

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-FIFTH DAY—TUESDAY, MARCH 6, 2018

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“All the paths of the Lord are steadfast love and faithfulness for those who keep his covenant and his decrees.” (Psalm 25:9)

Gracious God, You are an ever-present help full of grace and love for Your children. We pray that You will be especially close to us this week as we face the difficulties of this day and those ahead. Provide us wisdom so we may more clearly discern what is most helpful and important for us to accomplish. Renew us so we see our relationships with one another as a means for us to grow and understand this world in which we live. 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	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Schaaf offered Senate Resolution No. 1442, regarding Allyah Smith, which was adopted.

Senator Hegeman offered Senate Resolution No. 1443, regarding Mel Tjeerdsma, which was adopted.

Senator Hegeman offered Senate Resolution No. 1444, regarding the Association of Missouri Electric Cooperatives, which was adopted.

Senator Hegeman offered Senate Resolution No. 1445, regarding the Fiftieth Wedding Anniversary of Daryl and Gloria Swalley, Jamesport, which was adopted.

Senator Hegeman offered Senate Resolution No. 1446, regarding the Fiftieth Wedding Anniversary of Larry and Patty Lager, Conception Junction, which was adopted.

Senator Hegeman offered Senate Resolution No. 1447, regarding the Sixtieth Wedding Anniversary of Charles and Shirley Ocker, Cameron, which was adopted.

Senator Hegeman offered Senate Resolution No. 1448, regarding the Sixtieth Wedding Anniversary of Randall and Deanna Swan, King City, which was adopted.

Senator Riddle offered Senate Resolution No. 1449, regarding the bicentennial of Lincoln County, which was adopted.

Senator Wallingford offered Senate Resolution No. 1450, regarding Harry E. Rediger, Cape Girardeau, which was adopted.

Senator Nasheed offered Senate Resolution No. 1451, regarding the Ninetieth birthday of Myrtle Petty, St. Louis, which was adopted.

Senator Sater offered Senate Resolution No. 1452, regarding Oscar Ortiz, Pineville, which was adopted.

Senator Sater offered Senate Resolution No. 1453, regarding Brenden Kleiboeker, which was adopted.

Senator Sater offered Senate Resolution No. 1454, regarding Dr. Luis Hinojosa, which was adopted.

CONCURRENT RESOLUTIONS

Senator Emery offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 52

Whereas, pornography perpetuates a sexually toxic environment; and

Whereas, efforts to prevent pornography exposure and addiction, to educate individuals and families concerning its harms, and to develop recovery programs should be addressed systematically in ways that hold broader influences accountable; and

Whereas, pornography may contribute to the hypersexualization of teenagers, and even prepubescent children, in our society; and

Whereas, owing to advances in technology and the universal availability of the internet, young children can be exposed to what used to be referred to as hardcore, but is now considered mainstream, pornography at an alarming rate; and

Whereas, the average age of exposure to pornography is now 11 to 12 years of age;

Whereas, this early exposure can lead to low self-esteem and body image disorders, an increase in problematic sexual activity at younger ages, and an increased desire among adolescents to engage in risky sexual behavior; and

Whereas, exposure to pornography may serve as children's and youth's sex education and may shape their sexual templates; and

Whereas, pornography may normalize violence and abuse; and

Whereas, pornography often depicts rape and abuse as if such acts are harmless; and

Whereas, pornography equates violence with sex and pain with pleasure, which increases the demand for sex trafficking, prostitution, images of child sexual abuse, and child pornography; and

Whereas, use of pornography can potentially negatively affect brain development and functioning, contribute to emotional and medical illnesses, shape deviant sexual arousal, and lead to difficulty in forming or maintaining intimate relationships as well as problematic or harmful sexual behaviors and addiction; and

Whereas, use of pornography, by either partner, is linked to an increased likelihood that individuals will engage in group intercourse; and

Whereas, recent research indicates that pornography is potentially biologically addictive, which means the user requires more novelty, often in the form of more shocking material, in order to be satisfied; and

Whereas, this biological addiction may lead to increasing themes of risky sexual behaviors, extreme degradation, violence, child sexual abuse, and child pornography; and

Whereas, pornography use is linked to lessening desire to marry, dissatisfaction in marriage, and infidelity; and

Whereas, this link demonstrates that pornography has a detrimental effect on the family unit:

Now, Therefore, Be It Resolved by the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby recognize pornography as leading to individual and societal harms and recognize the need for education, prevention, research, and policy change at the community and societal level.

The Senate observed a moment of silence in memory of Gina Montalto.

SENATE BILLS FOR PERFECTION

Senator Hegeman moved that **SB 592**, with SCS, SS for SCS and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Dixon, **SA 1** was withdrawn.

Senator Hegeman moved that SS for SCS for **SB 592** be adopted, which motion prevailed.

On motion of Senator Hegeman, SS for SCS for **SB 592** was declared perfected and ordered printed.

Senator Munzlinger moved that **SB 547**, with SCS, be taken up for perfection, which motion prevailed.

Senator Munzlinger moved that **SB 547**, with SCS, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for SB 547, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 547

An Act to repeal sections 195.010, 195.017, and 196.070, RSMo, and to enact in lieu thereof sixteen new sections relating to industrial hemp, with penalty provisions.

Was taken up.

Senator Munzlinger moved that **SCS for SB 547** be adopted.

Senator Munzlinger offered SS for SCS for **SB 547**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 547

An Act to repeal sections 195.010, 195.017, and 196.070, RSMo, and to enact in lieu thereof sixteen new sections relating to industrial hemp, with penalty provisions.

Senator Munzlinger moved that **SS for SCS for SB 547** be adopted, which motion prevailed.

Having voted on the prevailing side, Senator Schaaf moved that the vote by which **SS for SCS for**

SB 547 was adopted be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Chappelle-Nadal	Crawford	Curls	Dixon	Eigel	Emery	Hegeman
Holsman	Hoskins	Hummel	Kehoe	Koenig	Munzlinger	Nasheed
Onder	Rizzo	Romine	Rowden	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—26		

NAYS—Senators

Brown	Cunningham	Richard	Riddle	Sater—5
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Absent—Senators

Cierpiot	Libla—2
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Absent with leave—Senators—None

Vacancies—1

SS for SCS for **SB 547** was again taken up.

Senator Hoskins offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 547, Page 54, Section 195.755, Line 5 of said page, by inserting after all of said line the following:

“195.756. In the growing and handling of industrial hemp consistent with sections 195.740 to 195.773, no retailer of pesticides as defined at 7 U.S.C. Section 136, or agricultural chemicals shall be liable for the sale, application, or handling of such products by a producer or applicator in any manner or for any purpose not approved by applicable state and federal agencies. No producer or applicator may use or apply pesticides or agricultural chemicals in the growing or handling of industrial hemp except as approved by state and federal law.”; and

Further amend the title and enacting clause accordingly.

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

Senator Eigel offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 547, Page 53, Section 195.749, Lines 4-6 of said page, by a striking all of said lines and inserting in lieu thereof the following: **“plot of land that is more than two hundred acres by a single registrant or permittee,”**.

Senator Eigel moved that the above amendment be adopted.

Senator Eigel offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 547, Page 53, Section

195.749, Line 5, by striking “hundred” and inserting in lieu thereof the following: “**thousand**”; and

Further amend said bill, page 56, section 195.767, line 15, by striking “hundred” and inserting in lieu thereof the following: “**thousand**”.

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

Senator Munzlinger moved the **SS** for **SCS** for **SB 547**, as amended, be adopted, which motion prevailed.

On motion of Senator Munzlinger, **SS** for **SCS** for **SB 547**, as amended, was declared perfected and ordered printed.

Senator Hoskins moved that **SB 767**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 767**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 767

An Act to amend chapter 313, RSMo, by adding thereto seven new sections relating to video lottery, with penalty provisions.

Was taken up.

Senator Hoskins moved that **SCS** for **SB 767** be adopted.

Senator Hoskins offered **SS** for **SCS** for **SB 767**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 767

An Act to repeal section 313.800, RSMo, and to enact in lieu thereof nineteen new sections relating to wagering on certain games, with penalty provisions.

Senator Hoskins moved that **SS** for **SCS** for **SB 767** be adopted.

Senator Hoskins offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 767, Page 30, Section 313.1004, Line 17 of said page, by inserting after all of said line the following:

“(8) Use in all sports wagering only statistics, results, outcomes, and other data relating to a sporting event that have been obtained from the relevant sports governing body or an entity expressly authorized by the sports governing body to provide such information to sports wagering operators.”

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

President Pro Tem Richard assumed the Chair.

Senator Sater offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 767, Page 1, Section 313.427, Line 14 of said page, by striking “or “lottery commission””; and further amend line 15 of said page, by striking “the lottery” and inserting in lieu thereof the following: “**gaming**”; and further amend line 16 of said page, by striking “313.215” and inserting in lieu thereof the following: “**313.004**”; and

Further amend said bill and section, Page 2, Line 25 of said page, by striking the word “lottery”; and

Further amend said bill, Page 11, Section 313.429, Lines 5-7 of said page, by striking said lines and inserting in lieu thereof the following: “**lottery game handlers;**”; and

Further amend said bill and section, Page 13, Lines 12-14 of said page, by striking said lines and inserting in lieu thereof the following: “**gross receipts, which shall be deposited in the gaming proceeds for education fund after**”; and further amend line 24 of said page, by striking “lottery proceeds” and inserting in lieu thereof the following: “**gaming proceeds for education**”; and

Further amend said bill and section, Page 14, line 20 of said page, by striking “state lottery” and inserting in lieu thereof the following: “**gaming commission**”; and further amend line 21 of said page, by striking “state lottery” and inserting in lieu thereof the following: “**gaming commission**”; and

Further amend said bill and section, page 15, line 2 of said page, by striking “state lottery” and inserting in lieu thereof the following: “**gaming commission**”; and further amend line 7 of said page, by striking “state lottery” and inserting in lieu thereof the following: “**gaming commission**”; and further amend lines 13-14 of said page, by striking “state lottery” and inserting in lieu thereof the following: “**gaming commission**”; and further amend line 18 of said page, by striking “state lottery” and inserting in lieu thereof the following: “**gaming commission**”; and further amend line 26 of said page, by striking “state lottery” and inserting in lieu thereof the following: “**gaming commission**”.

