

# JOURNAL OF THE HOUSE

First Regular Session, 98th GENERAL ASSEMBLY

NINETEENTH DAY, TUESDAY, FEBRUARY 10, 2015

The House met pursuant to adjournment.

Speaker Diehl in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

*The heavens declare the glory of God; and the firmament showeth His handiwork. (Psalm 19:1)*

Almighty and Loving God, deliver us as we draw near to You from coldness of heart and wanderings of mind that with healthy thoughts and honest affections we may worship You in spirit and in truth.

Bless these servants of our people as they give themselves in service to our fellow citizens. Grant unto them clear vision to see what is wrong in our society, creative wisdom to work at meeting the needs of Missouri, courageous spirit to do something about it, building self-respect and cultivating cooperation among the citizens of Missouri.

May Your Holy Spirit move in the heart of our Speaker and all of these Representatives. Give to them wisdom to know Your will and the strength to do it. So rule their hearts and so reign in their minds that law and order, justice and peace may prevail everywhere, to the glory of Your name and the good of our State.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Journal of the seventeenth day was approved as printed.

The Journal of the eighteenth day was approved as printed.

## SPECIAL RECOGNITION

Members of the Future Farmers of America (FFA) were introduced by Representative Houghton.

Cole Edwards, State FFA President, addressed the House.

## SECOND READING OF HOUSE BILLS

The following House Bills were read the second time:

**HB 868**, relating to regional emergency medical services.

**HB 869**, relating to taxation on motor vehicles.

**HB 870**, relating to health benefit exchanges.

**HB 871**, relating to solar gardens.

**HB 872**, relating to data storage centers.

**PERFECTION OF HOUSE BILLS**

**HB 241**, relating to emergency vehicles, was taken up by Representative Davis.

On motion of Representative Davis, **HB 241** was ordered perfected and printed.

**THIRD READING OF HOUSE CONCURRENT RESOLUTIONS**

**HCR 20**, relating to the U.S. Department of Defense, was taken up by Representative Lynch.

On motion of Representative Lynch, **HCR 20** was read the third time and passed by the following vote:

AYES: 154

Adams	Alferman	Allen	Anders	Anderson
Andrews	Arthur	Austin	Bahr	Barnes
Basye	Beard	Bernskoetter	Berry	Black
Bondon	Brattin	Brown 57	Brown 94	Burlison
Burns	Butler	Carpenter	Chipman	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Corlew
Cornejo	Crawford	Cross	Curtis	Curtman
Davis	Dogan	Dohrman	Dugger	Eggleston
Ellington	Engler	English	Entlicher	Fitzpatrick
Fitzwater 144	Fitzwater 49	Franklin	Frederick	Gannon
Gardner	Gosen	Green	Haahr	Haefner
Hansen	Harris	Hicks	Higdon	Hill
Hinson	Hoskins	Houghton	Hubrecht	Hummel
Hurst	Johnson	Jones	Justus	Keeney
Kelley	Kendrick	Kidd	King	Kirkton
Koenig	Kolkmeier	Korman	Kratky	Lair
Lant	Lauer	Lavender	Leara	Lichtenegger
Love	Lynch	Marshall	Mathews	May
McCaherty	McCann Beatty	McCreery	McDaniel	McDonald
McGaugh	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Montecillo	Moon
Morgan	Morris	Muntzel	Neely	Newman
Nichols	Norr	Otto	Pace	Parkinson
Peters	Pfautsch	Phillips	Pierson	Pietzman
Pike	Pogue	Rehder	Reiboldt	Remole
Rhoads	Richardson	Rizzo	Roden	Roeber
Rone	Ross	Rowden	Rowland	Runions
Ruth	Shaul	Shull	Shumake	Smith
Solon	Sommer	Spencer	Swan	Taylor
Vescovo	Walker	Walton Gray	White	Wiemann
Wilson	Wood	Zerr	Mr. Speaker	

NOES: 001

LaFaver

PRESENT: 000

ABSENT WITH LEAVE: 007

Dunn	Flanigan	Fraker	Hough	Hubbard
Redmon	Webber			

VACANCIES: 001

Speaker Diehl declared the bill passed.

### REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

The following House Concurrent Resolutions were referred to the Committee indicated:

- HCR 14** - Emerging Issues
- HCR 16** - Trade and Tourism
- HCR 19** - Emerging Issues
- HCR 26** - Trade and Tourism
- HCR 29** - Trade and Tourism

### REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

- HB 218** - Public Safety and Emergency Preparedness
- HB 219** - Civil and Criminal Proceedings
- HB 326** - Pensions
- HB 375** - Agriculture Policy
- HB 382** - Elementary and Secondary Education
- HB 444** - Ways and Means
- HB 451** - Higher Education
- HB 454** - Elections
- HB 515** - Pensions
- HB 521** - Professional Registration and Licensing
- HB 545** - Professional Registration and Licensing
- HB 591** - Public Safety and Emergency Preparedness
- HB 599** - Health and Mental Health Policy
- HB 617** - Health and Mental Health Policy
- HB 632** - Corrections
- HB 637** - Emerging Issues in Education
- HB 660** - Health and Mental Health Policy
- HB 664** - Ways and Means
- HB 671** - Professional Registration and Licensing
- HB 672** - Health and Mental Health Policy

- HB 690** - Public Safety and Emergency Preparedness
- HB 691** - Pensions
- HB 701** - Emerging Issues
- HB 704** - Elementary and Secondary Education
- HB 706** - Local Government
- HB 709** - Property, Casualty, and Life Insurance
- HB 723** - Trade and Tourism
- HB 725** - Civil and Criminal Proceedings
- HB 742** - Elementary and Secondary Education
- HB 755** - Elementary and Secondary Education
- HB 768** - Local Government
- HB 783** - Energy and the Environment
- HB 787** - Children and Families
- HB 789** - Government Oversight and Accountability
- HB 791** - Transportation
- HB 793** - Trade and Tourism
- HB 800** - Emerging Issues
- HB 811** - Ways and Means
- HB 812** - Local Government
- HB 814** - Children and Families

### **COMMITTEE REPORTS**

**Committee on Banking**, Chairman Crawford reporting:

Mr. Speaker: Your Committee on Banking, to which was referred **HB 256**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**, and pursuant to Rule 27(6) be referred to the Select Committee on Financial Institutions and Taxation.

*House Committee Amendment No. 1*

AMEND House Bill No. 256, Page 1, Section 407.020, by deleting said section; and

Further amend said bill, Page 3, Section 407.020, by deleting said section; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Mr. Speaker: Your Committee on Banking, to which was referred **HB 587**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**, and pursuant to Rule 27(6) be referred to the Select Committee on Financial Institutions and Taxation.

*House Committee Amendment No. 1*

AMEND House Bill No. 587, Page 5, Section 367.509, by deleting said section; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**Committee on Children and Families**, Chairman Franklin reporting:

Mr. Speaker: Your Committee on Children and Families, to which was referred **HB 190**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(12) be referred to the Select Committee on Social Services.

**Committee on Conservation and Natural Resources**, Chairman Anderson reporting:

Mr. Speaker: Your Committee on Conservation and Natural Resources, to which was referred **HB 123**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Amendment No. 1**, and pursuant to Rule 27(11)(d) be referred to the Select Committee on Rules.

*House Committee Amendment No. 1*

AMEND House Bill No. 123, Page 1, Line 3 in the Title, by inserting the word "**big**" immediately after the word "**state**"; and

Further amend said bill and page, Section 10.111, Line 2, by inserting the word "**big**" immediately after the word "**official**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**Committee on Elections**, Chairman Entlicher reporting:

Mr. Speaker: Your Committee on Elections, to which was referred **HB 212**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1 and House Committee Amendment No. 2**, and pursuant to Rule 27(13) be referred to the Select Committee on State and Local Governments.

*House Committee Amendment No. 1*

AMEND House Bill No. 212, Page 1, Section 49.060, Line 10, by inserting after the phrase "**authorized under state law.**" on said Line the following:

**"Candidates for the position of county commissioner shall be nominated as provided in section 115.365."**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

*House Committee Amendment No. 2*

AMEND House Bill No. 212, Page 1, Section 49.060, Line 12, by inserting after all of said Line the following:

**"5. Notwithstanding sections 115.061 to 115.065, or any other provisions of law to the contrary, any increased proportional costs to a county resulting from the requirement to hold an election under this section shall be paid by the state."**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Mr. Speaker: Your Committee on Elections, to which was referred **HB 336**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(13) be referred to the Select Committee on State and Local Governments.

Mr. Speaker: Your Committee on Elections, to which was referred **HB 533**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 27(11)(d) be referred to the Select Committee on Rules.

**Committee on Elementary and Secondary Education**, Chairman Swan reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 41**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 27(11)(d) be referred to the Select Committee on Rules.

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 458**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(5) be referred to the Select Committee on Education.

