

JOURNAL OF THE HOUSE

Second Regular Session, 92nd GENERAL ASSEMBLY

TWENTIETH DAY, WEDNESDAY, FEBRUARY 11, 2004

The House met pursuant to adjournment.

Representative Cunningham (145) in the Chair.

Prayer by Reverend James Earl Jackson.

Heavenly Father, Your Word declares, "Whoever walks with the wise becomes wise, but the companion of the foolish will suffer harm." Grant us wise companionship and counsel that we may become wiser.

Give us understanding of this truth: that where there is a lack of wise counsel, our purposes are frustrated, but with the abundance of good counsel, plans are accomplished.

May we give the right answer at the right time in the hope that everyone would hear and respond appropriately.

Now may Your grace rest and abide with us all.

In the name of Your Son we pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Hillary Greenwell, Shelby Schmitz, Paige Dimmitt, Miranda Lawson, Sephra Pompa and Curtisea Pompa.

The Journal of the nineteenth day was approved as printed.

Speaker Hanaway assumed the Chair.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 486	-	Representative Crowell
House Resolution No. 487	-	Representative Munzlinger
House Resolution No. 488	-	Representative Goodman
House Resolution No. 489		
through		
House Resolution No. 491	-	Representative Yates
House Resolution No. 492	-	Representative Selby

INTRODUCTION OF HOUSE BILLS

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

HB 1460, introduced by Representatives El-Amin, Hoskins, Sanders Brooks, Wilson (42), Riback Wilson (25), Thompson, Bland, Johnson (47), Hubbard, Curls, Donnelly, Daus, Hilgemann, Harris (110), Walker, Dougherty, Skaggs and Villa, relating to jury service.

HB 1461, introduced by Representatives El-Amin, Hubbard, Sanders Brooks, Wilson (42), Thompson, Bland, Walton, Johnson (61), Hoskins, Boykins, Haywood, Donnelly and Hilgemann, relating to civilian review boards.

HB 1462, introduced by Representatives Bean, Mayer, Kingery, Myers, Lipke, Reinhart, Swinger, Lembke, Roark, Black, Portwood, Guest, Bivins and Wallace, to authorize the conveyance of property owned by the state in the county of Stoddard to the city of Bernie.

HB 1463, introduced by Representatives Campbell, Seigfreid, Moore and Shoemyer, relating to the safe staffing and quality care accountability acts.

HB 1464, introduced by Representatives Lager, Wasson, Stefanick, Ruestman and Page, relating to the practice of dentistry.

SECOND READING OF HOUSE JOINT RESOLUTIONS

HJR 51 through **HJR 53** were read the second time.

SECOND READING OF HOUSE BILLS

HB 1435 through **HB 1459** were read the second time.

SECOND READING OF SENATE BILLS

SCS SB 758, SCS SB 767, SB 769, SB 770, SCS SB 782, SCS SB 789, SB 932, SCS SBs 942, 850 & 841, SCS SB 1006 and SB 1028 were read the second time.

SPECIAL RECOGNITION

Willis Case was introduced by Representative Cunningham (145) and recognized as an Outstanding Missourian.

THIRD READING OF HOUSE BILL

HCS HB 777, relating to state institutions of higher education, was taken up by Representative Marsh.

Representative Marsh moved that **HCS HB 777** be read the third time and passed.

Which motion was defeated by the following vote:

AYES: 073

Abel	Angst	Bearden	Bishop	Bivins
Bough	Bruns	Byrd	Cooper 155	Crawford
Cunningham 145	Davis 19	Dempsey	Dethrow	Dixon
Emery	Engler	Ervin	Goodman	Hampton
Holand	Hunter	Jackson	Jetton	Johnson 61
Kelly 144	King	Kingery	Kuessner	Lager
Lembke	Luetkemeyer	Marsh	McKenna	Miller
Moore	Morris	Nieves	Parker	Pearce
Phillips	Portwood	Purgason	Quinn	Rector
Reinhart	Richard	Roark	Ruestman	Rupp
Schaaf	Schlottach	Schneider	Schoemehl	Self
Shoemaker	Spreng	St. Onge	Stevenson	Taylor
Viebrock	Villa	Wagner	Wallace	Walton
Ward	Wasson	Wilson 119	Wilson 130	Wood
Wright	Young	Madam Speaker		