Senator Sater moved that the above amendment be adopted.

At the request of Senator Hoskins, **SB 767**, with SCS, SS for SCS and **SA 2** (pending), was placed on the Informal Calendar.

Senator Koenig moved that **SB 612**, with SCS, SS for SCS and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

At the request of Senator Koenig, SS for SCS for **SB 612** was withdrawn, rendering **SA 2** moot.

Senator Koenig offered **SS No. 2** for SCS for **SB 612**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 612

An Act to amend chapters 135, 166, and 167, RSMo, by adding thereto twelve new sections relating to alternative education options for elementary and secondary education students, with penalty provisions and a contingent effective date.

Senator Koenig moved that **SS No. 2** for SCS for **SB 612** be adopted.

Senator Sifton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 612, Page 1, In the Title, Lines 3-4 of said title, by striking the following: “alternative education options for” and further amend line 5 of said title, by striking the word “students”; and further amend said line, by inserting immediately

after the word “provisions” the following: “, an emergency clause, a delayed effective date,”; and

Further amend said bill, page 9, section 135.719, line 1 of said page, by inserting immediately after said line the following:

“160.011. As used in chapters 160, 161, 162, 163, 164, 165, 167, 168, 170, 171, 177 and 178, the following terms mean:

(1) “District” or “school district”, when used alone, may include seven-director, urban, and metropolitan school districts;

(2) “Elementary school”, a public school giving instruction in a grade or grades not higher than the eighth grade;

(3) “Family literacy programs”, services of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in families that include:

(a) Interactive literacy activities between parents and their children;

(b) Training of parents regarding how to be the primary teacher of their children and full partners in the education of their children;

(c) Parent literacy training that leads to high school completion and economic self sufficiency; and

(d) An age-appropriate education to prepare children of all ages for success in school;

(4) “Graduation rate”, the [quotient of the number of graduates in the current year as of June thirtieth divided by the sum of the number of graduates in the current year as of June thirtieth plus the number of twelfth graders who dropped out in the current year plus the number of eleventh graders who dropped out in the preceding year plus the number of tenth graders who dropped out in the second preceding year plus the number of ninth graders who dropped out in the third preceding year] **graduation rate as defined by the Missouri school improvement program**;

(5) “High school”, a public school giving instruction in a grade or grades not lower than the ninth nor higher than the twelfth grade;

(6) “Metropolitan school district”, any school district the boundaries of which are coterminous with the limits of any city which is not within a county;

(7) “Public school” includes all elementary and high schools operated at public expense;

(8) “School board”, the board of education having general control of the property and affairs of any school district;

(9) “School term”, a minimum of one hundred seventy-four school days, as that term is defined in section 160.041, for schools with a five-day school week or a minimum of one hundred forty-two school days, as that term is defined in section 160.041, for schools with a four-day school week, and one thousand forty-four hours of actual pupil attendance as scheduled by the board pursuant to section 171.031 during a twelve-month period in which the academic instruction of pupils is actually and regularly carried on for a group of students in the public schools of any school district. **In school year 2018-19 and subsequent years, one thousand forty-four hours of actual pupil attendance shall also be required.** A school term may be within a school year or may consist of parts of two consecutive school years, but does not include

summer school. A district may choose to operate two or more terms for different groups of children. A school term for students participating in a school flex program as established in section 160.539 may consist of a combination of actual pupil attendance and attendance at college or technical career education or approved employment aligned with the student's career academic plan for a total of [one thousand forty-four] **the required number of hours as provided in this subdivision;**

(10) "Secretary", the secretary of the board of a school district;

(11) "Seven-director district", any school district which has seven directors and includes urban districts regardless of the number of directors an urban district may have unless otherwise provided by law;

(12) "Taxpayer", any individual who has paid taxes to the state or any subdivision thereof within the immediately preceding twelve-month period or the spouse of such individual;

(13) "Town", any town or village, whether or not incorporated, the plat of which has been filed in the office of the recorder of deeds of the county in which it is situated;

(14) "Urban school district", any district which includes more than half of the population or land area of any city which has not less than seventy thousand inhabitants, other than a city which is not within a county.

160.041. 1. The "minimum school day" consists of three hours for schools with a five-day school week or four hours for schools with a four-day school week in which the pupils are under the guidance and direction of teachers in the teaching process. A "school month" consists of four weeks of five days each for schools with a five-day school week or four weeks of four days each for schools with a four-day school week. The "school year" commences on the first day of July and ends on the thirtieth day of June following.

2. Notwithstanding the provisions of subsection 1 of this section, the commissioner of education is authorized to reduce the required number of hours [and] **or** days in which the pupils are under the guidance and direction of teachers in the teaching process if:

(1) There is damage to or destruction of a public school facility which requires the dual utilization of another school facility; or

(2) Flooding or other inclement weather as defined in subsection 1 of section 171.033 prevents students from attending the public school facility.

Such reduction shall not extend beyond two calendar years in duration.

160.410. 1. A charter school shall enroll:

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

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

(3) Nonresident pupils who transfer from an unaccredited district under section [167.131] **167.826**, provided that the charter school is an approved charter school, as defined in section [167.131] **167.826**, and subject to all other provisions of section [167.131] **167.826**;

(4) In the case of a charter school whose mission includes student drop-out prevention or recovery, any nonresident pupil from the same or an adjacent county who resides in a residential care facility, a transitional living group home, or an independent living program whose last school of enrollment is in the

school district where the charter school is established, who submits a timely application; and

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

2. If capacity is insufficient to enroll all pupils who submit a timely application, the charter school shall have an admissions process that assures all applicants of an equal chance of gaining admission and does not discriminate based on parents' ability to pay fees or tuition except that:

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

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

(3) Charter alternative and special purpose schools may also give a preference for admission to high-risk students, as defined in subdivision (5) of subsection 2 of section 160.405, when the school targets these students through its proposed mission, curriculum, teaching methods, and services.

3. A charter school shall not limit admission based on race, ethnicity, national origin, disability, income level, proficiency in the English language or athletic ability, but may limit admission to pupils within a given age group or grade level. Charter schools may limit admission based on gender only when the school is a single-gender school. Students of a charter school who have been enrolled for a full academic year shall be counted in the performance of the charter school on the statewide assessments in that calendar year, unless otherwise exempted as English language learners. For purposes of this subsection, "full academic year" means the last Wednesday in September through the administration of the Missouri assessment program test without transferring out of the school and re-enrolling.

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

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

(4) If a charter school is operated by a management company, a copy of the written contract between the governing board of the charter school and the educational management organization or the charter management organization for services. The charter school may charge reasonable fees, not to exceed the rate specified in section 610.026 for furnishing copies of documents under this subsection.

5. When a student attending a charter school who is a resident of the school district in which the charter

school is located moves out of the boundaries of such school district, the student may complete the current semester and shall be considered a resident student. The student's parent or legal guardian shall be responsible for the student's transportation to and from the charter school.

6. If a change in school district boundary lines occurs under section 162.223, 162.431, 162.441, or 162.451, or by action of the state board of education under section 162.081, including attachment of a school district's territory to another district or dissolution, such that a student attending a charter school prior to such change no longer resides in a school district in which the charter school is located, then the student may complete the current academic year at the charter school. The student shall be considered a resident student. The student's parent or legal guardian shall be responsible for the student's transportation to and from the charter school.

7. The provisions of sections 167.018 and 167.019 concerning foster children's educational rights are applicable to charter schools.

160.415. 1. For the purposes of calculation and distribution of state school aid under section 163.031, pupils enrolled in a charter school shall be included in the pupil enrollment of the school district within which each pupil resides. Each charter school shall report the names, addresses, and eligibility for free and reduced price lunch, special education, or limited English proficiency status, as well as eligibility for categorical aid, of pupils resident in a school district who are enrolled in the charter school to the school district in which those pupils reside. The charter school shall report the average daily attendance data, free and reduced price lunch count, special education pupil count, and limited English proficiency pupil count to the state department of elementary and secondary education. Each charter school shall promptly notify the state department of elementary and secondary education and the pupil's school district when a student discontinues enrollment at a charter school.

2. Except as provided in subsections 3 and 4 of this section, the aid payments for charter schools shall be as described in this subsection.

(1) A school district having one or more resident pupils attending a charter school shall pay to the charter school an annual amount equal to the product of the charter school's weighted average daily attendance and the state adequacy target, multiplied by the dollar value modifier for the district, plus local tax revenues per weighted average daily attendance from the incidental and teachers' funds in excess of the performance levy as defined in section 163.011 plus all other state aid attributable to such pupils.

(2) The district of residence of a pupil attending a charter school shall also pay to the charter school any other federal or state aid that the district receives on account of such child.

(3) If the department overpays or underpays the amount due to the charter school, such overpayment or underpayment shall be repaid by the public charter school or credited to the public charter school in twelve equal payments in the next fiscal year.

(4) The amounts provided pursuant to this subsection shall be prorated for partial year enrollment for a pupil.

(5) A school district shall pay the amounts due pursuant to this subsection as the disbursal agent and no later than twenty days following the receipt of any such funds. The department of elementary and secondary education shall pay the amounts due when it acts as the disbursal agent within five days of the required due date.

3. A workplace charter school shall receive payment for each eligible pupil as provided under subsection 2 of this section, except that if the student is not a resident of the district and is participating in a voluntary interdistrict transfer program, the payment for such pupils shall be the same as provided under section 162.1060.

4. A charter school that has declared itself as a local educational agency shall receive from the department of elementary and secondary education an annual amount equal to the product of the charter school's weighted average daily attendance and the state adequacy target, multiplied by the dollar value modifier for the district, plus local tax revenues per weighted average daily attendance from the incidental and teachers funds in excess of the performance levy as defined in section 163.011 plus all other state aid attributable to such pupils. If a charter school declares itself as a local educational agency, the department of elementary and secondary education shall, upon notice of the declaration, reduce the payment made to the school district by the amount specified in this subsection and pay directly to the charter school the annual amount reduced from the school district's payment.