**Committee on Emerging Issues**, Chairman Haahr reporting:

Mr. Speaker: Your Committee on Emerging Issues, to which was referred **HB 137**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**, and pursuant to Rule 27(7) be referred to the Select Committee on General Laws.

*House Committee Amendment No. 1*

AMEND House Bill No. 137, Page 2, Section 34.040, Line 31, by deleting the word, "No" and inserting in lieu thereof the words, "**The director shall not consider any offer to provide the state a portion of the fees collected as part of the competitive bidding process and no preference**"; and

Further amend said bill, Page 3, section, Line 58, by inserting after all of said section and line the following:

"136.055. 1. Any person who is selected or appointed by the state director of revenue as provided in subsection 2 of this section to act as an agent of the department of revenue, whose duties shall be the processing of motor vehicle title and registration transactions and the collection of sales and use taxes when required under sections 144.070 and 144.440, and who receives no salary from the department of revenue, shall be authorized to collect from the party requiring such services additional fees as compensation in full and for all services rendered on the following basis:

- (1) For each motor vehicle or trailer registration issued, renewed or transferred--three dollars and fifty cents and seven dollars for those licenses sold or biennially renewed pursuant to section 301.147;
- (2) For each application or transfer of title--two dollars and fifty cents;
- (3) For each instruction permit, nondriver license, chauffeur's, operator's or driver's license issued for a period of three years or less--two dollars and fifty cents and five dollars for licenses or instruction permits issued or renewed for a period exceeding three years;
- (4) For each notice of lien processed--two dollars and fifty cents;
- (5) No notary fee or other fee or additional charge shall be paid or collected except for electronic telephone transmission reception--two dollars.

2. The director of revenue shall award fee office contracts under this section through a competitive bidding process **under section 34.040**. The competitive bidding process shall give priority to organizations and entities that are exempt from taxation under Section 501(c)(3) or 501(c)(6) of the Internal Revenue Code of 1986, as amended,

and political subdivisions, including but not limited to, municipalities, counties, and fire protection districts. The director of the department of revenue **shall not consider any offer to provide the state a portion of the fees collected as part of the competitive bidding process and no preference points shall be awarded on a request for proposal for a contract license office to a bidder for a return-to-the-state provision offer.** The director may promulgate rules and regulations necessary to carry out the provisions of this subsection. 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 subsection 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, 2009, shall be invalid and void.

3. All fees collected by a tax-exempt organization may be retained and used by the organization.

4. All fees charged shall not exceed those in this section. The fees imposed by this section shall be collected by all permanent offices and all full-time or temporary offices maintained by the department of revenue.

5. Any person acting as agent of the department of revenue for the sale and issuance of registrations, licenses, and other documents related to motor vehicles shall have an insurable interest in all license plates, licenses, tabs, forms and other documents held on behalf of the department.

6. The fees authorized by this section shall not be collected by motor vehicle dealers acting as agents of the department of revenue under section 32.095 or those motor vehicle dealers authorized to collect and remit sales tax under subsection 8 of section 144.070.

7. Notwithstanding any other provision of law to the contrary, the state auditor may audit all records maintained and established by the fee office in the same manner as the auditor may audit any agency of the state, and the department shall ensure that this audit requirement is a necessary condition for the award of all fee office contracts. No confidential records shall be divulged in such a way to reveal personally identifiable information."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Mr. Speaker: Your Committee on Emerging Issues, to which was referred **HB 279**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(7) be referred to the Select Committee on General Laws.

Mr. Speaker: Your Committee on Emerging Issues, to which was referred **HB 531**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(7) be referred to the Select Committee on General Laws.

**Committee on Emerging Issues in Education**, Chairman Rowland reporting:

Mr. Speaker: Your Committee on Emerging Issues in Education, to which was referred **HB 42**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1, House Committee Amendment No. 2, House Committee Amendment No. 3, House Committee Amendment No. 3 to House Committee Amendment No. 4, House Committee Amendment No. 4 to House Committee Amendment No. 4, House Committee Amendment No. 4, as amended, House Committee Amendment No. 1 to House Committee Amendment No. 5, House Committee Amendment No. 5, as amended, House Committee Amendment No. 1 to House Committee Amendment No. 6, House Committee Amendment No. 6, as amended, and House Committee Amendment No. 10**, and pursuant to Rule 27(5) be referred to the Select Committee on Education.

*House Committee Amendment No. 1*

AMEND House Bill No. 42, Page 4, Section 167.132, Line 68, by inserting after all of said line the following:

"177.031. 1. The school board has the care and keeping of all property belonging to the district and shall provide the necessary globes, maps, charts, apparatus, supplementary books, and other material for the use of the school. The board shall keep the schoolhouses and other buildings in good repair, the grounds belonging thereto in good condition, and shall provide fuel, heating apparatus, and other material and appliances necessary for the proper heating, lighting, ventilation and sanitation of the schoolhouses; shall have the floors swept and fires made at the expense of the district, and cause an accurate account of the expense thereof to be kept and a report and settlement to be made at the next annual meeting or as required by law.

2. The school board having charge of the schoolhouses, buildings and grounds appurtenant thereto may allow the free use of the houses, buildings and grounds for the free discussion of public questions or subjects of general public interest, for the meeting of organizations of citizens, and for any other civic, social and educational purpose that will not interfere with the prime purpose to which the houses, buildings and grounds are devoted. If an application is granted and the use of the houses, buildings, or grounds is permitted for the purposes aforesaid, the school board may provide, free of charge, heat, light and janitor service therein when necessary, and may make any other provisions, free of charge, needed for the convenient and comfortable use of the houses, buildings and grounds for such purposes, or the school boards may require the expenses to be paid by the organizations or persons who are allowed the use of the houses, buildings and grounds. All persons upon whose application or at whose request the use of any schoolhouse, building, or part thereof, or any grounds appurtenant thereto, is permitted as herein provided shall be jointly and severally liable for any injury or damage thereto which directly results from the use, ordinary wear and tear excepted.

**3. The school board of any district in which a charter school may be operated under subsection 2 of section 160.400 shall convey to any charter school operating within the geographic boundaries of such district, for a sum equal to the fair market value based on an independent appraisal, any school building and grounds that are not occupied by the district, subject to the following conditions:**

**(1) The charter school shall submit to the district a written proposal for the charter school to bring the property into compliance with all applicable building and occupancy codes and for paying the costs for operating a school on the property, including a pro forma that describes the planned use of the property, the work to be performed to bring the property into compliance with all applicable building and occupancy codes and the cost of such work, the plan for financing the cost of such work, and a ten year projected budget for the charter school that demonstrates the charter school's ability to pay the financing costs for such work and the cost of operating a school on the property school during such ten-year period;**

**(2) The school district shall have sixty days from receipt of the proposal described in subdivision (1) of this subsection to respond to the proposal;**

**(3) Unless the district affirmatively rejects the proposal within the sixty day period, the proposal shall be deemed to have been accepted on the sixtieth day and the district shall convey to the charter school fee title to the property free and clear of any encumbrances other than easements of record as of the date of the proposal, with reversionary rights to the school district described in subsection 4 of this section, upon satisfaction of the following contingencies within ninety days after the proposal has been affirmatively accepted or deemed to have been accepted in the absence of an affirmative acceptance or rejection:**

**(a) A bona fide commitment from a qualified lending agency or agencies to provide the financing described in the proposal;**

**(b) Sealed architectural plans for the work to be performed according to the proposal;**

**(c) A signed contract between a qualified developer or contractor and the charter school for performance of the work described in the proposal;**

**(4) The district may reject the proposal only by providing to the charter school within sixty days of receipt of the proposal from the charter school a letter stating specifically one or more of the following grounds for rejecting the proposal and the factual basis that supports each such grounds, including district documents that support the stated basis for rejecting the proposal:**

**(a) The building and grounds have been occupied by the district within one year before the date of the proposal;**

**(b) The district's budget for the upcoming school year includes funds for re-opening a district-operated school in the building in the upcoming school year in an amount sufficient to open and operate the school in such building;**

**(c) The charter school's proposal is not financially feasible based on the pro forma; and**

**(5) If the district rejects the proposal, the charter school may, within thirty days of receipt of the rejection, appeal the district's decision to the commissioner of education by submitting a written notice of appeal to him or her, with a copy of such notice to the district, asking the commissioner of education to review**

the proposal and the rejection and make a determination whether the grounds stated by the district for rejecting the proposal are supported by the record. The notice of appeal shall include a copy of the proposal and the rejection and any documents that were made a part of the proposal or rejection. The commissioner of education shall schedule an evidentiary hearing on the matters at issue in the appeal, which hearing shall be concluded within thirty days of the commissioner's receipt of the notice of appeal unless such hearing is waived or the time for completing the hearing is extended to a date certain by stipulation of the parties. Within thirty days after the conclusion of the hearing, unless the date for issuance of an order is extended to a date certain by stipulation of the parties, the commissioner of education shall issue a written order stating whether the proposal meets the requirement of this section. If the commissioner of education rules that the proposal meets the requirements of this section, conveyance of the property by the district to the charter school shall proceed as described in this subsection as if the proposal had been accepted by the district on the date of the commissioner's order. An order of the commissioner of education is subject to appeal to the circuit court pursuant to sections 536.110 to 536.130.