NOES: 083

Baker	Barnitz	Bean	Behnen	Black
Bland	Boykins	Bringer	Brooks	Brown
Burnett	Campbell	Carnahan	Cooper 120	Corcoran
Crowell	Curls	Darrough	Daus	Davis 122
Deeken	Donnelly	Dougherty	Dusenberg	El-Amin
Fares	Fraser	George	Graham	Green
Guest	Harris 110	Harris 23	Haywood	Henke
Hobbs	Hoskins	Hubbard	Ice	Johnson 47
Johnson 90	Jolly	Jones	Kelly 36	Kratky
LeVota	Liese	Lipke	Lowe	May
Mayer	Meiners	Muckler	Munzlinger	Myers
Page	Pratt	Sager	Salva	Sander
Seigfreid	Selby	Shoemyer	Skaggs	Smith 118
Smith 14	Stefanick	Swinger	Thompson	Threlkeld
Townley	Vogt	Walker	Walsh	Whorton
Wildberger	Willoughby	Wilson 25	Wilson 42	Witte
Yaeger	Yates	Zweifel		

PRESENT: 003

Cunningham 86	Hilgemann	Lawson
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ABSENT WITH LEAVE: 003

Avery	Ransdall	Sutherland
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VACANCIES: 001

SIGNING OF HOUSE CONCURRENT RESOLUTION

Having been duly signed in open session of the Senate, **HCR 5** was delivered to the Governor by the Chief Clerk of the House.

On motion of Representative Crowell, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Hanaway.

OATH OF OFFICE

Representative-elect Tim Meadows advanced to the bar and subscribed to the oath of office, which was administered by Speaker of the House, Catherine L. Hanaway.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 493

and

House Resolution No. 494 - Representative Sander

House Resolution No. 495 - Representative Walker

House Resolution No. 496 - Representative Johnson (61)

House Resolution No. 497 - Representative Shoemyer

House Resolution No. 498 - Representative Bland, et al

House Resolution No. 499 - Representative Donnelly

House Resolution No. 500 - Representative Crowell

House Resolution No. 501

and

House Resolution No. 502 - Representative Jetton

House Resolution No. 503 - Representative Icet

HOUSE CONCURRENT RESOLUTION

Representative Baker, et al, offered House Concurrent Resolution No. 23.

INTRODUCTION OF HOUSE BILLS

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

HB 1465, introduced by Representatives Kelly (36), Moore, Johnson (61), Bruns and Jolly, relating to fees for criminal history requests.

HB 1466, introduced by Representatives Meiners, Walker, Burnett, Wildberger, Curls, Kratky, Ward, Yaeger, Villa, Hubbard, Vogt, Campbell, Daus, LeVota, Young, Lowe, Donnelly, Muckler, Carnahan, Dougherty, Abel, Hilgemann and Riback Wilson (25), relating to gaming.

HB 1467, introduced by Representatives Sutherland, Smith (118), Engler, Jetton, Wilson (119), Dougherty, Ervin, Sager, Baker, Pratt, Morris, Young, Phillips and Stefanick, relating to the senior citizens' homestead tax relief act.

HB 1468, introduced by Representative Byrd, relating to wearing seat belts.

HB 1469, introduced by Representatives Jolly, Johnson (90), Vogt, Skaggs, Spreng, Liese, Ward and Sanders Brooks, relating to health insurance.

HB 1470, introduced by Representatives Mayer, Kratky, Vogt, Salva, Bringer, Carnahan, Richard, Hubbard, Kuessner, Daus, Villa, Moore, Schoemehl, Taylor, Spreng, McKenna, Corcoran, Abel, Seigfreid, Ward, Green, Muckler, Jones, Kelly (36), Walsh, Johnson (47), Donnelly, Liese, Wildberger, Johnson (61), Jolly, Jackson, Swinger, Hilgemann, George and Jetton, relating to stealing.

HB 1471, introduced by Representatives Sanders Brooks, Johnson (47), LeVota, Skaggs, Wilson (42), Curls, Phillips, Dusenber, Bland, Brown, Yates, Bishop, Meiners, Lowe, Reinhart, Willoughby, Pratt, Dougherty, Burnett, Salva, Young, Walker, Sager, Campbell and Jolly, to authorize the conveyance of property owned by the state in the county of Jackson to the Truman Medical Center.

PERFECTION OF HOUSE BILLS

HCS HB 1040, relating to education accountability, was taken up by Representative Cunningham (86).

