was again taken up.

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

Senator Dougherty offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 1080, Page 4, Section 160.518, Line 93, by inserting after all of said line the following:

“167.031. 1. Every parent, guardian or other person in this state having charge, control or custody of a child **whose age conforms with the compulsory attendance age range for the district** not enrolled in a public, private, parochial, parish school or full-time equivalent attendance in a combination of such schools [and between the ages of seven and sixteen years] is responsible for enrolling the child in a program of academic instruction which complies with subsection 2 of this section. Any parent, guardian or other person who enrolls a child between the ages of five and seven years in a public school program of academic instruction shall cause such child to attend the academic program on a regular basis, according to this section. Nonattendance by such child shall cause such parent, guardian or other responsible person to be in violation of the provisions of section 167.061, except as provided by this section. A parent, guardian or other person in this state having charge, control, or custody of a child [between the ages of seven and sixteen years of age] **whose age conforms with the compulsory attendance age range for the district** shall cause the child to attend regularly some public, private, parochial, parish, home school or a combination of such schools not less than the entire school term of the school which the child attends; except that

(1) A child who, to the satisfaction of the superintendent of public schools of the district in which he resides, or if there is no superintendent

then the chief school officer, is determined to be mentally or physically incapacitated may be excused from attendance at school for the full time required, or any part thereof;

(2) A child between fourteen [and sixteen] years of age **and the maximum age required in order to be in compliance with the compulsory attendance age range for the district** may be excused from attendance at school for the full time required, or any part thereof, by the superintendent of public schools of the district, or if there is none then by a court of competent jurisdiction, when legal employment has been obtained by the child and found to be desirable, and after the parents or guardian of the child have been advised of the pending action; or

(3) A child between five [and seven] years of age **and the minimum age required in order to be in compliance with the compulsory attendance age range for the district** shall be excused from attendance at school if a parent, guardian or other person having charge, control or custody of the child makes a written request that the child be dropped from the school's rolls.

2. (1) As used in sections 167.031 to 167.071, a “home school” is a school, whether incorporated or unincorporated, that:

(a) Has as its primary purpose the provision of private or religious-based instruction;

(b) Enrolls pupils [between the ages of seven and sixteen years] **whose ages conform with the compulsory attendance age range for the district**, of which no more than four are unrelated by affinity or consanguinity in the third degree; and

(c) Does not charge or receive consideration in the form of tuition, fees, or other remuneration in a genuine and fair exchange for provision of instruction;

(2) As evidence that a child is receiving regular instruction, the parent shall, **except as otherwise provided in this subsection**:

(a) Maintain the following records:

a. A plan book, diary, or other written record indicating subjects taught and activities engaged in; and

b. A portfolio of samples of the child's academic work; and

c. A record of evaluations of the child's academic progress; or

d. Other written, or credible evidence equivalent to subparagraphs a., b. and c.; and

(b) Offer at least one thousand hours of instruction, at least six hundred hours of which will be in reading, language arts, mathematics, social studies and science or academic courses that are related to the aforementioned subject areas and consonant with the pupil's age and ability. At least four hundred of the six hundred hours shall occur at the regular home school location;

**(3) The requirements of subdivision (2) of this subsection shall not apply to any pupil above the age of sixteen years.**

3. Nothing in this section shall require a private, parochial, parish or home school to include in its curriculum any concept, topic, or practice in conflict with the school's religious doctrines or to exclude from its curriculum any concept, topic, or practice consistent with the school's religious doctrines. Any other provision of the law to the contrary notwithstanding, all departments or agencies of the state of Missouri shall be prohibited from dictating through rule, regulation or other device any statewide curriculum for private, parochial, parish or home schools.

4. A school year begins on the first day of July and ends on the thirtieth day of June following.

5. The production by a parent of a daily log showing that a home school has a course of instruction which satisfies the requirements of this section shall be a defense to any prosecution under this section **or, in the case of a pupil over the age of sixteen years who attended a metropolitan school district the previous year, a written statement that the pupil is attending home**

**school in compliance with this section** and to any charge or action for educational neglect brought pursuant to chapter 210, RSMo.