4. Any conveyance of property by a district to a charter school pursuant to subsection 3 of this section shall be subject to a reversionary interest in favor of the district, subject to any deeds of trust that secure any financing of improvements to the property, in the event the charter school ceases to operate as a charter school without having merged with another charter school in good standing.

5. The school board of each district shall list on its internet website any buildings that are no longer occupied. Such listing shall identify the date on which the building was no longer occupied.

6. For purposes of subsections 3, 4, 5, and 6 of this section, the term "occupied" shall mean a district-owned building used for the education of children between the ages of four and twenty-one for at least three hours a day for a school term."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

*House Committee Amendment No. 2*

AMEND House Bill No. 42, Pages 1 and 2, Sections 161.091 and 167.131, by removing all of said sections from the bill and inserting in lieu thereof the following:

**"162.1305. 1. For purposes of this section, "transient student" means any student who transfers from one district or local education agency to another district or local education agency two or more times in one school year.**

**2. In the first year of attendance in a district, a transient student's score on a statewide assessment shall not be included when calculating the status or progress scores on the district's annual performance report scores. The statewide assessment scores for any transient student in the first year of attendance in a district shall be counted for growth scores from the previous year's assessment for the purpose of the district's annual performance report score and to serve as the baseline for growth in the next year's assessment.**

**3. In the second year of attendance, a transient student's score on a statewide assessment shall be weighted at fifty percent when calculating the district's performance for purposes of the district's annual performance report status or progress score, with growth counting for fifty percent.**

**4. In the third year of attendance and in any subsequent year of attendance, a transient student's status, progress, and growth score shall be weighted at one hundred percent when calculating the district's performance for purposes of the district's annual performance report score.**

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.

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 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. 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."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

*House Committee Amendment No. 3*

AMEND House Bill No. 42, Pages 1 and 2, Sections 161.091 and 167.131, by removing all of said sections from the bill; and

Further amend said bill, Page 4, Section 167.132, Line 68, by inserting immediately after all of said line the following:

"167.241. Transportation for pupils whose tuition the district of residence is required to pay by section 167.131 **or section 167.826**, or who are assigned as provided in section 167.121 shall be provided by the district of residence; however, in the case of pupils covered by section 167.131, the district of residence shall be required to provide transportation only to 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. **For pupils covered by section 167.826, the district of residence shall be required to provide transportation only to 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 sections 161.086 and 161.092 and those districts designated by the department of elementary and secondary education. For pupils covered by section 167.826, the department of elementary and secondary education shall designate at least one accredited district to which the district of residence shall provide transportation. If the designated district reaches full student capacity and is unable to receive additional students, the department of elementary and secondary education shall designate at least one additional accredited district to which the district of residence shall provide transportation.**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly

*House Committee Amendment No. 3*

*to*

*House Committee Amendment No. 4*

AMEND House Committee Amendment No. 4 to House Bill No. 42, Page 3, Lines 41-44, by removing all of said lines and inserting in lieu thereof the word "**annually**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

*House Committee Amendment No. 4*

*to*

*House Committee Amendment No. 4*

AMEND House Committee Amendment No. 4 to House Bill No. 42, Page 1, Lines 2-23 by deleting all of said lines and inserting in lieu thereof the words "sections from the bill;" and"; and

Further amend said amendment, Page 2, Lines 22 and 23, by deleting all of said lines and inserting in lieu thereof the following: "**unaccredited school in an unaccredited district may transfer to another public school in the student's district of residence that**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

House Committee Amendment No. 4

AMEND House Bill No. 42, Pages 1 and 2, Sections 161.091 and 167.131, by removing all of said sections from the bill inserting in lieu thereof 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 under subsection 2 of this section by the receiving district or approved charter school as defined in 167.848**, 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.

2. The rate of tuition to be charged by the district attended, **or the approved charter school 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 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. 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."; and

Further amend said bill, Page 2, Section 167.132, Lines 1-68, by deleting all of said section and inserting in lieu thereof the following:

"167.132. 1. **Notwithstanding the provisions of section 167.131, a school district or approved charter school as defined in section 167.848 receiving students due to the unaccredited status of a sending school district may negotiate with the sending district to accept a reduced tuition rate. If the receiving district or approved charter school elects to accept tuition as calculated under subsection 2 of this section, such district or approved charter school shall receive students through the transfer authority based solely on the parent request and available seats.**

2. **In school year 2015-16 and subsequent years, when an accredited district and a receiving district or approved charter school have agreed upon a reduced tuition, tuition shall be calculated as follows:**

(1) **Multiply the full-time equivalent membership, as defined in section 163.011, of the transfer students to any receiving district or approved charter school by the amount of the state adequacy target used by the department of elementary and secondary education in calculating the current year formula apportionments under section 163.031;**

(2) **Multiply the amount derived in subdivision (1) of this subsection by the dollar value modifier of the receiving district or approved charter school used in calculating the current year formula apportionment;**

(3) **Multiply the amount derived in subdivision (2) of this subsection by the percentage formula adjustment, if any, used by the department in calculating the current year formula apportionment; and**

(4) **Add to the amount derived in subdivision (3) of this subsection the payment amount based on full-time equivalent membership used in the prior year for distribution of the funds from the school district trust fund under section 163.087 multiplied by the full-time equivalent membership of the transfer students attending the receiving district or approved charter school.**

**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."; and**

Further amend said bill, Page 4, Section 167.132, Line 68, by inserting immediately after all of said line the following:

"167.826. 1. **Any student who is enrolled in and has attended for at least one semester an unaccredited school in an unaccredited district, a district that was once unaccredited, or a state oversight district may transfer to another public school in the student's district of residence that offers the student's grade level of enrollment and that is accredited without provisions by the state board of education. 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 such admissions requirements in order to attend. The school board of each unaccredited district shall determine the capacity at each of the district's schools that is assigned a classification designation of accredited or accredited with distinction. The district's school board shall be responsible for coordinating transfers from unaccredited schools to accredited schools within the district. The school board of each unaccredited district shall annually report to the appropriate education authority the number of available slots in accredited schools within the district, the number of students who request to transfer within the district, and the number of such transfer requests that are granted. Enrollment in a virtual school provided by an unaccredited school district shall not affect the number of available slots.

2. Any student who is enrolled in and has attended an unaccredited school in an unaccredited district for at least one semester who is unable to transfer to another accredited school within his or her district of residence under subsection 1 of this section may apply to the appropriate education authority by March first to transfer to an accredited school within an accredited district located in the same or an adjoining county. Such a student may also apply to enroll in an approved charter school, as defined in section 167.848. A student who is eligible to begin kindergarten or first grade at an unaccredited school in an unaccredited district may apply to the appropriate education authority for a transfer if he or she resides in the attendance area of an unaccredited school in an unaccredited district on March first preceding the school year of first attendance. A student who does not apply by March first shall be required to enroll and attend for one semester to become eligible. If the student 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 such admissions requirements. Any student who does not maintain residency in the attendance zone of his or her unaccredited school in the unaccredited district of residence shall lose eligibility to transfer. Any student who transfers but later withdraws shall lose eligibility to transfer. 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.

3. No provisionally accredited district or provisionally accredited school shall be eligible to receive transfer students; however, a transfer student who chooses to attend a provisionally accredited school in the unaccredited district shall be allowed to transfer to such school if there is an available slot. No unaccredited district or unaccredited school shall be eligible to receive transfer students. No district or school with a three-year average score of seventy-five percent or lower on its annual performance report under the Missouri school improvement program 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 school.

4. Notwithstanding the provisions of subsection 3 of this section, a student may transfer to an accredited school within an unaccredited or provisionally district, if the accredited school applies for and is granted a waiver by the department of elementary education to allow the school to accept transfer students.

5. 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) A class size and assigned enrollment in a receiving school that exceeds the number of students provided by its approved policy on class size under subsection 6 of this section;
- (2) The hiring of additional classroom teachers; or
- (3) The construction of additional classrooms.

6. Each receiving district shall have the right to establish and adopt, by objective means, a policy for desirable class size and student-teacher ratios. A policy may allow for estimated growth in the resident student population. Any district that adopts such a policy shall do so by January first annually. A receiving district shall publish its policy and shall not be required to accept any transfer students under this section that would violate its class size or student-teacher ratio. If a student seeking to transfer is denied admission to a district based on a lack of space under the district's policy, the student or the student's parent or guardian may appeal the ruling to the state board of education if he or she believes the district's policy is unduly restrictive to student transfers. If more than one student or parent appeals a denial of admission from the same district to the state board of education, the state board shall make an effort to hear such actions at the same time. If the state board of education finds that the district's policy is unduly restrictive to student transfers, the state board may limit the district's policy. The state board's decision shall be final.