5. If a school district fails to make timely payments of any amount for which it is the disbursal agent, the state department of elementary and secondary education shall authorize payment to the charter school of the amount due pursuant to subsection 2 of this section and shall deduct the same amount from the next state school aid apportionment to the owing school district. If a charter school is paid more or less than the amounts due pursuant to this section, the amount of overpayment or underpayment shall be adjusted equally in the next twelve payments by the school district or the department of elementary and secondary education, as appropriate. Any dispute between the school district and a charter school as to the amount owing to the charter school shall be resolved by the department of elementary and secondary education, and the department's decision shall be the final administrative action for the purposes of review pursuant to chapter 536. During the period of dispute, the department of elementary and secondary education shall make every administrative and statutory effort to allow the continued education of children in their current public charter school setting.

6. The charter school and a local school board may agree by contract for services to be provided by the school district to the charter school. The charter school may contract with any other entity for services. Such services may include but are not limited to food service, custodial service, maintenance, management assistance, curriculum assistance, media services and libraries and shall be subject to negotiation between the charter school and the local school board or other entity. Documented actual costs of such services shall be paid for by the charter school.

7. In the case of a proposed charter school that intends to contract with an education service provider for substantial educational services or management services, the request for proposals shall additionally require the charter school applicant to:

(1) Provide evidence of the education service provider's success in serving student populations similar to the targeted population, including demonstrated academic achievement as well as successful management of nonacademic school functions, if applicable;

(2) Provide a term sheet setting forth the proposed duration of the service contract; roles and responsibilities of the governing board, the school staff, and the service provider; scope of services and resources to be provided by the service provider; performance evaluation measures and time lines; compensation structure, including clear identification of all fees to be paid to the service provider; methods

of contract oversight and enforcement; investment disclosure; and conditions for renewal and termination of the contract;

(3) Disclose any known conflicts of interest between the school governing board and proposed service provider or any affiliated business entities;

(4) Disclose and explain any termination or nonrenewal of contracts for equivalent services for any other charter school in the United States within the past five years;

(5) Ensure that the legal counsel for the charter school shall report directly to the charter school's governing board; and

(6) Provide a process to ensure that the expenditures that the education service provider intends to bill to the charter school shall receive prior approval of the governing board or its designee.

8. A charter school may enter into contracts with community partnerships and state agencies acting in collaboration with such partnerships that provide services to children and their families linked to the school.

9. A charter school shall be eligible for transportation state aid pursuant to section 163.161 and shall be free to contract with the local district, or any other entity, for the provision of transportation to the students of the charter school.

10. (1) The proportionate share of state and federal resources generated by students with disabilities or staff serving them shall be paid in full to charter schools enrolling those students by their school district where such enrollment is through a contract for services described in this section. The proportionate share of money generated under other federal or state categorical aid programs shall be directed to charter schools serving such students eligible for that aid.

(2) A charter school shall provide the special services provided pursuant to section 162.705 and may provide the special services pursuant to a contract with a school district or any provider of such services.

11. A charter school may not charge tuition or impose fees that a school district is prohibited from charging or imposing, except that a charter school may receive tuition payments from districts in the same or an adjoining county for nonresident students who transfer to an approved charter school, as defined in section [167.131] **167.826**, from an unaccredited district.

12. A charter school is authorized to incur debt in anticipation of receipt of funds. A charter school may also borrow to finance facilities and other capital items. A school district may incur bonded indebtedness or take other measures to provide for physical facilities and other capital items for charter schools that it sponsors or contracts with. Except as otherwise specifically provided in sections 160.400 to 160.425, upon the dissolution of a charter school, any liabilities of the corporation will be satisfied through the procedures of chapter 355. A charter school shall satisfy all its financial obligations within twelve months of notice from the sponsor of the charter school's closure under subsection 8 of section 160.405. After satisfaction of all its financial obligations, a charter school shall return any remaining state and federal funds to the department of elementary and secondary education for disposition as stated in subdivision (17) of subsection 1 of section 160.405. The department of elementary and secondary education may withhold funding at a level the department determines to be adequate during a school's last year of operation until the department determines that school records, liabilities, and reporting requirements, including a full audit, are satisfied.

13. Charter schools shall not have the power to acquire property by eminent domain.

14. The governing body of a charter school is authorized to accept grants, gifts or donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or donation may not be accepted by the governing body if it is subject to any condition contrary to law applicable to the charter school or other public schools, or contrary to the terms of the charter.

162.081. 1. Whenever any school district in this state fails or refuses in any school year to provide for the minimum school term required by section 163.021 or is classified unaccredited, the state board of education shall, upon a district's initial classification or reclassification as unaccredited:

(1) Review the governance of the district to establish the conditions under which the existing school board shall continue to govern; or

(2) Determine the date the district shall lapse and determine an alternative governing structure for the district.

2. If at the time any school district in this state shall be classified as unaccredited, the department of elementary and secondary education shall conduct at least two public hearings at a location in the unaccredited school district regarding the accreditation status of the school district. The hearings shall provide an opportunity to convene community resources that may be useful or necessary in supporting the school district as it attempts to return to accredited status, continues under revised governance, or plans for continuity of educational services and resources upon its attachment to a neighboring district. The department may request the attendance of stakeholders and district officials to review the district's plan to return to accredited status, if any; offer technical assistance; and facilitate and coordinate community resources. Such hearings shall be conducted at least twice annually for every year in which the district remains unaccredited or provisionally accredited.

3. Upon classification of a district as unaccredited, the state board of education may:

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

(2) Lapse the corporate organization of **all or part of** the unaccredited district and:

(a) Appoint a special administrative board for the operation of all or part of the district. **If a special administrative board is appointed for the operation of a part of a school district, the state board of education shall determine an equitable apportionment of state and federal aid for the part of the district and the school district shall provide local revenue in proportion to the weighted average daily attendance of the part.** The number of members of the special administrative board shall not be less than five, the majority of whom shall be residents of the district. The members of the special administrative board shall reflect the population characteristics of the district and shall collectively possess strong experience in school governance, management and finance, and leadership. **The state board of education may appoint members of the district's elected school board to the special administrative board, but members of the elected school board shall not comprise more than forty-nine percent of the special administrative board's membership.** Within fourteen days after the appointment by the state board of education, the special administrative board shall organize by the election of a president, vice president, secretary and a treasurer, with their duties and organization as enumerated in section 162.301. The special administrative board shall appoint a superintendent of schools to serve as the chief executive officer of the school district, **or a subset of schools**, and to have all powers and duties of any other general superintendent of schools in

a seven-director school district. Any special administrative board appointed under this section shall be responsible for the operation of the district **or part of the district** until such time that the district is classified by the state board of education as provisionally accredited for at least two successive academic years, after which time the state board of education may provide for a transition pursuant to section 162.083; or

(b) Determine an alternative governing structure for the district including, at a minimum:

- a. A rationale for the decision to use an alternative form of governance and in the absence of the district's achievement of full accreditation, the state board of education shall review and recertify the alternative form of governance every three years;
- b. A method for the residents of the district to provide public comment after a stated period of time or upon achievement of specified academic objectives;
- c. Expectations for progress on academic achievement, which shall include an anticipated time line for the district to reach full accreditation; and
- d. Annual reports to the general assembly and the governor on the progress towards accreditation of any district that has been declared unaccredited and is placed under an alternative form of governance, including a review of the effectiveness of the alternative governance; or

(c) Attach the territory of the lapsed district to another district or districts for school purposes; or

(d) Establish one or more school districts within the territory of the lapsed district, with a governance structure specified by the state board of education, with the option of permitting a district to remain intact for the purposes of assessing, collecting, and distributing property taxes, to be distributed equitably on a weighted average daily attendance basis, but to be divided for operational purposes, which shall take effect sixty days after the adjournment of the regular session of the general assembly next following the state board's decision unless a statute or concurrent resolution is enacted to nullify the state board's decision prior to such effective date.

4. If a district remains under continued governance by the school board under subdivision (1) of subsection 3 of this section and either has been unaccredited for three consecutive school years and failed to attain accredited status after the third school year or has been unaccredited for two consecutive school years and the state board of education determines its academic progress is not consistent with attaining accredited status after the third school year, then the state board of education shall proceed under subdivision (2) of subsection 3 of this section in the following school year.

5. A special administrative board **or any other form of governance** appointed under this section shall retain the authority granted to a board of education for the operation of the lapsed school district under the laws of the state in effect at the time of the lapse and may enter into contracts with accredited school districts or other education service providers in order to deliver high-quality educational programs to the residents of the district. If a student graduates while attending a school building in the district that is operated under a contract with an accredited school district as specified under this subsection, the student shall receive his or her diploma from the accredited school district. The authority of the special administrative board **or any other form of governance appointed under this section** shall expire at the end of the third full school year following its appointment, unless extended by the state board of education. If the lapsed district is reassigned, the [special administrative board] **governing board prior to lapse** shall

provide an accounting of all funds, assets and liabilities of the lapsed district and transfer such funds, assets, and liabilities of the lapsed district as determined by the state board of education. Neither the special administrative board **nor any other form of governance appointed under this section** nor its members or employees shall be deemed to be the state or a state agency for any purpose, including section 105.711, et seq. The state of Missouri, its agencies and employees shall be absolutely immune from liability for any and all acts or omissions relating to or in any way involving the lapsed district, [the] a special administrative board, [its] **any other form of governance appointed under this section, or the members or employees of the lapsed district, a special administrative board, or any other form of governance appointed under this section**. Such immunities, and immunity doctrines as exist or may hereafter exist benefitting boards of education, their members and their employees shall be available to the special administrative board[, its] **or any other form of governance appointed under this section and the members and employees of the special administrative board or any other form of governance appointed under this section**.

6. Neither the special administrative board **nor any other form of governance appointed under this section** nor any district or other entity assigned territory, assets or funds from a lapsed district shall be considered a successor entity for the purpose of employment contracts, unemployment compensation payment pursuant to section 288.110, or any other purpose.

7. If additional teachers are needed by a district as a result of increased enrollment due to the annexation of territory of a lapsed or dissolved district, such district shall grant an employment interview to any permanent teacher of the lapsed or dissolved district upon the request of such permanent teacher.

8. In the event that a school district with an enrollment in excess of five thousand pupils lapses, no school district shall have all or any part of such lapsed school district attached without the approval of the board of the receiving school district.