Representative Johnson (90) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 1040, Page 4, Section 161.089, Line 11, by inserting immediately at the end of said line the following:

“161.096. The state board of education shall audit each school district’s transportation contracts, including bidding procedures and transportation rates, on an annual basis.”; and

Further amend said bill, Page 4, Section 161.209, Line 9, by inserting immediately at the end of said line the following:

“162.065. Any school district which provides bussing services to its students and any private transportation company which provides bussing services to a school district shall do the following:

(1) Consult the Missouri sex offender registration list prior to selecting school bus stops; and

(2) Have manifests containing the name, home address, bus stop, and destination of each student that is allowed to use a school bus and provide a copy of such list to each school bus driver so that any person who attempts to board a school bus who is not on such manifest can be denied access to such bus.

162.067. During fall registration, all school districts shall provide, to each student’s parent or family, background information on the district’s transportation program which shall include the name of the private transportation company the district uses, if any, the results of highway patrol safety inspections on busses that will be used to transport students, and any corporate safety information regarding such busses that is available.”; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Wallace raised a point of order that **House Amendment No. 1** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative Byrd requested a division of the question on **House Amendment No. 1**.

House Amendment No. 1

PART I

AMEND House Committee Substitute for House Bill No. 1040, Page 4, Section 161.089, Line 11, by inserting immediately at the end of said line the following:

“161.096. The state board of education shall audit each school district’s transportation contracts, including bidding procedures and transportation rates, on an annual basis.”.

On motion of Representative Johnson (90), **Part I of House Amendment No. 1** was adopted by the following vote:

AYES: 138

Abel	Angst	Baker	Barnitz	Bean
Bearden	Bishop	Bivins	Black	Bland
Bringer	Brooks	Brown	Bruns	Burnett
Byrd	Campbell	Carnahan	Cooper 120	Corcoran
Crawford	Crowell	Cunningham 145	Cunningham 86	Curls
Darrough	Daus	Davis 122	Davis 19	Deeken
Dempsey	Dethrow	Dixon	Donnelly	Dougherty
Dusenberg	El-Amin	Emery	Engler	Ervin
Fraser	George	Goodman	Graham	Green
Guest	Hampton	Harris 110	Harris 23	Henke
Hilgemann	Hobbs	Holand	Hoskins	Hubbard
Hunter	Ice	Jackson	Jetton	Johnson 47
Johnson 61	Johnson 90	Jolly	Jones	Kelly 144
Kelly 36	King	Kingery	Kratky	Kuessner
Lager	Lawson	Lembke	LeVota	Liese
Lowe	Luetkemeyer	May	Mayer	McKenna
Meadows	Meiners	Moore	Muckler	Munzlinger
Myers	Nieves	Page	Pearce	Phillips
Pratt	Quinn	Ransdall	Rector	Ruestman
Rupp	Sager	Salva	Sander	Schaaf
Schlottach	Schneider	Schoemehl	Seigfreid	Selby
Self	Shoemaker	Shoemyer	Skaggs	Smith 118
Smith 14	Spreng	St. Onge	Stevenson	Swinger
Thompson	Threlkeld	Villa	Vogt	Wagner
Walker	Walsh	Walton	Ward	Whorton
Wildberger	Willoughby	Wilson 130	Wilson 25	Wilson 42
Witte	Wood	Wright	Yaeger	Yates
Young	Zweifel	Madam Speaker		

NOES: 018

Behnen	Bough	Cooper 155	Fares	Lipke
Miller	Parker	Portwood	Purgason	Reinhart
Richard	Roark	Stefanick	Taylor	Viebrock
Wallace	Wasson	Wilson 119		

PRESENT: 000

ABSENT WITH LEAVE: 007

Avery	Boykins	Haywood	Marsh	Morris
Sutherland	Townley			

House Amendment No. 1

PART II

AMEND House Committee Substitute for House Bill No. 1040, Page 4, Section 161.209, Line 9, by inserting immediately at the end of said line the following:

“162.065. Any school district which provides bussing services to its students and any private transportation company which provides bussing services to a school district shall do the following:

(1) Consult the Missouri sex offender registration list prior to selecting school bus stops; and

(2) Have manifests containing the name, home address, bus stop, and destination of each student that is allowed to use a school bus and provide a copy of such list to each school bus driver so that any person who attempts to board a school bus who is not on such manifest can be denied access to such bus.