7. Each receiving district shall adopt a policy establishing a tuition rate by February first annually. 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 receiving district's grade level grouping which includes the school attended, unless the receiving district has agreed to take a reduced tuition rate as provided in subsection 2 of section 167.132.

8. If an unaccredited district becomes classified as provisionally accredited or accredited without provisions by the state board of education, any resident student of the unaccredited district who has transferred to an accredited district in the same or an adjoining county or to an approved charter school 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.

9. Notwithstanding the provisions of subsection 7 of this section to the contrary, where 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 to pay the excess cost to the receiving district. When 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 pursuant to 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.

10. 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 unaccredited school within a component district to an accredited school within the same or a different component district within the special school district.

11. When any metropolitan school district is declared 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.

12. 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.

13. When a seven-director school district or urban school district is declared 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.

167.848. For purposes of sections 161.084, 161.087, 161.238, 162.1310, 162.1312, 167.131, 167.132, 167.642, 167.685, and 167.688, and 167.826 to 167.848, the following terms shall mean:

(1) "Accredited district", a school district that is accredited by the state board of education pursuant to the authority of the state board of education to classify schools as established in sections 161.087 and 161.092;

(2) "Accredited school", an attendance center that is accredited by the state board of education pursuant to the authority of the state board of education to classify schools as established in sections 161.087, 161.092, and 161.238;

(3) "Approved charter school", a charter school in a neighboring district in the same or adjoining county with a three-year average score of seventy percent or higher on its annual performance report; however, any charter school that has existed for less than three years may request permission from the department of elementary and secondary education to accept transfers and any new charter applicants that file with the department may make accepting transfers a part of the new charter school's mission;

(4) "Attendance center", a public school building or buildings or part of a school building that constitutes one unit for accountability purposes under the Missouri school improvement program;

(5) "Borderline district", a school district that has a current annual performance report score between seventy-five and seventy with the last two consecutive years showing a decline in the score, with a district third-grade or eighth-grade statewide reading assessment that shows fifty percent or more of the students are at a level less than proficient, and a transient student ratio in the top quartile of districts;

(6) "Education authority" or "authority", an education authority established under sections 167.830 to 167.845;

(7) "Provisionally accredited district", a school district that is classified as provisionally accredited by the state board of education pursuant to the authority of the state board of education to classify schools as established in sections 161.087 and 161.092;

(8) "Provisionally accredited school", an attendance center that is classified as provisionally accredited by the state board of education pursuant to the authority of the state board of education to classify schools as established in sections 161.087, 161.092, and 161.238;

(9) "Unaccredited district", a school district classified as unaccredited by the state board of education pursuant to the authority of the state board of education to classify schools as established in sections 161.087 and 161.092;

(10) "Unaccredited school", an attendance center that is classified as unaccredited by the state board of education pursuant to the authority of the state board of education to classify schools as established in sections 161.087, 161.092, and 161.238;

(11) "Underperforming", a school district or an attendance center that has been classified as unaccredited or provisionally accredited pursuant to the authority of the state board of education to classify schools or has a three-year average annual performance report score consistent with a classification of provisionally accredited or unaccredited."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

*House Committee Amendment No. 1*  
*to*  
*House Committee Amendment No. 5*

AMEND House Committee Amendment No. 5 to House Bill No. 42, Page 3, Lines 1-12, by deleting all of said lines and inserting in lieu thereof the following:

"2. (1) For the school year beginning July 1, 2008, and each succeeding school year, a parent or guardian residing in a lapsed public school district or a district that has scored either unaccredited or provisionally accredited, or a combination thereof [, on two consecutive annual performance reports] may enroll the parent's or guardian's child in the Missouri virtual school created in section 161.670, **or a virtual school that meets the requirements of section 162.1250**, provided the pupil first enrolls in the school district of residence. The school district of residence shall include the pupil's enrollment in the virtual school created in section 161.670 in determining the district's average daily attendance. Full-time enrollment in the virtual school shall constitute one average daily attendance equivalent in the school district of residence. Average daily attendance for part-time enrollment in the virtual school shall be calculated as a percentage of the total number of virtual courses enrolled in divided by the number of courses required for full-time attendance in the school district of residence."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

*House Committee Amendment No. 5*

AMEND House Bill No. 42, Pages 1 and 2, Sections 161.091 and 167.131, by removing all of said sections and inserting in lieu thereof the following:

"162.1250. 1. School districts shall receive state school funding under sections 163.031, 163.043, and 163.087 for resident students who are enrolled in the school district and who are taking a virtual course or full-time virtual program offered by the school district. The school district may offer instruction in a virtual setting using technology, intranet, and internet methods of communications that could take place outside of the regular school district facility. The school district may develop a virtual program for any grade level, kindergarten through twelfth grade, with the courses available in accordance with district policy to any resident student of the district who is

enrolled in the school district. Nothing in this section shall preclude a private, parochial, or home school student residing within a school district offering virtual courses or virtual programs from enrolling in the school district in accordance with the combined enrollment provisions of section 167.031 for the purposes of participating in the virtual courses or virtual programs.

2. Charter schools shall receive state school funding under section 160.415 for students enrolled in the charter school who are completing a virtual course or full-time virtual program offered by the charter school. Charter schools may offer instruction in a virtual setting using technology, intranet, and internet methods of communications. The charter school may develop a virtual program for any grade level, kindergarten through twelfth grade, with the courses available in accordance with school policy and the charter school's charter to any student enrolled in the charter school.

3. For purposes of calculation and distribution of state school funding, attendance of a student enrolled in a district or charter school virtual class shall equal, upon course completion, ninety-four percent of the hours of attendance possible for such class delivered in the nonvirtual program in the student's resident district or charter school. **In the case of a student who is a candidate for A+ tuition reimbursement and taking a virtual course under this section, the school shall not attribute ninety-four percent attendance to such student for such course, but shall attribute no less than ninety-five percent attendance to any such student who has completed such virtual course.** Course completion shall be calculated in two increments, fifty percent completion and one hundred percent completion, based on the student's completion of defined assignments and assessments, with distribution of state funding to a school district or charter school at each increment equal to forty-seven percent of hours of attendance possible for such course delivered in the nonvirtual program in a student's school district of residence or charter school.

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

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

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

6. Any special school district shall count any student's completion of a virtual course or program in the same manner as the district counts completion of any other course or program for credit.

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

**8. School districts that are unaccredited shall be responsible for notifying students and parents or guardians of the school district funded virtual school option. The decision to enroll in virtual school coursework shall be solely at the discretion of the student and his or her parent or guardian. The availability**

**of the virtual school program in an unaccredited school district shall not be used by such school district to prevent a student from transferring to an adjoining district.**

167.121. 1. If the residence of a pupil is so located that attendance in the district of residence constitutes an unusual or unreasonable transportation hardship because of natural barriers, travel time, or distance, the commissioner of education or his designee may assign the pupil to another district. Subject to the provisions of this section, all existing assignments shall be reviewed prior to July 1, 1984, and from time to time thereafter, and may be continued or rescinded. The board of education of the district in which the pupil lives shall pay the tuition of the pupil assigned. The tuition shall not exceed the pro rata cost of instruction.

2. (1) For the school year beginning July 1, 2008, and each succeeding school year, a parent or guardian residing in a [lapsed] public school district or a [district that has scored either unaccredited or provisionally accredited, or a combination thereof, on two consecutive annual performance reports] may enroll the parent's or guardian's child in the Missouri virtual school created in section 161.670, **or a virtual school that meets the requirements of section 162.1250**, provided the pupil first enrolls in the school district of residence. The school district of residence shall include the pupil's enrollment in the virtual school created in section 161.670 in determining the district's average daily attendance. Full-time enrollment in the virtual school shall constitute one average daily attendance equivalent in the school district of residence. Average daily attendance for part-time enrollment in the virtual school shall be calculated as a percentage of the total number of virtual courses enrolled in divided by the number of courses required for full-time attendance in the school district of residence.

(2) A pupil's residence, for purposes of this section, means residency established under section 167.020. Except for students residing in a K-8 district attending high school in a district under section 167.131, the board of the home district shall pay to the virtual school the amount required under section 161.670.

(3) Nothing in this section shall require any school district or the state to provide computers, equipment, internet or other access, supplies, materials or funding, except as provided in this section, as may be deemed necessary for a pupil to participate in the virtual school created in section 161.670.

(4) 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, 2007, shall be invalid and void."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

*House Committee Amendment No. 1*

*to*

*House Committee Amendment No. 6*

AMEND House Committee Amendment No. 6 to House Bill No. 42, Page 11, Line 27, by inserting the word "**appropriations**," immediately after the words "**shall consist of**"; and

Further amend said house committee amendment, Page 13, Line 18, by inserting the word "**appropriations**," immediately after the words "**shall consist of**"; and

Further amend said house committee amendment, Page 15, Line 6, by inserting the word "**appropriations**," immediately after the words "**shall consist of**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

*House Committee Amendment No. 6*

AMEND House Bill No. 42, Pages 1 and 2, Sections 161.091 and 167.131, by removing all of said sections and inserting in lieu thereof 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 determined by the annual performance report required 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. 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 hours;
- (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.