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.**

10. **The provisions of subsection 9 of this section shall not apply to any district solely on the basis of financial difficulty resulting from paying tuition and providing transportation for transfer students under sections 167.826 and 167.827.**

162.1310. 1. For purposes of this section, “attendance center” means a public school building, public school buildings, or part of a public school building that offers education in a grade or grades not higher than the twelfth grade and that constitutes one unit for accountability and reporting purposes for the department of elementary and secondary education.

2. (1) If an attendance center receives two or more consecutive annual performance report scores consistent with a classification of unaccredited, the district in which the attendance center is located shall notify the parent or guardian of any student enrolled in the attendance center of the annual

performance report scores within fourteen business days.

(2) If the state board of education classifies any district as unaccredited, the district shall notify the parent or guardian of any student enrolled in the unaccredited district of the loss of accreditation within fourteen business days.

3. The district's notice shall include an explanation of which students may be eligible to transfer, the transfer process under sections 167.826 and 167.827, and any services students may be entitled to receive. The district's notice shall be written in a clear, concise, and easy-to-understand manner.

4. (1) If the notice concerns an attendance center's annual performance report scores, the district shall post the notice in a conspicuous and accessible place in the attendance center.

(2) If the notice concerns a district's loss of accreditation, the district shall post the notice in a conspicuous and accessible place in each district attendance center.

5. The district shall send any notice described under this section to each municipality located within the boundaries of the district.

163.021. 1. A school district shall receive state aid for its education program only if it:

(1) Provides for a minimum of one hundred seventy-four days and one thousand forty-four hours of actual pupil attendance in a term scheduled by the board pursuant to section 160.041 for each pupil or group of pupils, except that the board shall provide a minimum of one hundred seventy-four days and five hundred twenty-two hours of actual pupil attendance in a term for kindergarten pupils. If any school is dismissed because of inclement weather after school has been in session for three hours, that day shall count as a school day including afternoon session kindergarten students. When the aggregate hours lost in a term due to inclement weather decreases the total hours of the school term below the required minimum number of hours by more than twelve hours for all-day students or six hours for one-half-day kindergarten students, all such hours below the minimum must be made up in one-half day or full day additions to the term, except as provided in section 171.033. In school year 2018-19 and subsequent years, one thousand forty-four hours of actual pupil attendance shall be required for each pupil or group of pupils; except that, the board shall provide a minimum of five hundred twenty-two hours of actual pupil attendance in a term for kindergarten pupils;

(2) Maintains adequate and accurate records of attendance, personnel and finances, as required by the state board of education, which shall include the preparation of a financial statement which shall be submitted to the state board of education the same as required by the provisions of section 165.111 for districts;

(3) Levies an operating levy for school purposes of not less than one dollar and twenty-five cents after all adjustments and reductions on each one hundred dollars assessed valuation of the district; and

(4) Computes average daily attendance as defined in subdivision (2) of section 163.011 as modified by section 171.031. Whenever there has existed within the district an infectious disease, contagion, epidemic, plague or similar condition whereby the school attendance is substantially reduced for an extended period in any school year, the apportionment of school funds and all other distribution of school moneys shall be made on the basis of the school year next preceding the year in which such condition existed.

2. For the 2006-07 school year and thereafter, no school district shall receive more state aid, as

calculated under subsections 1 and 2 of section 163.031, for its education program, exclusive of categorical add-ons, than it received per weighted average daily attendance for the school year 2005-06 from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts, unless it has an operating levy for school purposes, as determined pursuant to section 163.011, of not less than two dollars and seventy-five cents after all adjustments and reductions. Any district which is required, pursuant to Article X, Section 22 of the Missouri Constitution, to reduce its operating levy below the minimum tax rate otherwise required under this subsection shall not be construed to be in violation of this subsection for making such tax rate reduction. Pursuant to Section 10(c) of Article X of the state constitution, a school district may levy the operating levy for school purposes required by this subsection less all adjustments required pursuant to Article X, Section 22 of the Missouri Constitution if such rate does not exceed the highest tax rate in effect subsequent to the 1980 tax year. Nothing in this section shall be construed to mean that a school district is guaranteed to receive an amount not less than the amount the school district received per eligible pupil for the school year 1990-91. The provisions of this subsection shall not apply to any school district located in a county of the second classification which has a nuclear power plant located in such district or to any school district located in a county of the third classification which has an electric power generation unit with a rated generating capacity of more than one hundred fifty megawatts which is owned or operated or both by a rural electric cooperative except that such school districts may levy for current school purposes and capital projects an operating levy not to exceed two dollars and seventy-five cents less all adjustments required pursuant to Article X, Section 22 of the Missouri Constitution.

3. No school district shall receive more state aid, as calculated in section 163.031, for its education program, exclusive of categorical add-ons, than it received per eligible pupil for the school year 1993-94, if the state board of education determines that the district was not in compliance in the preceding school year with the requirements of section 163.172, until such time as the board determines that the district is again in compliance with the requirements of section 163.172.

4. No school district shall receive state aid, pursuant to section 163.031, if such district was not in compliance, during the preceding school year, with the requirement, established pursuant to section 160.530 to allocate revenue to the professional development committee of the district.

5. No school district shall receive more state aid, as calculated in subsections 1 and 2 of section 163.031, for its education program, exclusive of categorical add-ons, than it received per weighted average daily attendance for the school year 2005-06 from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts, if the district did not comply in the preceding school year with the requirements of subsection 5 of section 163.031.

6. Any school district that levies an operating levy for school purposes that is less than the performance levy, as such term is defined in section 163.011, shall provide written notice to the department of elementary and secondary education asserting that the district is providing an adequate education to the students of such district. If a school district asserts that it is not providing an adequate education to its students, such inadequacy shall be deemed to be a result of insufficient local effort. The provisions of this subsection shall not apply to any special district established under sections 162.815 to 162.940.

163.073. 1. When an education program, as approved under section 219.056, is provided for pupils by the division of youth services in one of the facilities operated by the division for children who have been assigned there by the courts, the division of youth services shall be entitled to state aid for pupils being

educated by the division of youth services in an amount to be determined as follows: the total amount apportioned to the division of youth services shall be an amount equal to the average per weighted average daily attendance amount apportioned for the preceding school year under section 163.031, multiplied by the number of full-time equivalent students served by facilities operated by the division of youth services. The number of full-time equivalent students shall be determined by dividing by one hundred seventy-four days the number of student-days of education service provided by the division of youth services to elementary and secondary students who have been assigned to the division by the courts and who have been determined as inappropriate for attendance in a local public school. A student day shall mean one day of education services provided for one student. **In school year 2018-19 and subsequent years, the number of full-time equivalent students shall be the quotient of the number of student-hours of education service provided by the division of youth services to elementary and secondary students who have been assigned to the division by the courts, and who have been determined as inappropriate for attendance in a local public school, divided by one thousand forty-four hours. A student hour shall mean one hour of education services provided for one student.** In addition, other provisions of law notwithstanding, the division of youth services shall be entitled to funds under section 163.087. The number of full-time equivalent students as defined in this section shall be considered as "September membership" and as "average daily attendance" for the apportioning of funds under section 163.087.

2. The educational program approved under section 219.056 as provided for pupils by the division of youth services shall qualify for funding for those services provided to handicapped or severely handicapped children. The department of elementary and secondary education shall cooperate with the division of youth services in arriving at an equitable funding for the services provided to handicapped children in the facilities operated by the division of youth services.

3. Each local school district or special school district constituting the domicile of a child placed in programs or facilities operated by the division of youth services or residing in another district pursuant to assignment by the division of youth services shall pay toward the per pupil cost of educational services provided by the serving district or agency an amount equal to the average sum produced per child by the local tax effort of that district. A special school district shall pay the average sum produced per child by the local tax efforts of the component districts. This amount paid by the local school district or the special school district shall be on the basis of full-time equivalence as determined in section 163.011, not to exceed the actual per pupil local tax effort."; and

Further amend said bill, page 20, section 167.125, line 5 of said page, by inserting after all of said line the following:

"167.131. 1. The board of education of each district in this state that does not maintain [an accredited] **a high school** [pursuant to the authority of the state board of education to classify schools as established in section 161.092] **offering work through the twelfth grade** shall pay [the] tuition [of] as calculated by the receiving district under subsection 2 of this section and provide transportation consistent with the provisions of section 167.241 for each pupil resident therein **who has completed the work of the highest grade offered in the schools of the district and** who attends an accredited **public high school** in another district of the same or an adjoining county [or who attends an approved charter school in the same or an adjoining county].

2. The rate of tuition to be charged by the district attended and paid by the sending district is the per pupil cost of maintaining the district's grade level grouping which includes the school attended. [The rate

of tuition to be charged by the approved charter school attended and paid by the sending district is the per pupil cost of maintaining the approved charter school's grade level grouping. For a district, [The cost of maintaining a grade level grouping shall be determined by the board of education of the district but in no case shall it exceed all amounts spent for teachers' wages, incidental purposes, debt service, maintenance and replacements. [For an approved charter school, the cost of maintaining a grade level grouping shall be determined by the approved charter school but in no case shall it exceed all amounts spent by the district in which the approved charter school is located for teachers' wages, incidental purposes, debt service, maintenance, and replacements.] The term "debt service", as used in this section, means expenditures for the retirement of bonded indebtedness and expenditures for interest on bonded indebtedness. Per pupil cost of the grade level grouping shall be determined by dividing the cost of maintaining the grade level grouping by the average daily pupil attendance. If there is disagreement as to the amount of tuition to be paid, the facts shall be submitted to the state board of education, and its decision in the matter shall be final. Subject to the limitations of this section, each pupil shall be free to attend the public school of his or her choice.

[3. For purposes of this section, "approved charter school" means a charter school that has existed for less than three years or a charter school with a three-year average score of seventy percent or higher on its annual performance report.]

167.132. 1. For purposes of this section, the following terms mean:

(1) "Receiving approved charter school", an approved charter school, as defined under section 167.826, receiving transfer students under section 167.826;

(2) "Receiving district", a school district receiving transfer students under section 167.826;

(3) "Sending district", a school district from which students are transferring to a receiving district or approved charter school, as allowed under section 167.826;

(4) "State adequacy target", the same meaning given to the term under section 163.011.

2. Notwithstanding any other provision of law, the tuition rate paid by a sending district to the receiving district or the receiving approved charter school for transfer students shall be the lesser of:

(1) The tuition rate set by the receiving district or the receiving approved charter school under the policy adopted in accordance with section 167.826; or

(2) The state adequacy target plus the average sum produced per child by the local tax effort above the state adequacy target of the sending district.