162.067. During fall registration, all school districts shall provide, to each student’s parent or family, background information on the district’s transportation program which shall include the name of the private transportation company the district uses, if any, the results of highway patrol safety inspections on busses that will be used to transport students, and any corporate safety information regarding such busses that is available.”; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Johnson (90), **Part II of House Amendment No. 1** was adopted by the following vote:

AYES: 144

Abel	Angst	Baker	Barnitz	Bearden
Behnen	Bishop	Bivins	Black	Bringer
Brooks	Brown	Bruns	Burnett	Byrd
Campbell	Carnahan	Cooper 120	Cooper 155	Corcoran
Crowell	Cunningham 86	Curls	Darrough	Daus
Davis 122	Davis 19	Deeken	Dempsey	Dethrow
Dixon	Donnelly	Dougherty	Dusenberg	El-Amin
Emery	Engler	Ervin	Fares	Fraser
George	Goodman	Graham	Green	Guest
Hampton	Harris 110	Harris 23	Henke	Hilgemann
Hobbs	Holand	Hoskins	Hubbard	Ice
Jackson	Jetton	Johnson 47	Johnson 61	Johnson 90
Jolly	Jones	Kelly 144	Kelly 36	Kingery
Kratky	Lager	Lawson	Lembke	LeVota
Liese	Lipke	Lowe	Luetkemeyer	May

Mayer	McKenna	Meadows	Moore	Morris
Muckler	Munzlinger	Myers	Nieves	Page
Parker	Pearce	Phillips	Portwood	Pratt
Purgason	Quinn	Ransdall	Rector	Reinhart
Richard	Roark	Ruestman	Rupp	Sager
Salva	Sander	Schaaf	Schlottach	Schneider
Schoemehl	Seigfreid	Selby	Self	Shoemaker
Shoemyer	Skaggs	Smith 118	Smith 14	Spreng
St. Onge	Stefanick	Stevenson	Swinger	Thompson
Threlkeld	Townley	Villa	Vogt	Wagner
Walker	Walsh	Waldon	Ward	Whorton
Wildberger	Willoughby	Wilson 119	Wilson 130	Wilson 25
Wilson 42	Witte	Wood	Wright	Yaeger
Yates	Young	Zweifel	Madam Speaker	

NOES: 007

Bough	Cunningham 145	King	Miller	Taylor
Viebrock	Wallace			

PRESENT: 000

ABSENT WITH LEAVE: 012

Avery	Bean	Bland	Boykins	Crawford
Haywood	Hunter	Kuessner	Marsh	Meiners
Sutherland	Wasson			

Representative Jolly offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 1040, Page 1, Section A, Line 3, by inserting after all of said line the following:

"160.261. 1. The local board of education of each school district shall clearly establish a written policy of discipline, including the district's determination on the use of corporal punishment and the procedures in which punishment will be applied. A written copy of the district's discipline policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning of each school year and also made available in the office of the superintendent of such district, during normal business hours, for public inspection. All employees of the district shall annually receive instruction related to the specific contents of the policy of discipline and any interpretations necessary to implement the provisions of the policy in the course of their duties, including but not limited to approved methods of dealing with acts of school violence, disciplining students with disabilities and instruction in the necessity and requirements for confidentiality.

2. The policy shall require school administrators to report acts of school violence to teachers and other school district employees with a need to know. For the purposes of this chapter or chapter 167, RSMo, "need to know" is defined as school personnel who are directly responsible for the student's education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties. As used in this section, the phrase "act of school violence" or "violent behavior" means the exertion of physical force by a student with the intent to do serious physical injury as defined in subdivision (6) of section 565.002, RSMo, to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. The policy shall at a minimum require school administrators to report, as soon as reasonably practical, to the appropriate law enforcement agency any of the following felonies, or any act which if committed by an adult would be one of the following felonies:

- (1) First degree murder under section 565.020, RSMo;
- (2) Second degree murder under section 565.021, RSMo;