**161.087. 1. When the state board of education assigns classification designations to school districts and attendance centers pursuant to its authority to classify the public schools of the state in section 161.092, the state board shall use only the following classification designations based on the standards adopted by the state board:**

- (1) Unaccredited;**
- (2) Provisionally accredited;**
- (3) Accredited; and**
- (4) Accredited with distinction.**

**2. The state board of education shall develop and implement a process to provide assistance teams to borderline districts as determined by the department of elementary and secondary education and to underperforming districts upon assignment of a classification designation of unaccredited or provisionally accredited or determination made by the state board of education. The composition and size of the team may**

vary, based on academic, demographic, and financial circumstances of the district, but in no case will the team have fewer than ten members, two of whom shall be active classroom teachers in the district, two of whom shall be principals, and one of whom shall be a parent of a student in the district. The department staff member assigned to the region in which the district is located may be included in the assistance team's activities but shall not be formally assigned to the team. The team shall provide both analysis of, at a minimum, the assessment data, classroom practices, and communication processes within buildings, within the district, and with the larger community, and prescriptions for improvement based on the district's and community's needs. Separate teams may be used to provide analysis and recommendations at the discretion of the state board. Beginning with school year 2015-16, the team shall provide its recommendations no later than June 30, 2016, for underperforming districts and borderline districts. The state board shall prioritize the assignment of teams so that the districts with the lower annual performance report scores are addressed first. The assistance team's suggestions for improvement shall be mandatory for underperforming districts but shall not be mandatory for borderline districts. If an underperforming district disagrees with any suggestion of the assistance team, the district shall propose a different method of accomplishing what the assistance team has suggested, and the state board of education shall be the final arbiter of the matter.

**161.238. 1.** As authorized under its duty to classify the schools of the state under section 161.092, the state board of education shall adopt a system of classification that accredits attendance centers within a district separately from the district as a whole using the classification designations provided in section 161.087.

**2.** The state board of education may consider the classification designation of an attendance center in its accreditation classification system to exempt attendance centers, as that term is defined in section 167.848, with classification numbers outside the range of numbers assigned to high schools, middle schools, junior high schools, or elementary schools. Public separate special education schools within a special school district are exempted from the accreditation requirements of this section. While not applicable for the purpose of accreditation, a special school district shall continue to report all scores on its annual performance report to the department of elementary and secondary education for all of its schools. Juvenile detention centers within a special school district are also exempted from the accreditation standards of this section.

**3.** Any attendance center that does not offer classes above the second grade level shall be exempt from the attendance center accreditation requirements of this section and from any requirements relating to statewide assessments.

**4.** Notwithstanding the provisions of subdivision (9) of section 161.092, the rules and regulations promulgated under this section shall be effective thirty days after publication in the code of state regulations as provided in section 536.021 and shall not be subject to the two-year delay contained in subdivision (9) of section 161.092.

**5.** 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.

**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. **Nothing in this section shall be construed to permit either the state board of education or a special administrative board to raise, in any way not specifically allowed by law, the tax levy of the district or any part of the district without a vote of the people.** 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 **or 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 or any other form of governance appointed under this section**, its members or employees. 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, **or any other form of governance appointed under this section**, its members and employees.

6. Neither the special administrative board **or 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 to 167.828.**

**162.1310. When the state board of education classifies any district or attendance center as unaccredited, the district shall notify the parent or guardian of any student enrolled in the unaccredited district or unaccredited attendance center of the loss of accreditation within seven business days. The district's notice shall include an explanation of which students may be eligible to transfer, the transfer process under sections 167.826 to 167.828, 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. The district shall post the notice in a conspicuous and accessible place in each district attendance center. The district shall also send the notice to each political subdivision located within the boundaries of the district.**

**162.1312. The school board of any district that operates an underperforming school shall adopt a policy regarding the availability of home visits by school personnel. Pursuant to such policy, the school may offer to the parent or guardian of a student enrolled in any such school the opportunity to have at least one annual home visit and shall offer an opportunity for a meeting at the attendance center or a mutually agreeable site.**

163.036. 1. In computing the amount of state aid a school district is entitled to receive for the minimum school term only under section 163.031, a school district may use an estimate of the weighted average daily attendance for the current year, or the weighted average daily attendance for the immediately preceding year or the weighted average daily attendance for the second preceding school year, whichever is greater. Beginning with the 2006-07 school year, the summer school attendance included in the average daily attendance as defined in subdivision (2) of section 163.011 shall include only the attendance hours of pupils that attend summer school in the

current year. Beginning with the 2004-05 school year, when a district's official calendar for the current year contributes to a more than ten percent reduction in the average daily attendance for kindergarten compared to the immediately preceding year, the payment attributable to kindergarten shall include only the current year kindergarten average daily attendance. Any error made in the apportionment of state aid because of a difference between the actual weighted average daily attendance and the estimated weighted average daily attendance shall be corrected as provided in section 163.091, except that if the amount paid to a district estimating weighted average daily attendance exceeds the amount to which the district was actually entitled by more than five percent, interest at the rate of six percent shall be charged on the excess and shall be added to the amount to be deducted from the district's apportionment the next succeeding year.

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

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

4. For the purposes of distribution of state school aid pursuant to section 163.031, a school district with ten percent or more of its assessed valuation that is owned by one person or corporation as commercial or personal property who is delinquent in a property tax payment may elect, after receiving notice from the county clerk on or before March fifteenth that more than ten percent of its current taxes due the preceding December thirty-first by a single property owner are delinquent, to use in the local effort calculation of the state aid formula the district's equalized assessed valuation for the preceding year or the actual assessed valuation of the year for which the taxes are delinquent less the assessed valuation of property for which the current year's property tax is delinquent. To qualify for use of the actual assessed valuation of the year for which the taxes are delinquent less the assessed valuation of property for which the current year's property tax is delinquent, a district must notify the department of elementary and secondary education on or before April first, except in the year enacted, of the current year amount of delinquent taxes, the assessed valuation of such property for which delinquent taxes are owed and the total assessed valuation of the district for the year in which the taxes were due but not paid. Any district giving such notice to the department of elementary and secondary education shall present verification of the accuracy of such notice obtained from the clerk of the county levying delinquent taxes. When any of the delinquent taxes identified by such notice are paid during a four-year period following the due date, the county clerk shall give notice to the district and the department of elementary and secondary education, and state aid paid to the district shall be reduced by an amount equal to the delinquent taxes received plus interest. The reduction in state aid shall occur over a period not to exceed five years and the interest rate on excess state aid not refunded shall be six percent annually.

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

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

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.

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 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. 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."; and

Further amend said bill, Page 4, Section 167.132, Line 68, by inserting immediately after said section the following:

**"167.730. 1. Beginning July 1, 2016, every public school in the metropolitan school district or in any urban school district containing most or all of a home rule city with more than four hundred thousand inhabitants and located in more than one county, including charter schools, shall incorporate a response-to-intervention tiered approach to reading instruction to focus resources on students who are determined by their school to need additional or changed instruction to make progress as readers. At a minimum, the reading levels of students in kindergarten through tenth grade shall be assessed at the beginning and middle of the school year, and students who score below district benchmarks shall be provided with intensive, systematic reading instruction.**

**2. Beginning January 1, 2016, and every January first thereafter, every public school in the metropolitan school district or in any urban school district containing most or all of a home rule city with more than four hundred thousand inhabitants and located in more than one county, including charter schools, shall prepare a personalized learning plan for any kindergarten or first grade student whose most recent school-wide reading assessment result shows the student is working below grade level unless the student has been determined by other means in the current school year to be working at grade level or above. The provisions of this section shall not apply to students otherwise served under an individualized education program, to students receiving services through a plan prepared under Section 504 of the Rehabilitation Act of 1973 that includes an element addressing reading below grade level, or to students determined to have limited English proficiency.**

**3. For any student in a metropolitan school district or in any urban school district containing most or all of a home rule city with more than four hundred thousand inhabitants and located in more than one county that is required by this section to have a personalized learning plan, the student's main teacher shall consult with the student's parent or guardian during the preparation of the plan and shall consult, as appropriate, any district personnel or department of elementary and secondary education personnel with necessary expertise to develop such a plan. The school shall require the written consent of the parent or guardian to implement the plan; however, if the school is unsuccessful in contacting the parent or guardian by January fifteenth, the school may send a letter by certified mail to the student's last known address stating its intention to implement the plan by February first.**

**4. After implementing the personalized learning plan through the end of the student's first grade year, the school shall refer any student who still performs below grade level for assessment to determine if an individualized education program is necessary for the student. A student who is assessed as not needing an individualized education program but who is reading below grade level at the end of the first grade shall continue to be required to have a personalized learning plan until the student is reading at grade level.**

**5. Notwithstanding any provision of law to the contrary, any student in a metropolitan or in any urban school district containing most or all of a home rule city with more than four hundred thousand inhabitants and located in more than one county who is not reading at second-grade level by the end of second grade may be promoted to the third grade only under one of the following circumstances:**

**(1) The school provides additional reading instruction during the summer and demonstrates the student is ready for third grade at the end of the summer school;**

(2) The school provides a combined classroom in which the student continues with the same teacher, sometimes referred to as "looping". If the student in such a classroom is not reading at third-grade level by the end of third grade, the student shall be retained in third grade; or

(3) The student's parents or guardians have signed a notice that they prefer to have their student promoted although the student is reading below grade level. The school shall have the final determination on the issue of retention.