**6. (1) As used in sections 167.031 to 167.051, the term "compulsory attendance age for the district" shall mean:**

**(a) Six to seventeen years of age for any metropolitan school district for which the school board adopts a resolution to establish such compulsory attendance age range; provided that such resolution must be submitted to the voters of the district and, upon approval by a simple majority of the voters, shall take effect no earlier than the school year next following the school year during which the resolution is adopted; or**

**(b) Seven to seventeen years of age for any metropolitan school district for which the school board adopts a resolution to establish such compulsory attendance age range; provided that such resolution must be submitted to the voters of the district and, upon approval by a simple majority of the voters, shall take effect no earlier than the school year next following the school year during which the resolution is adopted; or**

**(c) Seven to sixteen years of age in all other cases.**

**(2) The school board of a metropolitan school district for which the compulsory attendance age range is not seven to sixteen years may adopt a resolution to change the compulsory attendance age range to seven to sixteen years; provided that such resolution must be submitted to the voters of the district and, upon approval by a simple majority of the voters, shall take effect no earlier than the school year next following the school year during which the resolution is adopted.**

167.051. 1. If a school board establishes part-time schools or classes for children under [sixteen] **seventeen** years of age, lawfully engaged in any regular employment, every parent, guardian or other person having charge, control or custody

of such a child shall cause the child to attend the school not less than four hours a week between the hours of eight o'clock in the morning and five o'clock in the evening during the school year of the part-time classes.

2. All children who are under eighteen years of age, who have not completed the elementary school course in the public schools of Missouri, or its equivalent, and who are not attending regularly any day school shall be required to attend regularly the part-time classes not less than four hours a week between the hours of eight o'clock in the morning and five o'clock in the afternoon during the entire year of the part-time classes.”; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted.

Senator Bartle raised the point of order that **SA 3** is out of order as it goes beyond the scope and purpose of the underlying bill.

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

Senator Jacob offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Bill No. 1080, Pages 3-4, Section 160.518, Lines 80-93, by deleting all of said lines and inserting in lieu thereof the following:

**“7. Consistent with the provisions contained in subsections 1 through 6 of this section, and consistent with the public policy of this state to provide maximum flexibility for local school districts to determine the degree to which students in the public schools of the state are proficient in the knowledge, skills and competencies adopted by the state board of education, not later than June 30, 2006, the state board of education may administer the following adjustments to the statewide assessment system:**

**(1) Design the performance standards of the statewide assessment system in such a**

**manner that such indicators both reflect those performance standards that the state board of education determines best measure and reflect the levels of proficiency in knowledge, skills and competencies adopted by the state board of education and may be reasonably reported in a manner so as to be measured against and compared with the performance standards of the National Assessment of Educational Progress (NAEP) exam;**

**(2) Administer any other adjustments that the state board of education deems absolutely necessary in order to meet the requirements contained in the federal “No Child Left Behind Act”.”.**

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Nodler, **SB 1080**, with **SA 4** (pending), was placed on the Informal Calendar.

## REFERRALS

President Pro Tem Kinder referred **SCR 37** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Kinder referred **SS** for **SCS** for **SB 730** to the Committee on Governmental Accountability and Fiscal Oversight.

## SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

**SB 1156**—Aging, Families, Mental and Public Health.

**SB 1190**—Financial and Governmental Organization, Veterans’ Affairs and Elections.

**SB 1236**—Financial and Governmental Organization, Veterans’ Affairs and Elections.

**SB 1237**—Judiciary and Civil and Criminal Jurisprudence.

**SB 1238**—Judiciary and Civil and Criminal

Jurisprudence.

**SB 1239**—Economic Development, Tourism and Local Government.

**SB 1240**—Economic Development, Tourism and Local Government.

**SB 1241**—Education.

**SB 1242**—Pensions and General Laws.

**SB 1243**—Economic Development, Tourism and Local Government.

**SB 1244**—Judiciary and Civil and Criminal Jurisprudence.

**SB 1245**—Small Business, Insurance and Industrial Relations.

**SB 1246**—Economic Development, Tourism and Local Government.

**SB 1247**—Judiciary and Civil and Criminal Jurisprudence.

**SB 1248**—Small Business, Insurance and Industrial Relations.

**SB 1249**—Governmental Accountability and Fiscal Oversight.

**SB 1250**—Pensions and General Laws.

**SB 1251**—Transportation.

**SB 1252**—Judiciary and Civil and Criminal Jurisprudence.

**SB 1253**—Economic Development, Tourism and Local Government.

**SJR 43**—Governmental Accountability and Fiscal Oversight.

**SJR 46**—Financial and Governmental Organization, Veterans' Affairs and Elections.

## REPORTS OF STANDING COMMITTEES

Senator Vogel requested unanimous consent of the Senate to have the committee report on **SB 754** returned to the Ways and Means Committee, as it was inadvertently turned in during committee reports of consent bills, which request was granted.

## RESOLUTIONS

Senator Stoll offered Senate Resolution No. 1336, regarding Nicholas J. "Nick" Klaus, Fenton, which was adopted.