- (3) Kidnapping under section 565.110, RSMo;
- (4) First degree assault under section 565.050, RSMo;
- (5) Forcible rape under section 566.030, RSMo;
- (6) Forcible sodomy under section 566.060, RSMo;
- (7) Burglary in the first degree under section 569.160, RSMo;
- (8) Burglary in the second degree under section 569.170, RSMo;
- (9) Robbery in the first degree under section 569.020, RSMo;
- (10) Distribution of drugs under section 195.211, RSMo;
- (11) Distribution of drugs to a minor under section 195.212, RSMo;
- (12) Arson in the first degree under section 569.040, RSMo;
- (13) Voluntary manslaughter under section 565.023, RSMo;
- (14) Involuntary manslaughter under section 565.024, RSMo;
- (15) Second degree assault under section 565.060, RSMo;
- (16) Sexual assault under section 566.040, RSMo;
- (17) Felonious restraint under section 565.120, RSMo;
- (18) Property damage in the first degree under section 569.100, RSMo;
- (19) The possession of a weapon under chapter 571, RSMo;
- (20) Child molestation in the first degree pursuant to section 566.067, RSMo;
- (21) Deviate sexual assault pursuant to section 566.070, RSMo;
- (22) Sexual misconduct involving a child pursuant to section 566.083, RSMo; or
- (23) Sexual abuse pursuant to section 566.100, RSMo;

committed on school property, including but not limited to actions on any school bus in service on behalf of the district or while involved in school activities. The policy shall require that any portion of a student's individualized education program that is related to demonstrated or potentially violent behavior shall be provided to any teacher and other school district employees who are directly responsible for the student's education or who otherwise interact with the student on an educational basis while acting within the scope of their assigned duties. The policy shall also contain the consequences of failure to obey standards of conduct set by the local board of education, and the importance of the standards to the maintenance of an atmosphere where orderly learning is possible and encouraged.

3. The policy shall provide that any student who is on suspension for any of the offenses listed in subsection 2 of this section or any act of violence or drug-related activity defined by school district policy as a serious violation of school discipline pursuant to subsection 9 of this section shall have as a condition of his or her suspension the requirement that such student is not allowed, while on such suspension, to be within one thousand feet of any public school in the school district where such student attended school unless:

- (1) Such student is under the direct supervision of the student's parent, legal guardian, or custodian;
- (2) Such student is under the direct supervision of another adult designated by the student's parent, legal guardian, or custodian, in advance, in writing, to the principal of the school which suspended the student; or
- (3) Such student resides within one thousand feet of any public school in the school district where such student attended school in which case such student may be on the property of his or her residence without direct adult supervision.

4. Any student who violates the condition of suspension required pursuant to subsection 3 of this section may be subject to expulsion or further suspension pursuant to the provisions of sections 167.161, 167.164, and 167.171, RSMo. In making this determination consideration shall be given to whether the student poses a threat to the safety of any child or school employee and whether such student's unsupervised presence within one thousand feet of the school is disruptive to the educational process or undermines the effectiveness of the school's disciplinary policy. Removal of any pupil who is a student with a disability is subject to state and federal procedural rights.

[3.] **5. The policy shall provide for a suspension for a period of not less than one year, or expulsion, for a student who is determined to have brought a weapon to school, including but not limited to the school playground or the school parking lot, brought a weapon on a school bus or brought a weapon to a school activity whether on or off of the school property in violation of district policy, except that:**

- (1) The superintendent, or in a school district with no high school, the principal of the school which such child attends may modify such suspension on a case-by-case basis; and
- (2) This section shall not prevent the school district from providing educational services in an alternative setting to a student suspended under the provisions of this section.

[4.] 6. For the purpose of this section, the term "weapon" shall mean a firearm as defined under 18 U.S.C. 921 and the following items, as defined in section 571.010, RSMo: a blackjack, a concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife, knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade knife; except that this section shall not be construed to prohibit a school board from adopting a policy to allow a Civil War reenactor to carry a Civil War era weapon on school property for educational purposes so long as the firearm is unloaded. The local board of education shall define weapon in the discipline policy. Such definition shall include the weapons defined in this subsection but may also include other weapons.

[5.] 7. All school district personnel responsible for the care and supervision of students are authorized to hold every pupil strictly accountable for any disorderly conduct in school or on any property of the school, on any school bus going to or returning from school, during school-sponsored activities, or during intermission or recess periods.

[6.] 8. Teachers and other authorized district personnel in public schools responsible for the care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable care by the school district, shall not be civilly liable when acting in conformity with the established policy of discipline developed by each board under this section, or when reporting to his or her supervisor or other person as mandated by state law, acts of school violence or threatened acts of school violence, within the course and scope of the duties of the teacher, authorized district personnel or volunteer, when such individual is acting in conformity with the established policies developed by the board. Nothing in this section shall be construed to create a new cause of action against such school district, or to relieve the school district from liability for the negligent acts of such persons.