6. The metropolitan school district, any urban school district containing most or all of a home rule city with more than four hundred thousand inhabitants and located in more than one county, and each charter school located in them shall provide in its annual report card under section 160.522 the numbers and percentages by grade from first grade to tenth grade in each school of any students at any grade level who have been promoted who have been determined as reading below grade level, except that no reporting shall permit the identification of an individual student.

7. School districts and charter schools under this section may provide for a student promotion and retention program and a reading instruction program that are equivalent to those which are described in this section with the oversight and approval of the department of elementary and secondary education.

167.827. 1. By August 1, 2015, 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 education authority for the county in which the unaccredited district is located its number of available enrollment slots by grade level. Each unaccredited district shall report the number of available enrollment slots in the accredited schools of the district. Each charter school in the unaccredited district that wishes to receive transfer students shall provide the information required under this subsection by the same date.

2. Any education authority whose geographic area includes an unaccredited district shall make information and assistance available to parents or guardians who intend to transfer their child from an unaccredited school in an unaccredited district to an accredited district or to an approved charter school, as defined in section 167.848.

3. The parent or guardian of a student who intends to transfer his or her child to an accredited district in the same or an adjoining county or to an approved charter school shall send initial notification to the education authority for the county in which he or she resides by March first for enrollment in the subsequent school year.

4. The education authority whose geographic area includes an unaccredited district shall assign those students who seek to transfer to an accredited district in the same or an adjoining county or an approved charter school. The authority 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 an accredited school and who apply to attend the same accredited school. If insufficient grade-appropriate enrollment slots are available for a student to be able to transfer, that student shall receive first priority the following school year. The authority 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 in section 167.241; and
- (4) Distance and travel time to a receiving school.

The education authority shall not consider student academic performance, free and reduced lunch status, or athletic ability in assigning a student to a school.

5. An education authority 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 a representative of the authority. Each education authority shall develop administrative guidelines to provide common standards for determining disruptive behavior which shall include, but not be limited to, criteria under the safe schools act.

6. Notwithstanding any other provision of law, the test scores of transfer student attending school in districts other than their district of residence shall not be counted as part of the receiving district's test scores for the first two years the student attends school in the receiving district.

167.830. 1. There is hereby established the "St. Louis Area Education Authority". The authority is hereby constituted a public instrumentality and body politic and corporate, and the exercise by the authority of the powers conferred by this section shall be deemed and held to be the performance of an essential public function. Unless otherwise provided, the authority shall be subject to all general laws pertaining to the operation of seven-director districts as defined in section 160.011.

2. Whenever any metropolitan school district, any district located in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants, or any district located in an adjoining county to them is assigned a classification designation of unaccredited by the state board of education, the authority shall coordinate student transfers from unaccredited schools in the unaccredited district to accredited districts in the same or an adjoining county, and if applicable, to an approved charter school as defined in section 167.848.

3. The authority shall consist of five members to be appointed by the governor, by and with the advice and consent of the senate, each of whom shall be a resident of the state. The members shall reflect the population characteristics of the districts they represent. Not more than three of the five members of the authority shall be of the same political party. Two members shall be residents of the metropolitan school district, two members shall be residents of school districts located in a county with a charter form of government and with more than nine hundred fifty thousand inhabitants, and one member shall be a resident of a district located in an adjoining county. The length of term for members shall be six years except for the initial members, who shall be appointed in the following manner:

- (1) One member shall be appointed for a term of two years;
- (2) One member shall be appointed for a term of three years;
- (3) One member shall be appointed for a term of four years;
- (4) One member shall be appointed for a term of five years; and
- (5) One member shall be appointed for a term of six years.

4. The term length of each initial appointee shall be designated by the governor at the time of making the appointment. Upon the expiration of the initial terms of office, successor members shall be appointed for terms of six years and shall serve until their successors have been appointed and have qualified. Any member shall be eligible for reappointment. The governor shall fill any vacancy for the remainder of any unexpired term within thirty days of notification of the vacancy. Any member of the authority may be removed by the governor for misfeasance, malfeasance, willful neglect of duty, or other cause after notice and a public hearing unless the notice or hearing shall be expressly waived in writing.

5. Members of the authority shall receive no compensation for services, but shall be entitled to reimbursement for necessary expenses, including traveling and lodging expenses, incurred in the discharge of their duties. Any payment for expenses shall be paid from funds of the authority.

6. One member of the authority, designated by the governor for the purpose, shall call and convene the initial organizational meeting of the authority and shall serve as its president pro tempore. At the initial meeting and annually thereafter, the authority shall elect one of its members as president. The authority may appoint an executive director who shall not be a member of the authority and who shall serve at its pleasure. If an executive director is appointed, he or she shall receive such compensation as shall be fixed from time to time by action of the authority. The authority shall appoint a member as secretary who shall keep a record of the proceedings of the authority and shall be the custodian of all books, documents, and papers filed with the authority, the minute books or journal thereof, and its official seal. The secretary may cause copies to be made of all minutes and other records and documents of the authority and may give certificates under the official seal of the authority to the effect that the copies are true and correct copies, and all persons dealing with the authority may rely on such certificates. The authority, by resolution duly adopted, shall fix the powers and duties of its executive director as it may, from time to time, deem proper and necessary.

7. Meetings, records, and operations of the authority shall be subject to the provisions of chapter 610.

8. The authority shall have the following powers, together with all powers incidental thereto or necessary for the performance thereof to:

- (1) Have perpetual succession as a body politic and corporate;
- (2) Adopt bylaws for the regulation of its affairs and the conduct of its business;

- (3) Sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;
- (4) Establish and use a corporate seal and to alter the same at pleasure;
- (5) Maintain an office at such place or places in the state of Missouri as it may designate;
- (6) Employ an executive director and other staff as needed, with compensation fixed by the authority;
- (7) Coordinate student transfers from unaccredited schools in unaccredited districts located in its jurisdiction, as provided by law; and
- (8) Coordinate and collaborate with local districts and local governments for the transfer of students, as provided by law.

167.833. 1. There is hereby created in the state treasury the "St. Louis Area Education Authority Fund". The fund shall consist of any gifts, bequests or public or private donations to such fund. Any moneys in the fund shall be used to fund the operations of the education authority. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements of public money in accordance with distribution requirements and procedures developed by the department of elementary and secondary education and shall make disbursement of private funds according to the directions of the donor. If the donor did not specify how the private funds were to be disbursed, the state treasurer shall contact the donor to determine the manner of disbursement. The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be used solely for the administration of sections 167.830 and 167.833.

2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

3. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

167.836. 1. There is hereby established the "Kansas City Area Education Authority". The authority is hereby constituted a public instrumentality and body politic and corporate, and the exercise by the authority of the powers conferred by this section shall be deemed and held to be the performance of an essential public function. Unless otherwise provided, the authority shall be subject to all general laws pertaining to the operation of seven-director districts as defined in section 160.011.

2. Whenever any district located in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants or in an adjoining county is assigned a classification designation of unaccredited by the state board of education, the authority shall coordinate student transfers from unaccredited schools in the unaccredited district to accredited districts in the same or an adjoining county, and if applicable, to an approved charter school, as defined in section 167.848.

3. The authority shall consist of five members appointed by the governor, by and with the advice and consent of the senate, each of whom shall be a resident of the state. Three members shall be residents of an urban school district containing most or all of a home rule city with more than four hundred thousand inhabitants and located in more than one county. One member shall be a resident of a school district located in a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants. Such member shall be a resident of a school district other than an urban school district containing most or all of a home rule city with more than four hundred thousand inhabitants and located in more than one county. One member shall be a resident of a school district located in a county adjoining to a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants. The members shall reflect the population characteristics of the districts they represent. Not more than three of the five members of the authority shall be of the same political party. The length of term for members shall be six years except for the initial members, who shall be appointed in the following manner:

- (1) One member shall be appointed for a term of two years;
- (2) One member shall be appointed for a term of three years;
- (3) One member shall be appointed for a term of four years;
- (4) One member shall be appointed for a term of five years; and
- (5) One member shall be appointed for a term of six years.