167.151. 1. The school board of any district, in its discretion, may admit to the school pupils not entitled to free instruction and prescribe the tuition fee to be paid by them, except as provided in sections 167.121 [and], 167.131, 167.132, and 167.826.

2. Orphan children, children with only one parent living, and children whose parents do not contribute to their support—if the children are between the ages of six and twenty years and are unable to pay tuition—may attend the schools of any district in the state in which they have a permanent or temporary home without paying a tuition fee.

3. Any person who pays a school tax in any other district than that in which he resides may send his children to any public school in the district in which the tax is paid and receive as a credit on the amount

charged for tuition the amount of the school tax paid to the district; except that any person who owns real estate of which eighty acres or more are used for agricultural purposes and upon which his residence is situated may send his children to public school in any school district in which a part of such real estate, contiguous to that upon which his residence is situated, lies and shall not be charged tuition therefor; so long as thirty-five percent of the real estate is located in the school district of choice. The school district of choice shall count the children in its average daily attendance for the purpose of distribution of state aid through the foundation formula.

4. Any owner of agricultural land who, pursuant to subsection 3 of this section, has the option of sending his children to the public schools of more than one district shall exercise such option as provided in this subsection. Such person shall send written notice to all school districts involved specifying to which school district his children will attend by June thirtieth in which such a school year begins. If notification is not received, such children shall attend the school in which the majority of his property lies. Such person shall not send any of his children to the public schools of any district other than the one to which he has sent notice pursuant to this subsection in that school year or in which the majority of his property lies without paying tuition to such school district.

5. If a pupil is attending school in a district other than the district of residence and the pupil's parent is teaching in the school district or is a regular employee of the school district which the pupil is attending, then the district in which the pupil attends school shall allow the pupil to attend school upon payment of tuition in the same manner in which the district allows other pupils not entitled to free instruction to attend school in the district. The provisions of this subsection shall apply only to pupils attending school in a district which has an enrollment in excess of thirteen thousand pupils and not in excess of fifteen thousand pupils and which district is located in a county of the first classification with a charter form of government which has a population in excess of six hundred thousand persons and not in excess of nine hundred thousand persons.

167.225. 1. As used in this section, the following terms mean:

(1) [“Blind persons”, individuals who:

(a) Have a visual acuity of 20/200 or less in the better eye with conventional correction, or have a limited field of vision such that the widest diameter of the visual field subtends an angular distance not greater than twenty degrees; or

(b) Have a reasonable expectation of visual deterioration; or

(c) Cannot read printed material at a competitive rate of speed and with facility due to lack of visual acuity;]**“Assessment”, the National Reading Media Assessment or another research-based, assessment or series of research-based, assessments authorized under the Individuals with Disabilities Education Act that determines a student’s reading and writing skills, needs, and appropriate reading and writing media, both now and in the future, and addresses the student’s academic and functional strengths, deficits, and future needs;**

(2) “Braille”, the system of reading and writing through touch [commonly known as standard English braille];

(3) “Student”, any student who [is blind or any student eligible for special education services for visually impaired as defined in P.L. 94-142] **has an impairment in vision that, even with correction, adversely**

affects a child's educational performance and who is determined eligible for special education services under the Individuals with Disabilities Education Act.

2. All students [may] **shall** receive instruction in braille reading and writing as part of their individualized education plan **unless, as a result of an assessment, instruction in braille or the use of braille is determined not appropriate for the student.** No student shall be denied the opportunity of instruction in braille reading and writing solely because the student has some remaining vision.

3. Instruction in braille reading and writing shall be sufficient to enable each student to communicate effectively and efficiently at a level commensurate with his sighted peers of comparable grade level and intellectual functioning. The student's individualized education plan shall specify:

(1) How braille will be implemented as the primary mode for learning through integration with normal classroom activities. If braille will not be provided to a child who is blind, the reason for not incorporating it in the individualized education plan shall be documented therein;

(2) The date on which braille instruction will commence;

(3) The level of competency in braille reading and writing to be achieved by the end of the period covered by the individualized education plan; and

(4) The duration of each session.

4. As part of the certification process, teachers certified in the education of blind and visually impaired children shall be required to demonstrate competence in reading and writing braille. The department of elementary and secondary education shall adopt assessment procedures to assess such competencies which are consistent with standards adopted by the National Library Service for the Blind and Physically Handicapped, Library of Congress, Washington, D. C.

167.241. 1. Except as otherwise provided under this section, transportation for pupils whose tuition the district of residence is required to pay by section 167.131 or who are assigned as provided in section 167.121 shall be provided by the district of residence[; however,].

2. In the case of pupils covered by section 167.131, the district of residence shall be required to provide transportation only to [approved charter schools as defined in section 167.131,] school districts accredited by the state board of education pursuant to the authority of the state board of education to classify schools as established in section 161.092, and those school districts designated by the board of education of the district of residence.

3. (1) For purposes of this subsection, “approved charter school” has the same meaning given to the term under section 167.826.

(2) For pupils covered by section 167.826, the district of residence shall be required to provide transportation only to school districts or approved charter schools designated by the department of elementary and secondary education or its designee. For pupils covered by section 167.826, the department of elementary and secondary education or its designee shall designate at least one accredited district or approved charter school to which the district of residence shall provide transportation. If the designated district or charter school reaches full student capacity and is unable to receive additional students, the department of elementary and secondary education or its designee shall designate at least one additional accredited district or approved charter school to which the

district of residence shall provide transportation.

167.266. 1. Beginning with the 2018-19 school year, the board of education of a school district or a charter school that is a local educational agency may establish an academic and career counseling program in cooperation with parents and the local community that is in the best interest of and meets the needs of students in the community. School districts and local educational agencies may use the Missouri comprehensive guidance and counseling program as a resource for the development of a district's or local educational agency's program. The department of elementary and secondary education shall develop a process for recognition of a school district's academic and career counseling program established in cooperation with parents and the local community no later than January 1, 2019.

2. The state board of education shall promulgate rules and regulations for the implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

167.826. 1. For purposes of this section and section 167.827, the following terms mean:

(1) "Approved charter school", a charter school that has existed for less than three years or a charter school with a three-year average score consistent with a classification of accredited without provisions on its annual performance report;

(2) "Attendance center", a public school building, public school buildings, or part of a public school building that offers education in a grade or grades not higher than the twelfth grade and that constitutes one unit for accountability and reporting purposes for the department of elementary and secondary education;

(3) "Available receiving district", a school district able to receive transfer students under this section;

(4) "Receiving district", a school district receiving transfer students under this section;

(5) "Sending district", a school district from which students are transferring to a receiving district or approved charter school, as allowed under this section.

2. (1) Any student may transfer to another public school in the student's district of residence if such student is enrolled in and has attended, for the full semester immediately prior to requesting the transfer, an attendance center:

(a) That is located within an unaccredited district; and

(b) That has an annual performance report score consistent with a classification of unaccredited.

However, no such transfer shall result in a class size and assigned enrollment in a receiving school that exceeds the standards for class size and assigned enrollment as promulgated in the Missouri

school improvement program's resource standards. If the student chooses to attend a magnet school, an academically selective school, or a school with a competitive entrance process within his or her district of residence that has admissions requirements, the student shall meet the admissions requirements in order to attend.

(2) The school board of each unaccredited district shall determine the capacity at each of the district's attendance centers that has an annual performance report score consistent with a classification of accredited. The district's school board shall be responsible for coordinating transfers within the district as allowed under this subsection.

(3) The school board of each unaccredited district shall annually report to the department of elementary and secondary education or its designee the number of available slots in attendance centers within the district that have annual performance report scores consistent with a classification of accredited, the number of students who request to transfer within the district, and the number of such transfer requests that are granted.

3. (1) Any student who is eligible to transfer within his or her district under subsection 2 of this section but who is unable to do so due to a lack of capacity in the attendance centers in his or her district of residence may apply to the department of elementary and secondary education or its designee to transfer to:

(a) An attendance center:

a. That is located within an accredited district that is located in the same or an adjoining county; and

b. That has an annual performance report score consistent with a classification of accredited; or

(b) An approved charter school located in another district in the same or an adjoining county.

(2) A student who is eligible to begin kindergarten or first grade at an attendance center:

(a) That is located within an unaccredited district;

(b) That has an annual performance report score consistent with a classification of unaccredited; and

(c) That offers classes above the second grade level

may apply to the department of elementary and secondary education or its designee for a transfer to a school described under paragraph (a) or (b) of subdivision (1) of this subsection if he or she resides in the attendance area of the attendance center described under this subdivision on March first preceding the school year of first attendance. A student who does not apply by March first for enrollment in any school year after the 2018-19 school year shall be required to enroll and attend the attendance center described under this subdivision for one semester to become eligible.

(3) If a student who is eligible to transfer under this subsection chooses to apply to attend a magnet school, an academically selective school, or a school with a competitive entrance process that has admissions requirements, the student shall furnish proof that he or she meets the admissions requirements.

(4) Any student who does not maintain residency in the attendance area of his or her attendance center in the district of residence shall lose eligibility to transfer.

(5) Except as provided under subsection 7 of this section, any student who transfers but later withdraws shall lose eligibility to transfer.

(6) The transfer provisions of this subsection shall not apply to a district created under sections 162.815 to 162.840 or to any early childhood programs or early childhood special education programs.

4. (1) No student enrolled in and attending an attendance center that does not offer classes above the second grade level shall be eligible to transfer under this section.

(2) No student who is eligible to begin kindergarten or first grade at an attendance center that does not offer classes above the second grade level shall be eligible to transfer under this section.

5. (1) (a) No provisionally accredited district shall be eligible to receive transfer students.

(b) Except as provided under paragraph (c) of this subdivision, no attendance center that has an annual performance report score consistent with a classification of provisionally accredited shall be eligible to receive transfer students.

(c) A transfer student who chooses to attend an attendance center that has an annual performance report score consistent with a classification of provisionally accredited and that is located within his or her unaccredited district of residence shall be allowed to transfer to such attendance center if there is an available slot.

(2) (a) No unaccredited district shall be eligible to receive transfer students.