[7.] 9. Each school board shall define in its discipline policy acts of violence and any other acts that constitute a serious violation of that policy. Acts of violence as defined by school boards shall include but not be limited to exertion of physical force by a student with the intent to do serious bodily harm to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. School districts shall for each student enrolled in the school district compile and maintain records of any serious violation of the district's discipline policy. Such records shall be made available to teachers and other school district employees with a need to know while acting within the scope of their assigned duties, and shall be provided as required in section 167.020, RSMo, to any school district in which the student subsequently attempts to enroll.

[8.] 10. Spanking, when administered by certificated personnel of a school district in a reasonable manner in accordance with the local board of education's written policy of discipline, is not abuse within the meaning of chapter 210, RSMo. The provisions of sections 210.110 to 210.165, RSMo, notwithstanding, the division of family services shall not have jurisdiction over or investigate any report of alleged child abuse arising out of or related to any spanking administered in a reasonable manner by any certificated school personnel pursuant to a written policy of discipline established by the board of education of the school district. Upon receipt of any reports of child abuse by the division of family services pursuant to sections 210.110 to 210.165, RSMo, which allegedly involves personnel of a school district, the division of family services shall notify the superintendent of schools of the district or, if the person named in the alleged incident is the superintendent of schools, the president of the school board of the school district where the alleged incident occurred. If, after an initial investigation, the superintendent of schools or the president of the school board finds that the report involves an alleged incident of child abuse other than the administration of a spanking by certificated school personnel pursuant to a written policy of discipline or a report made for the sole purpose of harassing a public school employee, the superintendent of schools or the president of the school board shall immediately refer the matter back to the division of family services and take no further action. In all matters referred back to the division of family services, the division of family services shall treat the report in the same manner as other reports of alleged child abuse received by the division. If the report pertains to an alleged incident which arose out of or is related to a spanking administered by certificated personnel of a school district pursuant to a written policy of discipline or a report made for the sole purpose of harassing a public school employee, a notification of the reported child abuse shall be sent by the superintendent of schools or the president of the school board to the juvenile officer of the county in which the alleged incident occurred. The report shall be jointly investigated by the juvenile officer or a law enforcement officer designated by the juvenile officer and the superintendent of schools or, if the subject of the report is the superintendent of schools, by the juvenile officer or a law enforcement officer designated by the juvenile officer and the president of the school board or such president's designee. The investigation shall begin no later than forty-eight hours after notification from the division of family services is received, and shall consist of, but need not be limited to, interviewing and recording statements of the child and the child's parents or guardian within two working days after the start of the investigation, of the school district personnel allegedly involved in the report, and of any witnesses to the alleged incident. The juvenile officer or a law enforcement officer designated by the juvenile officer and the investigating school district personnel shall issue separate reports of their findings and recommendations after the conclusion of the investigation to the school board of the school district within seven days after receiving notice from the division of family services. The

reports shall contain a statement of conclusion as to whether the report of alleged child abuse is substantiated or is unsubstantiated. The school board shall consider the separate reports and shall issue its findings and conclusions and the action to be taken, if any, within seven days after receiving the last of the two reports. The findings and conclusions shall be made in substantially the following form:

(1) The report of the alleged child abuse is unsubstantiated. The juvenile officer or a law enforcement officer designated by the juvenile officer and the investigating school board personnel agree that the evidence shows that no abuse occurred;

(2) The report of the alleged child abuse is substantiated. The juvenile officer or a law enforcement officer designated by the juvenile officer and the investigating school district personnel agree that the evidence is sufficient to support a finding that the alleged incident of child abuse did occur;

(3) The issue involved in the alleged incident of child abuse is unresolved. The juvenile officer or a law enforcement officer designated by the juvenile officer and the investigating school personnel are unable to agree on their findings and conclusions on the alleged incident.

[9.] **11.** The findings and conclusions of the school board shall be sent to the division of family services. If the findings and conclusions of the school board are that the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the case closed, and no record shall be entered in the division of family services' central registry. If the findings and conclusions of the school board are that the report of the alleged child abuse is substantiated, the division of family services shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school district and shall include the information in the division's central registry. If the findings and conclusions of the school board are that the issue involved in the alleged incident of child abuse is unresolved, the division of family services shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school board, however, the incident and the names of the parties allegedly involved shall not be entered into the central registry of the division of family services unless and until the alleged child abuse is substantiated by a court of competent jurisdiction.