4. The term length of each initial appointee shall be designated by the governor at the time of making the appointment. Upon the expiration of the initial terms of office, successor members shall be appointed for

terms of six years and shall serve until their successors have been appointed and have qualified. Any member shall be eligible for reappointment. The governor shall fill any vacancy for the remainder of any unexpired term within thirty days of notification of the vacancy. Any member of the authority may be removed by the governor for misfeasance, malfeasance, willful neglect of duty, or other cause after notice and a public hearing unless the notice or hearing shall be expressly waived in writing.

5. Members of the authority shall receive no compensation for services, but shall be entitled to reimbursement for necessary expenses, including traveling and lodging expenses, incurred in the discharge of their duties. Any payment for expenses shall be paid from funds of the authority.

6. One member of the authority, designated by the governor for the purpose, shall call and convene the initial organizational meeting of the authority and shall serve as its president pro tempore. At the initial meeting and annually thereafter, the authority shall elect one of its members as president. The authority may appoint an executive director who shall not be a member of the authority and who shall serve at its pleasure. If an executive director is appointed, he or she shall receive such compensation as shall be fixed from time to time by action of the authority. The authority shall appoint a member as secretary who shall keep a record of the proceedings of the authority and shall be the custodian of all books, documents, and papers filed with the authority, the minute books or journal thereof, and its official seal. The secretary may cause copies to be made of all minutes and other records and documents of the authority and may give certificates under the official seal of the authority to the effect that the copies are true and correct copies, and all persons dealing with the authority may rely on such certificates. The authority, by resolution duly adopted, shall fix the powers and duties of its executive director as it may, from time to time, deem proper and necessary.

7. Meetings, records, and operations of the authority shall be subject to the provisions of chapter 610.

8. The authority shall have the following powers, together with all powers incidental thereto or necessary for the performance thereof to:

- (1) Have perpetual succession as a body politic and corporate;
- (2) Adopt bylaws for the regulation of its affairs and the conduct of its business;
- (3) Sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;
- (4) Establish and use a corporate seal and to alter the same at pleasure;
- (5) Maintain an office at such place or places in the state of Missouri as it may designate;
- (6) Employ an executive director and other staff as needed, with compensation fixed by the authority;
- (7) Coordinate student transfers from unaccredited schools in unaccredited districts located in its jurisdiction, as provided by law; and
- (8) Coordinate and collaborate with local districts and local governments for the transfer of students, as provided by law.

167.839. 1. There is hereby created in the state treasury the "Kansas City Area Education Authority Fund". The fund shall consist of any gifts, bequests or public or private donations to such fund. Any moneys in the fund shall be used to fund the operations of the education authority. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements of public money in accordance with distribution requirements and procedures developed by the department of elementary and secondary education and shall make disbursements of private money according to the direction of the donor. If the donor did not specify how the private funds were to be disbursed, the state treasurer shall contact the donor to determine the manner of disbursement. The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be used solely for the administration of sections 167.836 and 167.839.

2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

3. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

167.842. 1. There is hereby established the "Statewide Education Authority". The authority is hereby constituted a public instrumentality and body politic and corporate, and the exercise by the authority of the powers conferred by this section shall be deemed and held to be the performance of an essential public function. Unless otherwise provided, the authority shall be subject to all general laws pertaining to the

operation of seven-director districts as defined in section 160.011. The jurisdiction of the statewide education authority shall be all counties except for:

- (1) Any city not within a county;
- (2) Any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants and adjoining counties;
- (3) Any county with a charter form of government and with more than nine hundred fifty thousand inhabitants and adjoining counties;

2. Whenever any district located in the statewide education authority's jurisdiction is assigned a classification designation of unaccredited by the state board of education, the authority shall coordinate student transfers from unaccredited schools in the unaccredited district to accredited districts in the same or an adjoining county, and if applicable, to an approved charter school as defined in section 167.848.

3. The authority shall consist of five members to be appointed by the governor, by and with the advice and consent of the senate, each of whom shall be a resident of the state. The members shall reflect the population characteristics of the districts they represent. Not more than three of the five members of the authority shall be of the same political party. The governor shall not appoint members to the authority until the state board of education gives notice that a district in the authority's jurisdiction has been declared unaccredited. The length of term for members shall be six years except for the initial members, who shall be appointed in the following manner:

- (1) One member shall be appointed for a term of two years;
- (2) One member shall be appointed for a term of three years;
- (3) One member shall be appointed for a term of four years;
- (4) One member shall be appointed for a term of five years; and
- (5) One member shall be appointed for a term of six years.

4. The term length of each initial appointee shall be designated by the governor at the time of making the appointment. Upon the expiration of the initial terms of office, successor members shall be appointed for terms of six years and shall serve until their successors have been appointed and have qualified. Any member shall be eligible for reappointment. The governor shall fill any vacancy for the remainder of any unexpired term within thirty days of notification of the vacancy. Any member of the authority may be removed by the governor for misfeasance, malfeasance, willful neglect of duty, or other cause after notice and a public hearing unless the notice or hearing shall be expressly waived in writing.

5. Members of the authority shall receive no compensation for services, but shall be entitled to reimbursement for necessary expenses, including traveling and lodging expenses, incurred in the discharge of their duties. Any payment for expenses shall be paid from funds of the authority.

6. One member of the authority, designated by the governor for the purpose, shall call and convene the initial organizational meeting of the authority and shall serve as its president pro tempore. At the initial meeting and annually thereafter, the authority shall elect one of its members as president. The authority may appoint an executive director who shall not be a member of the authority and who shall serve at its pleasure. If an executive director is appointed, he or she shall receive such compensation as shall be fixed from time to time by action of the authority. The authority shall appoint a member as secretary who shall keep a record of the proceedings of the authority and shall be the custodian of all books, documents, and papers filed with the authority, the minute books or journal thereof, and its official seal. The secretary may cause copies to be made of all minutes and other records and documents of the authority and may give certificates under the official seal of the authority to the effect that the copies are true and correct copies, and all persons dealing with the authority may rely on such certificates. The authority, by resolution duly adopted, shall fix the powers and duties of its executive director as it may, from time to time, deem proper and necessary.

7. Meetings, records, and operations of the authority shall be subject to the provisions of chapter 610.

8. The authority shall have the following powers, together with all powers incidental thereto or necessary for the performance thereof to:

- (1) Have perpetual succession as a body politic and corporate;
- (2) Adopt bylaws for the regulation of its affairs and the conduct of its business;
- (3) Sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;
- (4) Establish and use a corporate seal and to alter the same at pleasure;
- (5) Maintain an office at such place or places in the state of Missouri as it may designate;

- (6) Employ an executive director and other staff as needed, with compensation fixed by the authority;
- (7) Coordinate student transfers from unaccredited schools in unaccredited districts located in its jurisdiction, as provided by law; and
- (8) Coordinate and collaborate with local districts and local governments for the transfer of students, as provided by law.

167.845. 1. There is hereby created in the state treasury the "Statewide Education Authority Fund". The fund shall consist of any gifts, bequests, or public or private donations to such fund. Any moneys in the fund shall be used to fund the operations of the education authority. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements of public money in accordance with distribution requirements and procedures developed by the department of elementary and secondary education and shall make disbursement of private funds according to the directions of the donor. If the donor did not specify how the private funds were to be disbursed, the state treasurer shall contact the donor to determine the manner of disbursement. The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be used solely for the administration of sections 167.842 and 167.845.

2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

3. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

*House Committee Amendment No. 10*

AMEND House Bill No. 42, Page 4, Section 167.132, Line 68, by inserting immediately after said line the following:

"167.890. 1. The department of elementary and secondary education shall compile and maintain student performance data scores of all transient students and students enrolled in districts other than a student's resident district as provided in section 167.131 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 August 28, 2015, shall be invalid and void."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**Committee on Transportation**, Chairman Kolkmeyer reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 179**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 27(11)(d) be referred to the Select Committee on Rules.

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 553**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**, and pursuant to Rule 27(13) be referred to the Select Committee on State and Local Governments.

*House Committee Amendment No. 1*

AMEND House Bill No. 553, Page 2, Section 301.130, Line 43, by deleting the word "trailers," and inserting in lieu thereof the following, "[trailers,]"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 562**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 27(11)(d) be referred to the Select Committee on Rules.

**Select Committee on State and Local Governments**, Chairman Solon reporting:

Mr. Speaker: Your Select Committee on State and Local Governments, to which was referred **HB 63**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute No. 2**.

**INTRODUCTION OF HOUSE CONCURRENT RESOLUTIONS**

The following House Concurrent Resolution was read the first time and copies ordered printed:

**HCR 31**, introduced by Representative Kirkton, relating to condemning the persecution against Falun Gong.

**INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 873**, introduced by Representative Johnson, relating to the designation of a memorial highway.