(b) No attendance center that has an annual performance report score consistent with a classification of unaccredited shall be eligible to receive transfer students.

(3) No district or attendance center that has received two consecutive annual performance reports consistent with a classification of provisionally accredited for the years immediately preceding the year in which it seeks to enroll transfer students shall be eligible to receive any transfer students, irrespective of its state board of education classification designation; except that, any student who was granted a transfer to such a district or attendance center prior to the effective date of this section may remain enrolled in that district or attendance center.

6. Notwithstanding the provisions of subsection 5 of this section, a student may transfer to an attendance center:

(1) That is located within an unaccredited or provisionally accredited district; and

(2) That has an annual performance report score consistent with a classification of accredited if the attendance center applies for and is granted a waiver by the department of elementary and secondary education or its designee to allow the attendance center to accept transfer students.

7. If a receiving district becomes unaccredited or provisionally accredited, or if an approved charter school loses its status as an approved charter school, any students who previously transferred to the district or charter school shall receive the opportunity to remain enrolled in the district or charter school or to transfer to another district or approved charter school without losing their

eligibility to transfer.

8. For a receiving district, no acceptance of a transfer student shall require any of the following actions, unless the board of education of the receiving district has approved the action:

- (1) The hiring of additional classroom teachers; or**
- (2) The construction of additional classrooms.**

9. (1) By July 15, 2018, the board of education of each available receiving district and the governing board of each approved charter school eligible to receive transfer students under this section shall set the number of transfer students the district or charter school is able to receive for the 2018-19 school year.

(2) By February first annually, the board of education of each available receiving district and the governing board of each approved charter school eligible to receive transfer students under this section shall set the number of transfer students the district or charter school is able to receive for the following school year.

(3) An available receiving district or approved charter school eligible to receive transfer students under this section shall publish the number set under this subsection and shall not be required to accept any transfer students under this section that would cause it to exceed the published number.

10. (1) Each available receiving district shall adopt a policy establishing a tuition rate for transfer students by February first annually.

(2) Each approved charter school eligible to receive transfer students under this section shall adopt a policy establishing a tuition rate for transfer students by February first annually.

(3) A sending district shall pay the receiving district or the approved charter school the amount specified under section 167.132 for each transfer student.

11. If an unaccredited district becomes classified as provisionally accredited or accredited without provisions by the state board of education, or if an attendance center within an unaccredited district improves its annual performance report score from a score that is consistent with a classification of unaccredited to a score that is consistent with a classification of provisionally accredited or accredited, any resident student of the unaccredited district who has transferred to an approved charter school or to an accredited district in the same or an adjoining county, as allowed under subsection 3 of this section, shall be permitted to continue his or her educational program in the receiving district or charter school through the completion of middle school, junior high school, or high school, whichever occurs first; except that, a student who attends any school serving students through high school graduation but starting at grades lower than ninth grade shall be permitted to complete high school in the school to which he or she has transferred.

12. Notwithstanding the provisions of subsection 10 of this section, if costs associated with the provision of special education and related services to a student with a disability exceed the tuition amount established under this section, the unaccredited district shall remain responsible for paying the excess cost to the receiving district. If the receiving district is a component district of a special school district, the unaccredited district, including any metropolitan school district, shall contract with the special school district for the entirety of the costs to provide special education and related

services, excluding transportation in accordance with this section. The special school district may contract with an unaccredited district, including any metropolitan district, for the provision of transportation of a student with a disability or the unaccredited district may provide transportation on its own.

13. A special school district shall continue to provide special education and related services, with the exception of transportation under this section, to a student with a disability transferring from an attendance center with an annual performance report score consistent with a classification of unaccredited that is within a component district to an attendance center with an annual performance report score consistent with a classification of accredited that is within the same or a different component district within the special school district.

14. If any metropolitan school district is classified as unaccredited, it shall remain responsible for the provision of special education and related services, including transportation, to students with disabilities. A special school district in an adjoining county to a metropolitan school district may contract with the metropolitan school district for the reimbursement of special education services under sections 162.705 and 162.710 provided by the special school district for transfer students who are residents of the unaccredited district.

15. Regardless of whether transportation is identified as a related service within a student's individualized education program, a receiving district that is not part of a special school district shall not be responsible for providing transportation to a student transferring under this section. An unaccredited district may contract with a receiving district that is not part of a special school district under sections 162.705 and 162.710 for transportation of students with disabilities.

16. If a seven-director school district or urban school district is classified as unaccredited, it may contract with a receiving district that is not part of a special school district in the same or an adjoining county for the reimbursement of special education and related services under sections 162.705 and 162.710 provided by the receiving district for transfer students who are residents of the unaccredited district.

167.827. 1. (1) By July 15, 2018, and by January first annually, each accredited district, any portion of which is located in the same county as or in an adjoining county to an unaccredited district, shall report to the department of elementary and secondary education or its designee the number of available enrollment slots by grade level.

(2) By July 15, 2018, and by January first annually, each unaccredited district shall report to the department of elementary and secondary education or its designee the number of available enrollment slots in the schools of its district that have received annual performance report scores consistent with a classification of accredited.

(3) By July 15, 2018, and by January first annually, each approved charter school that is eligible to receive transfer students under section 167.826 shall report to the department of elementary and secondary education or its designee the number of available enrollment slots.

2. The department of elementary and secondary education or its designee shall make information and assistance available to parents or guardians who intend to transfer their child to an accredited district or to an approved charter school as described under section 167.826.

3. The parent or guardian of a student who intends to transfer his or her child to an accredited district or to an approved charter school as described under section 167.826 for enrollment in that district or charter school in any school year after the 2018-19 school year shall send initial notification to the department of elementary and secondary education or its designee by March first for enrollment in the subsequent school year.

4. The department of elementary and secondary education or its designee shall assign those students who seek to transfer to an accredited district or to an approved charter school as described under section 167.826. When assigning transfer students to approved charter schools, the department of elementary and secondary education or its designee shall coordinate with each approved charter school and its admissions process if capacity is insufficient to enroll all students who submit a timely application. An approved charter school shall not be required to institute a lottery procedure for determining the admission of resident students. The department of elementary and secondary education or its designee shall give first priority to students who live in the same household with any family member within the first or second degree of consanguinity or affinity who already attends a school with an annual performance report score consistent with a classification of accredited and who apply to attend the same school. If insufficient grade-appropriate enrollment slots are available for a student to be able to transfer, the student shall receive first priority the following school year. The department of elementary and secondary education or its designee shall consider the following factors in assigning schools, with the student's or parent's choice as the most important factor:

- (1) The student's or parent's choice of the receiving school;**
- (2) The best interests of the student;**
- (3) The availability of transportation funding, as provided under section 167.241; and**
- (4) Distance and travel time to a receiving school.**

The department of elementary and secondary education or its designee shall not consider student academic performance, free and reduced price lunch status, or athletic ability in assigning a student to a school.

5. (1) The department of elementary and secondary education or its designee may deny a transfer to a student who in the most recent school year has been suspended from school two or more times or who has been suspended for an act of school violence under subsection 2 of section 160.261. A student whose transfer is initially precluded under this subsection may be permitted to transfer on a provisional basis as a probationary transfer student, subject to no further disruptive behavior, upon a statement from the student's current school that the student is not disruptive. A student who is denied a transfer under this subsection has the right to an in-person meeting with an employee of the department of elementary and secondary education or its designee.

(2) The department of elementary and secondary education shall promulgate rules to provide common standards for determining disruptive behavior that shall include, but not be limited to, criteria under section 160.261. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly

pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.

167.890. 1. The department of elementary and secondary education shall compile and maintain student performance data scores of all students enrolled in districts other than their resident districts as provided under section 167.826 and make such data available on the Missouri comprehensive data system. No personally identifiable data shall be accessible on the database.

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

168.133. 1. The school district shall ensure that a criminal background check is conducted on any person employed after January 1, 2005, authorized to have contact with pupils and prior to the individual having contact with any pupil. Such persons include, but are not limited to, administrators, teachers, aides, paraprofessionals, assistants, secretaries, custodians, cooks, and nurses. The school district shall also ensure that a criminal background check is conducted for school bus drivers. The district may allow such drivers to operate buses pending the result of the criminal background check. For bus drivers, the school district shall be responsible for conducting the criminal background check on drivers employed by the school district. For drivers employed by a pupil transportation company, a municipality, or any other entity under contract with the school district, the criminal background check shall be conducted pursuant to section 43.540 and conform to the requirements established in the National Child Protection Act of 1993, as amended by the Volunteers for Children Act. Personnel who have successfully undergone a criminal background check and a check of the family care safety registry as part of the professional license application process under section 168.021 and who have received clearance on the checks within one prior year of employment shall be considered to have completed the background check requirement. A criminal background check under this section shall include a search of any information publicly available in an electronic format through a public index or single case display.

2. In order to facilitate the criminal history background check, the applicant shall submit a set of fingerprints collected pursuant to standards determined by the Missouri highway patrol. The fingerprints shall be used by the highway patrol to search the criminal history repository and shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files.

3. The applicant shall pay the fee for the state criminal history record information pursuant to section 43.530 and sections 210.900 to 210.936 and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record when he or she applies for a position authorized to have contact with pupils pursuant to this section. The department shall distribute the fees collected for the state and federal criminal histories to the Missouri highway patrol.

4. The department of elementary and secondary education shall facilitate an annual check of employed persons holding current active certificates under section 168.021 against criminal history records in the central repository under section 43.530, the sexual offender registry under sections 589.400 to 589.475, and

child abuse central registry under sections 210.109 to 210.183. The department of elementary and secondary education shall facilitate procedures for school districts to submit personnel information annually for persons employed by the school districts who do not hold a current valid certificate who are required by subsection 1 of this section to undergo a criminal background check, sexual offender registry check, and child abuse central registry check. The Missouri state highway patrol shall provide ongoing electronic updates to criminal history background checks of those persons previously submitted, both those who have an active certificate and those who do not have an active certificate, by the department of elementary and secondary education. This shall fulfill the annual check against the criminal history records in the central repository under section 43.530.

5. The school district may adopt a policy to provide for reimbursement of expenses incurred by an employee for state and federal criminal history information pursuant to section 43.530.