Senator Dougherty offered Senate Resolution No. 1337, regarding the late Nicholas Kevin Sloan, St. Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 1338, regarding Officer Edward P. Benoist, St. Louis, which was adopted.

## INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, his wife Joncee, Joplin; his granddaughter Rachel and her mother, Nicole Anderson, Webb City; his sister Janice Vaughn and her husband Jim, Tulsa, Oklahoma; and Elaina Edmond, Joplin; and Rachel was made an honorary page.

Senator Champion introduced to the Senate, Linda Bly and her daughters, Kathleen and Molly, and Lindsay Lassley, Jackie Cantrell, and Erica Juchems, Springfield; and Henata Freitas, Brazil.

Senator Caskey introduced to the Senate, Larry and Lesa Berry and Donieta Davis, Hume.

Senator Yeckel introduced to the Senate, Brian and Pat O'Shea, St. Louis County.

On behalf of Senator Coleman and herself, Senator Bray introduced to the Senate, Debra O'Hara and Amie Shea, St. Louis.

Senator Foster introduced to the Senate, his daughter Karmen Foster, Alana Robertson, and Barb Norman, Poplar Bluff.

On behalf of Senator Shields, the President introduced to the Senate, Educators from Platte and Buchanan Counties.

Senator Gibbons introduced to the Senate, his daughter Meredith, Kirkwood.

Senator Loudon introduced to the Senate, the Seventh Senatorial Leadership Academy, St. Louis County.

Senator Kinder introduced to the Senate, Gerald Landewee, Charlie Glueck, Roger Thomas,

Jackie Ludwig and Linda Schoen, Cape Girardeau County.

Senator Mathewson introduced to the Senate, Kathy O’Laughlin, and her son Jordan Brauer; and fifteen fifth grade students from David Barton Elementary School, Boonville.

Senator Dolan introduced to the Senate, Elaine Henderson, Troy.

Senator Yeckel introduced to the Senate, former State Senator Irene Treppler and her husband, Walter, and their daughter, Diane Anderson, St. Louis County.

Senator Caskey introduced to the Senate, Jim Jackson, Warrensburg.

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

SENATE CALENDAR

TWENTY-THIRD DAY—TUESDAY, FEBRUARY 17, 2004

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1254-Klindt  
SB 1255-Dougherty  
SB 1256-Caskey  
SB 1257-Days and Foster  
SB 1258-Scott  
SB 1259-Childers  
SB 1260-Dolan

SB 1261-Dolan  
SB 1262-Dolan  
SB 1263-Dolan  
SB 1264-Scott  
SB 1265-Bartle  
SJR 47-Cauthorn

THIRD READING OF SENATE BILLS

SS for SB 1000-Bartle  
SCS for SBs 1144, 919 & 874-Dolan, et al

SS for SB 732-Gross  
SS for SCS for SB 730-Gross  
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SJR 44-Dolan, with SCS  
SB 933-Yeckel, et al

SB 1038-Yeckel, with SCS  
SB 969-Shields, with SCS

SB 856-Loudon, with SCS  
 SB 1123-Gibbons, et al  
 SJR 29-Steelman, et al

SB 1138-Bartle  
 SB 870-Bartle

## INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

SB 715-Childers and Caskey, with SCS,  
 SS for SCS & SA 6 (pending)  
 SB 718-Yeckel, et al  
 SB 990-Loudon, with SCS

SBs 1020, 889 & 869-Steelman, et al,  
 with SCS  
 SB 1080-Nodler, et al, with SA 4 (pending)  
 SB 1099-Gibbons, et al, with SCS (pending)

## CONSENT CALENDAR

Unofficial  
 Senate Bills

Reported 2/9

SB 951-Griesheimer  
 SB 952-Wheeler, with SCS  
 SB 1012-Caskey  
 SB 1062-Griesheimer, with SCS  
 SB 1075-Coleman, with SCS  
 SB 808-Klindt  
 SB 741-Klindt  
 SB 1100-Gibbons and Gross, with SCS  
 SB 1052-Jacob

SB 781-Caskey  
 SB 827-Bartle, with SCS  
 SB 803-Gross  
 SB 1093-Gibbons and Yeckel, with SCS  
 SB 783-Mathewson  
 SB 837-Caskey, with SCS  
 SB 859-Klindt, with SCS  
 SB 799-Steelman, with SCS  
 SB 878-Goode, et al, with SCS

Journal  
 Copy

Reported 2/16

SB 1197-Quick, with SCS  
 SB 1107-Shields  
 SB 1106-Shields, with SCS

SB 920-Caskey  
 SB 921-Caskey, with SCS  
 SRB 1108-Bartle