**HB 874**, introduced by Representative Remole, relating to the designation of public holidays.

**HB 875**, introduced by Representative Hinson, relating to public library districts.

**HB 876**, introduced by Representative Conway (104), relating to the Deputy Sheriff Salary Supplementation Fund.

**HB 877**, introduced by Representative Beard, relating to modification of maintenance orders.

**HB 878**, introduced by Representative Rhoads, relating to corporate security advisors.

**HB 879**, introduced by Representative Korman, relating to property taxation of short term rental merchandise.

**HB 880**, introduced by Representative Butler, relating to the Police Best Practices Act.

**HB 881**, introduced by Representative Butler, relating to the Quality Policing Act.

**HB 882**, introduced by Representative McGaugh, relating to the Agri-Ready County Designation Program.

**HB 883**, introduced by Representative McGaugh, relating to discharge of a firearm across property lines.

**HB 884**, introduced by Representative Rowden, relating to investments made by county hospitals.

**HB 885**, introduced by Representative Sommer, relating to the regulation of autocycles.

**HB 886**, introduced by Representative Ellington, relating to a sales tax exemption for sales made at prison canteens.

**HB 887**, introduced by Representative Ellington, relating to designation of El-Hajj Malik El-Shabazz observation day in Missouri.

**HB 888**, introduced by Representative Ellington, relating to driver's license issuance.

**HB 889**, introduced by Representative Curtman, relating to elections.

**HB 890**, introduced by Representative Kratky, relating to local taxes for the purpose of funding MO HealthNet expansion.

**HB 891**, introduced by Representative McNeil, relating to health insurance premium rate reviews.

**HB 892**, introduced by Representative Shumake, relating to the Missouri works program.

**HB 893**, introduced by Representative Neely, relating to violations of child custody judgments.

**HB 894**, introduced by Representative Peters, relating to break time for nursing mothers.

**HB 895**, introduced by Representative Rizzo, relating to real property owned by limited liability companies.

**HB 896**, introduced by Representative Hubrecht, relating to cosmetology.

**HB 897**, introduced by Representative Hubrecht, relating to nursing facilities.

#### **MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS#2 SCS SB 11**, entitled:

An act to repeal sections 105.450 and 105.470, RSMo, section 105.473 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and section 105.473 as enacted by house bill no. 1900, ninety-third general assembly, second regular session, and to enact in lieu thereof five new sections relating to regulating the ethical behavior of professionals engaged in political activities, with existing penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 15**, entitled:

An act to amend chapter 136, RSMo, by adding thereto one new section relating to a commission to study state tax policy.

In which the concurrence of the House is respectfully requested.

The following members' presence was noted: Dunn, Flanigan, Hough, Redmon, and Webber.

### **ADJOURNMENT**

On motion of Representative Hurst, the House adjourned until 10:00 a.m., Wednesday, February 11, 2015.

### **COMMITTEE HEARINGS**

#### **ADMINISTRATION AND ACCOUNTS**

Wednesday, February 11, 2015, 5:00 PM, House Hearing Room 4.

Public hearing will be held: HR 321

Executive session will be held: HR 321

Executive session may be held on any matter referred to the committee.

Discussion of publication change.

Discussion of procedure for approval of a caucus.

#### **APPROPRIATIONS - ELEMENTARY AND SECONDARY EDUCATION**

Thursday, February 12, 2015, 2:00 PM or 30 minutes after adjournment, whichever is later, House Hearing Room 1.

Executive session will be held: HB 2

Executive session may be held on any matter referred to the committee.

HB 2 Markup

#### **APPROPRIATIONS - GENERAL ADMINISTRATION**

Wednesday, February 11, 2015, Upon Adjournment, House Hearing Room 3.

Executive session will be held: HB 1, HB 5, HB 12, HB 13

Executive session may be held on any matter referred to the committee.

CORRECTED

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Thursday, February 12, 2015, 8:00 AM, House Hearing Room 3.

Executive session will be held: HB 10, HB 11

Executive session may be held on any matter referred to the committee.

Markup (Executive Session) of HB10 and HB11. Please contact Linda with any questions at 573-751-3762.

APPROPRIATIONS - HIGHER EDUCATION

Wednesday, February 11, 2015, 2:00 PM, House Hearing Room 1.

Executive session will be held: HB 3

Executive session may be held on any matter referred to the committee.

HB 3 Markup

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, February 11, 2015, 2:00 PM, House Hearing Room 6.

Executive session will be held: HB 8, HB 9

Executive session may be held on any matter referred to the committee.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Thursday, February 12, 2015, 8:00 AM, House Hearing Room 6.

Executive session will be held: HB 8, HB 9

Executive session may be held on any matter referred to the committee.

APPROPRIATIONS - REVENUE, TRANSPORTATION, AND ECONOMIC DEVELOPMENT

Wednesday, February 11, 2015, 2:00 PM, House Hearing Room 7.

Executive session will be held: HB 4, HB 7

Executive session may be held on any matter referred to the committee.

Markup

CIVIL AND CRIMINAL PROCEEDINGS

Wednesday, February 11, 2015, 12:00 PM, House Hearing Room 1.

Public hearing will be held: HB 37, HB 557, HB 608, HJR 17

Executive session may be held on any matter referred to the committee.

CONSERVATION AND NATURAL RESOURCES

Monday, February 16, 2015, 5:00 PM, House Hearing Room 4.

Public hearing will be held: HB 710

Executive session will be held: HB 119

Executive session may be held on any matter referred to the committee.

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, February 11, 2015, 5:00 PM, House Hearing Room 3.

Reschedule Brainstorming session.

EMPLOYMENT SECURITY

Wednesday, February 11, 2015, 8:00 AM, House Hearing Room 7.  
Public hearing will be held: HB 337, HB 460, HB 461  
Executive session may be held on any matter referred to the committee.

HEALTH AND MENTAL HEALTH POLICY

Tuesday, February 17, 2015, 5:00 PM, House Hearing Room 6.  
Oncology Protocol Informational Hearing.

HEALTH INSURANCE

Wednesday, February 11, 2015, 9:00 AM, House Hearing Room 4.  
Executive session will be held: HB 130  
Executive session may be held on any matter referred to the committee.

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Wednesday, February 11, 2015, 12:30 PM, Senate Committee Room 1.  
Quarterly Business Meeting-Organizational Meeting. Some portions of the meeting may be closed pursuant to Section 610.021.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Tuesday, February 17, 2015, 8:00 AM, House Hearing Room 4.  
1<sup>st</sup> Quarter Meeting  
Portions of the meeting may be closed pursuant to Section 610.021, RSMo.

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

Monday, February 16, 2015, Upon Adjournment, House Hearing Room 6.  
Public hearing will be held: HB 429, HB 210, HB 193  
Executive session will be held: HB 33, HB 269, HB 296  
Executive session may be held on any matter referred to the committee.

SELECT COMMITTEE ON COMMERCE

Wednesday, February 11, 2015, 5:00 PM, House Hearing Room 7.  
Executive session will be held: HB 32  
Executive session may be held on any matter referred to the committee.

SELECT COMMITTEE ON EDUCATION

Thursday, February 12, 2015, 8:00 AM, House Hearing Room 5.  
Executive session will be held: HB 42  
Executive session may be held on any matter referred to the committee.  
Testimony will not be accepted on House Bill 42.

SELECT COMMITTEE ON INSURANCE

Thursday, February 12, 2015, 8:30 AM, House Hearing Room 4.  
Executive session will be held: HB 50, HB 100  
Executive session may be held on any matter referred to the committee.

**SELECT COMMITTEE ON JUDICIARY**

Wednesday, February 11, 2015, 5:00 PM, House Hearing Room 1.

Executive session will be held: HB 138

Executive session may be held on any matter referred to the committee.

**SELECT COMMITTEE ON RULES**

Wednesday, February 11, 2015, 5:00 PM, House Hearing Room 5.

Executive session will be held: HB 533, HB 41, HB 179, HB 562

Executive session may be held on any matter referred to the committee.

**SMALL BUSINESS**

Wednesday, February 11, 2015, 12:00 PM, House Hearing Room 7.

Public hearing will be held: HB 325, HB 513, HB 677

Executive session may be held on any matter referred to the committee.

**TRADE AND TOURISM**

Wednesday, February 11, 2015, 8:00 AM, House Hearing Room 1.

Public hearing will be held: HB 598, HB 403, HCR 27

Executive session may be held on any matter referred to the committee.

There will be a brief presentation by the Missouri Department of Tourism.

**UTILITY INFRASTRUCTURE**

Wednesday, February 11, 2015, 5:00 PM, House Hearing Room 6.

Public hearing will be held: HB 213

Executive session will be held: HB 203

Executive session may be held on any matter referred to the committee.

**HOUSE CALENDAR**

TWENTIETH DAY, WEDNESDAY, FEBRUARY 11, 2015

**HOUSE CONCURRENT RESOLUTIONS FOR SECOND READING**

HCR 31

**HOUSE BILLS FOR SECOND READING**

HB 873 through HB 897

**HOUSE BILLS FOR PERFECTION**

HCS HBs 116 & 569 - Burlison

HB 582 - Curtis

**SENATE BILLS FOR SECOND READING**

SS#2 SCS SB 11

SS SCS SB 15

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