6. If, as a result of the criminal history background check mandated by this section, it is determined that the holder of a certificate issued pursuant to section 168.021 has pled guilty or nolo contendere to, or been found guilty of a crime or offense listed in section 168.071, or a similar crime or offense committed in another state, the United States, or any other country, regardless of imposition of sentence, such information shall be reported to the department of elementary and secondary education.

7. Any school official making a report to the department of elementary and secondary education in conformity with this section shall not be subject to civil liability for such action.

8. For any teacher who is employed by a school district on a substitute or part-time basis within one year of such teacher's retirement from a Missouri school, the state of Missouri shall not require such teacher to be subject to any additional background checks prior to having contact with pupils. Nothing in this subsection shall be construed as prohibiting or otherwise restricting a school district from requiring additional background checks for such teachers employed by the school district.

9. A criminal background check and fingerprint collection conducted under subsections 1 and 2 of this section shall be valid for at least a period of one year and transferrable from one school district to another district. A school district may, in its discretion, conduct a new criminal background check and fingerprint collection under subsections 1 and 2 for a newly hired employee at the district's expense. A teacher's change in type of certification shall have no effect on the transferability or validity of such records.

10. Nothing in this section shall be construed to alter the standards for suspension, denial, or revocation of a certificate issued pursuant to this chapter.

11. The state board of education may promulgate rules for criminal history background checks made pursuant to this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 1, 2005, shall be invalid and void.

171.031. 1. Each school board shall prepare annually a calendar for the school term, specifying the opening date, **days of planned attendance**, and providing a minimum term of at least one hundred seventy-four days for schools with a five-day school week or one hundred forty-two days for schools with a four-day school week, and one thousand forty-four hours of actual pupil attendance. **In school year 2018-**

19 and subsequent years, one thousand forty-four hours of actual pupil attendance shall be required for the school term. In addition, such calendar shall include six make-up days for possible loss of attendance due to inclement weather as defined in subsection 1 of section 171.033. **In school year 2018-19 and subsequent years, such calendar shall include thirty-six make-up hours for possible loss of attendance due to inclement weather, as defined in subsection 1 of section 171.033, with no minimum number of make-up days.**

2. Each local school district may set its opening date each year, which date shall be no earlier than ten calendar days prior to the first Monday in September. No public school district shall select an earlier start date unless, **for school years before school year 2018-19**, the district follows the procedure set forth in subsection 3 of this section. **The procedure set forth in subsection 3 of this section shall be unavailable to school districts in preparing their calendars for school year 2018-19 and for subsequent years.**

3. **For calendars for school years before school year 2018-19**, a district may set an opening date that is more than ten calendar days prior to the first Monday in September only if the local school board first gives public notice of a public meeting to discuss the proposal of opening school on a date more than ten days prior to the first Monday in September, and the local school board holds said meeting and, at the same public meeting, a majority of the board votes to allow an earlier opening date. If all of the previous conditions are met, the district may set its opening date more than ten calendar days prior to the first Monday in September. The condition provided in this subsection must be satisfied by the local school board each year that the board proposes an opening date more than ten days before the first Monday in September.

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

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

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

[7. No school day for schools with a five-day school week shall be longer than seven hours except for vocational schools which may adopt an eight-hour day in a metropolitan school district and a school district in a first class county adjacent to a city not within a county, and any school that adopts a four-day school week in accordance with section 171.029.]

171.033. 1. “Inclement weather”, for purposes of this section, shall be defined as ice, snow, extreme cold, flooding, or a tornado, but such term shall not include excessive heat.

2. (1) A district shall be required to make up the first six days of school lost or cancelled due to inclement weather and half the number of days lost or cancelled in excess of six days if the makeup of the days is necessary to ensure that the district’s students will attend a minimum of one hundred forty-two days and a minimum of one thousand forty-four hours for the school year except as otherwise provided in this section. Schools with a four-day school week may schedule such make-up days on Fridays.

(2) **Notwithstanding subdivision (1) of this subsection, in school year 2018-19 and subsequent years, a district shall be required to make up the first thirty-six hours of school lost or cancelled due**

to inclement weather and half the number of hours lost or cancelled in excess of thirty-six if the makeup of the hours is necessary to ensure that the district's students attend a minimum of one thousand forty-four hours for the school year, except as otherwise provided under subsections 3 and 4 of this section.

3. (1) In the 2009-10 school year and subsequent years, a school district may be exempt from the requirement to make up days of school lost or cancelled due to inclement weather in the school district when the school district has made up the six days required under subsection 2 of this section and half the number of additional lost or cancelled days up to eight days, resulting in no more than ten total make-up days required by this section.

(2) In school year 2018-19 and subsequent years, a school district may be exempt from the requirement to make up school lost or cancelled due to inclement weather in the school district when the school district has made up the thirty-six hours required under subsection 2 of this section and half the number of additional lost or cancelled hours up to forty-eight, resulting in no more than sixty total make-up hours required by this section.

4. The commissioner of education may provide, for any school district [in which schools are in session for twelve months of each calendar year] that cannot meet the minimum school calendar requirement of at least one hundred seventy-four days for schools with a five-day school week or one hundred forty-two days for schools with a four-day school week and one thousand forty-four hours of actual pupil attendance **or, in school year 2018-19 and subsequent years, one thousand forty-four hours of actual pupil attendance**, upon request, a waiver to be excused from such requirement. This waiver shall be requested from the commissioner of education and may be granted if the school was closed due to circumstances beyond school district control, including inclement weather, flooding or fire.

304.060. 1. The state board of education shall adopt and enforce regulations not inconsistent with law to cover the design and operation of all school buses used for the transportation of school children when owned and operated by any school district or privately owned and operated under contract with any school district in this state, and such regulations shall by reference be made a part of any such contract with a school district. The state board of education may adopt rules and regulations governing the use of other vehicles owned by a district or operated under contract with any school district in this state and used for the purpose of transporting school children. The operator of such vehicle shall be licensed in accordance with section 302.272, and such vehicle shall transport no more children than the manufacturer suggests as appropriate for such vehicle. The state board of education may also adopt rules and regulations governing the use of authorized common carriers for the transportation of students on field trips or other special trips for educational purposes. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to such regulations. The state board of education shall cooperate with the state transportation department and the state highway patrol in placing suitable warning signs at intervals on the highways of the state.

2. Notwithstanding the provisions of subsection 1 of this section, any school board in the state of Missouri may contract with any municipality for the purpose of transporting school children. Municipalities entering into any such contract shall comply with the requirements of this section and sections 162.064, 162.065, 168.133, and 307.375.

3. Any officer or employee of any school district who violates any of the regulations or fails to include obligation to comply with such regulations in any contract executed by him on behalf of a school district shall be guilty of misconduct and subject to removal from office or employment. Any person operating a

school bus under contract with a school district who fails to comply with any such regulations shall be guilty of breach of contract and such contract shall be cancelled after notice and hearing by the responsible officers of such school district.

[3.] 4. Any other provision of the law to the contrary notwithstanding, in any county of the first class with a charter form of government adjoining a city not within a county, school buses may bear the word "special".

[171.029. 1. The school board of any school district in the state, upon adoption of a resolution by the vote of a majority of all its members to authorize such action, may establish a four-day school week or other calendar consisting of less than one hundred seventy-four days in lieu of a five-day school week. Upon adoption of a four-day school week or other calendar consisting of less than one hundred seventy-four days, the school shall file a calendar with the department of elementary and secondary education in accordance with section 171.031. Such calendar shall include, but not be limited to, a minimum term of one hundred forty-two days and one thousand forty-four hours of actual pupil attendance.

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

Further amend said bill, page 20, section B, line 6 of said page, by inserting after "Section B." the following: "The enactment of sections 135.712, 135.713, 135.714, 135.716, 135.719, 160.840, 166.700, 166.705, 166.710, 166.715, 166.720, 166.725, and 167.125 of"; and further amend line 15 of said page, by inserting after all of said line the following:

"Section C. Because of the importance of improving and sustaining Missouri's elementary and secondary education system and establishing standards for student transfers to school districts, the repeal and reenactment of sections 160.011, 160.410, 160.415, 162.081, 167.131, 167.151, and 167.241, and the enactment of sections 162.1310, 167.132, 167.826, 167.827, and 167.890 of this act are deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 160.011, 160.410, 160.415, 162.081, 167.131, 167.151, and 167.241, and the enactment of sections 162.1310, 167.132, 167.826, 167.827, and 167.890 of this act shall be in full force and effect on July 1, 2018, or upon its passage and approval, whichever occurs later.

Section D. The repeal of section 171.029 of this act shall become effective July 1, 2019."; and

Further amend the title and enacting clause accordingly.

Senator Sifton moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Curls, Hummel, Rizzo and Walsh.

Senator Wallingford assumed the Chair.

Senator Walsh offered **SA 1** to **SA 1**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 612, Page 29, Section 167.132, Line 20 of said amendment page, by striking “shall be” and inserting in lieu thereof the following: **“shall not exceed the maximum tuition rate allowed to be paid to districts that receive students through the voluntary inter-district transfer program.”**; and further amend lines 21-27 of said amendment page, by striking all of said lines.

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

Senator Onder assumed the Chair.

SA 1, as amended, was again taken up.

Senator Sifton moved that **SA 1**, as amended, be adopted, which motion failed by the following vote:

YEAS—Senators

Holsman	Rizzo	Romine	Sifton—4
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NAYS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Hoskins	Hummel	Kehoe	Koenig
Munzlinger	Nasheed	Onder	Richard	Riddle	Rowden	Sater
Schaaf	Schatz	Schupp	Wallingford	Walsh	Wasson	Wieland—28

Absent—Senator Libla—1

Absent with leave—Senators—None

Vacancies—1

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

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 612, Page 20, Section B, Line 10 of said page, by inserting after “163.031” the following: “for three consecutive years”.

Senator Rizzo moved that the above amendment be adopted.

Senator Rizzo offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 612, Page 4, Section 135.713, Line 5 of said page, by inserting at the end of said line the following:

“All tax credits authorized under the program are subject to appropriation by the general assembly.”; and

Further amend said bill, page 20, section B, line 10, by inserting after “163.031” the following: “for three consecutive years”.

Senator Rizzo moved that the above substitute amendment be adopted.

Senator Rizzo offered **SA 1** to **SSA 1** for **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 612, Page 1, Line 4, by inserting after all of said line the following:

“Further amend said bill, page 17, section 166.720, line 1, by striking “A misdemeanor” and inserting in lieu thereof the following: “**D felony**”; and”.

Senator Rizzo moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Emery, Hummel, Sifton and Walsh.

At the request of Senator Koenig, **SB 612**, with **SCS, SS No. 2** for **SCS, SA 2**, **SSA 1** for **SA 2** and **SA 1** to **SSA 1** for **SA 2** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS for SCS for SB 547**; **SS for SCS for SB 592**; **SB 800**; **SCS for SB 814**; and **SB 796**, 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 Richard referred **SS for SCS for SB 592** to the Committee on Fiscal Oversight.

RESOLUTIONS

Senator Crawford offered Senate Resolution No. 1455, regarding Katelyn Dixon, which was adopted.

Senator Holsman offered Senate Resolution No. 1456, regarding Tempest Malone, which was adopted.

Senator Kehoe offered Senate Resolution No. 1457, regarding Eagle Scout Thomas P. McCarthy, Jefferson City, which was adopted.

Senator Kehoe offered Senate Resolution No. 1458, regarding Roberta L. Broeker, CPA, which was adopted.

Senator Emery offered Senate Resolution No. 1459, regarding Beck Event Center, Harrisonville, which was adopted.

COMMUNICATIONS

President Pro Tem Richard submitted the following:

March 6, 2018

Ms. Adriane Crouse
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Crouse:

Pursuant to RsMO 23.010, I am appointing Senator Denny Hoskins to replace former Senator Ryan Silvey on the Joint Committee on

Legislative Research.

Please do not hesitate to contact my office if you have any questions.

Sincerely,



Ron Richard

President Pro Tem

INTRODUCTION OF GUESTS

Senator Schupp introduced to the Senate, Jamie Gilley, Maryland Heights.

Senator Curls introduced to the Senate, Ella Skaggs, Sage Kirkland, and students from North Kansas City High School.

Senator Richard introduced to the Senate, teachers LaHeather Fisher and Karisa Boyer; and students Phoebe Watson, Laura Anderson, Taylor Yuhas, Cassandra Chandler, Lauren Fogarty, Keaton Campbell, Savannah Huff, Samuel Peterson, Josie Phillips, Carly Short and Casie Geddry, Joplin High School.

Senator Richard introduced to the Senate, Lieutenant Colonel, USA Retired, Joshua Reitz, 1st Sergeant Richard Banks, Maggie Johnson, Mike Woodruff, Lori Linam; and students Sebastian Agee, Jordan Archer, Matthew Barnhart, Brendan Belden, Tim Berry, Jason Bogue, Aidan Boydston, Ryan Byers, Allysen Cantero, Trevyn Couch, Nathan Culbertson, Arianna Dobbs, Zach Downs, Mikayla Farino, Dillion Farmer, Dionte Franklin, Korey Gradwohl, Heylee Griffoth, David Heimberg, Destiny Jennings, Josh Johnson, Nicholas Jones, Adriana Kennison, Abby Lewis, Gavin Malone, Liam Marsh, Tanner Marshall, Samantha McCullum, Charissa Miller, Ty Paulk, Cheyann Pierce, Kyle Poe, John Pogue, Gabby Randolph, Morgan Reed, Merideth Reed, Andrea Staffne, Darian Steele, Cole Storie, BrennanThomason, Ben Watkins, Emma Willerton, Alyssa White, Kayla White, Gracie Woodruff and Brecken Zortman, JROTC, Joplin High School.

Senator Schaaf introduced to the Senate, Jass Jackson, Susanne Eichenmueller, Teresa Shirrell, Andrea Cole and Shaina Spooner, members of the Junior League of St. Joseph.

Senator Koenig introduced to the Senate, the Physician of the Day, Thomas E. Saak, M.D., Ballwin.

On motion of Senator Kehoe, the Senate adjourned until 2:00 p.m., Wednesday, March 7, 2018.

SENATE CALENDAR

THIRTY-SIXTH DAY—WEDNESDAY, MARCH 7, 2018

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1050-Schatz
SB 1051-Walsh
SB 1052-Schaaf

SB 1053-Koenig
SB 1054-Nasheed and Hummel
SB 1055-Hegeman

SB 1056-Wasson	SB 1082-Rizzo
SB 1057-Schupp	SB 1083-Walsh
SB 1058-Schupp	SB 1084-Schatz
SB 1059-Hummel	SB 1085-Chappelle-Nadal
SB 1060-Sifton	SB 1086-Crawford
SB 1061-Hoskins	SB 1087-Rowden
SB 1062-Cierpiot	SB 1088-Rowden
SB 1063-Rizzo	SB 1089-Wallingford
SB 1064-Rizzo	SB 1090-Hummel
SB 1065-Eigel	SB 1091-Nasheed
SB 1066-Eigel	SB 1092-Hoskins
SB 1067-Eigel	SB 1093-Hoskins
SB 1068-Sater	SB 1094-Hoskins
SB 1069-Crawford	SB 1095-Hoskins
SB 1070-Crawford	SB 1096-Romine
SB 1071-Wieland	SB 1097-Sifton
SB 1072-Wieland	SB 1098-Sater
SB 1073-Cunningham	SB 1099-Hummel and Nasheed
SB 1074-Rowden	SB 1100-Riddle
SB 1075-Riddle	SB 1101-Schupp
SB 1076-Curls	SB 1102-Kehoe
SB 1077-Holsman	SJR 37-Kehoe
SB 1078-Holsman	SJR 38-Kehoe
SB 1079-Hegeman	SJR 39-Kehoe
SB 1080-Rizzo	SJR 40-Rowden
SB 1081-Rizzo	

HOUSE BILLS ON SECOND READING

HB 1351-Beard	HB 1558-Neely
HCS for HB 1597	HB 1809-Tate
HB 1660-Swan	HCS for HB 1268
HCS for HB 1663	HB 1464-Berry
HB 1675-Redmon	HCS for HBs 1288, 1377 & 2050
HB 1676-Redmon	HCS for HB 1873
HB 1905-Walker (3)	HB 1428-Muntzel
HB 2044-Taylor	HB 1896-Swan
HCS for HB 2034	HB 1607-Korman
HCS for HB 1300	HCS for HB 1928
HCS for HB 1572	HB 1945-Anderson
HB 1887-Bahr	HCS for HB 1618
HCS for HB 1366	HCS for HB 2079
HB 1998-Bondon	HB 1265-Schroer
HB 1383-Miller	

THIRD READING OF SENATE BILLS

1. SS for SB 579-Libla (In Fiscal Oversight)
2. SS for SB 699-Sifton (In Fiscal Oversight)
3. SCS for SBs 632 & 675-Dixon
(In Fiscal Oversight)
4. SS for SB 882-Hoskins
(In Fiscal Oversight)
5. SS for SCS for SB 600-Schatz
(In Fiscal Oversight)
6. SS for SCS for SBs 603, 576 & 898-Onder
(In Fiscal Oversight)
7. SB 793-Wallingford (In Fiscal Oversight)
8. SS for SB 881-Eigel (In Fiscal Oversight)
9. SS for SCS for SB 752-Schatz
10. SB 909-Dixon
11. SB 840-Rowden
12. SCS for SB 892-Walsh
13. SB 871-Romine
14. SB 780-Curls
15. SB 660-Riddle
16. SCS for SB 598-Riddle
17. SB 743-Sater
18. SS for SCS for SBs 894 & 921-Libla
(In Fiscal Oversight)
19. SB 757-Schatz
20. SS for SCS for SB 547-Munzlinger
21. SS for SCS for SB 592-Hegeman
(In Fiscal Oversight)
22. SB 800-Libla
23. SCS for SB 814-Riddle
24. SB 796-Koenig

SENATE BILLS FOR PERFECTION

1. SBs 627 & 925-Munzlinger, with SCS
2. SB 707-Schatz, with SCS
3. SB 683-Wasson
4. SB 773-Hoskins
5. SB 768-Hoskins
6. SB 837-Rowden
7. SB 704-Hegeman
8. SB 870-Hegeman
9. SB 893-Sater, with SCS
10. SB 953-Sater, with SCS
11. SB 850-Wallingford
12. SB 672-Koenig, with SCS
13. SB 578-Romine
14. SB 666-Onder
15. SB 802-Nasheed, with SCS

HOUSE BILLS ON THIRD READING

HB 1303-Alferman, with SCS (Rowden)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- SB 546-Munzlinger, with SS#4 (pending)
SB 550-Wasson, with SCS
SB 552-Dixon, with SS (pending)
SBs 555 & 609-Brown, with SCS
SB 561-Sater, with SA 1 (pending)
SB 567-Cunningham, with SCS, SS for SCS,
SA 1 & SA 1 to SA 1 (pending)
SB 590-Hegeman, with SCS, SS for SCS,
SA 1, SSA 1 for SA 1 & SA 1 to SSA 1
for SA 1 (pending)
SB 591-Hegeman, with SCS
SB 596-Riddle, with SCS

SB 599-Schatz	SB 774-Munzlinger
SB 602-Onder, with SCS	SB 786-Schupp, with SA 3 (pending)
SB 612-Koenig, with SCS, SS#2 for SCS, SA 2, SSA 1 for SA 2 & SA 1 to SSA 1 for SA 2 (pending)	SB 813-Riddle, with SCS & SA 1 (pending)
SBs 617, 611 & 667-Eigel, with SCS	SB 832-Rowden, with SCS
SB 663-Schatz, with SCS (pending)	SB 848-Riddle
SB 674-Koenig	SB 849-Kehoe and Schupp, with SCS
SB 705-Riddle	SB 860-Koenig, with SCS, SS for SCS & SA 1 (pending)
SB 730-Wallingford, with SCS & SA 1 (pending)	SB 861-Hegeman, with SCS
SB 751-Schatz	SB 865-Kehoe
SB 767-Hoskins, with SCS, SS for SCS & SA 2 (pending)	SB 907-Kehoe, with SCS
	SB 912-Rowden, with SCS & SS#3 for SCS (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/15

SB 631-Wasson	SBs 946 & 947-Dixon, with SCS
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Reported 2/22

SB 819-Cunningham

RESOLUTIONS

SR 1137-Walsh, with SS (pending)

To be Referred

SCR 52-Emery

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