[10.] **12.** Any superintendent of schools, president of a school board or such person's designee or juvenile officer who knowingly falsifies any report of any matter pursuant to this section or who knowingly withholds any information relative to any investigation or report pursuant to this section is guilty of a class A misdemeanor."; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Stevenson raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Speaker Pro Tem Jetton assumed the Chair.

On motion of Representative Jolly, **House Amendment No. 2** was adopted by the following vote:

AYES: 133

Abel	Angst	Baker	Barnitz	Bearden
Behnen	Bishop	Black	Bland	Bough
Bringer	Brooks	Brown	Bruns	Burnett
Campbell	Carnahan	Corcoran	Crowell	Cunningham 145
Cunningham 86	Curls	Darrough	Daus	Davis 122
Deeken	Dempsey	Dethrow	Dixon	Donnelly
Dougherty	Dusenberg	Engler	Ervin	Fraser
George	Goodman	Green	Guest	Harris 110
Harris 23	Henke	Hilgemann	Hobbs	Hoskins
Hubbard	Hunter	Icet	Jackson	Jetton
Johnson 47	Johnson 61	Johnson 90	Jolly	Jones

Kelly 144	Kelly 36	King	Kratky	Kuessner
Lager	Lawson	Lembke	LeVota	Liese
Lowe	Luetkemeyer	McKenna	Meadows	Meiners
Miller	Moore	Morris	Muckler	Munzlinger
Nieves	Page	Parker	Pearce	Phillips
Portwood	Pratt	Purgason	Quinn	Ransdall
Rector	Reinhart	Richard	Roark	Ruestman
Rupp	Sager	Salva	Sander	Schlottach
Schneider	Schoemehl	Seigfreid	Selby	Self
Shoemaker	Skaggs	Smith 118	Smith 14	Spreng
St. Onge	Stefanick	Swinger	Taylor	Thompson
Threlkeld	Viebrock	Villa	Vogt	Walker
Wallace	Walsh	Walton	Ward	Whorton
Wildberger	Willoughby	Wilson 119	Wilson 130	Wilson 25
Wilson 42	Witte	Wood	Wright	Yaeger
Yates	Young	Zweifel		

NOES: 015

Bivins	Byrd	Cooper 155	Davis 19	El-Amin
Emery	Fares	Kingery	Lipke	May
Myers	Schaaf	Stevenson	Townley	Wasson

PRESENT: 000

ABSENT WITH LEAVE: 015

Avery	Bean	Boykins	Cooper 120	Crawford
Graham	Hampton	Haywood	Holand	Marsh
Mayer	Shoemyer	Sutherland	Wagner	Madam Speaker

Representative Hilgemann offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 1040, Page 5, Section 162.261, Line 16, by inserting after all of said line the following:

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

(1) A child who, to the satisfaction of the superintendent of public schools of the district in which he resides, or if there is no superintendent then the chief school officer, is determined to be mentally or physically incapacitated may be excused from attendance at school for the full time required, or any part thereof;

(2) A child between fourteen [and sixteen] years of age **and the compulsory attendance age for the district** may be excused from attendance at school for the full time required, or any part thereof, by the superintendent of public schools of the district, or if there is none then by a court of competent jurisdiction, when legal employment has been

obtained by the child and found to be desirable, and after the parents or guardian of the child have been advised of the pending action; or

(3) A child between five and seven years of age shall be excused from attendance at school if a parent, guardian or other person having charge, control or custody of the child makes a written request that the child be dropped from the school's rolls.

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

- (a) Has as its primary purpose the provision of private or religious-based instruction;
- (b) Enrolls pupils between the ages of seven [and sixteen] years **and the compulsory attendance age for the district**, of which no more than four are unrelated by affinity or consanguinity in the third degree; and
- (c) Does not charge or receive consideration in the form of tuition, fees, or other remuneration in a genuine and fair exchange for provision of instruction;

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

- (a) Maintain the following records:
 - a. A plan book, diary, or other written record indicating subjects taught and activities engaged in; and
 - b. A portfolio of samples of the child's academic work; and
 - c. A record of evaluations of the child's academic progress; or
 - d. Other written, or credible evidence equivalent to subparagraphs a., b. and c.; and
- (b) Offer at least one thousand hours of instruction, at least six hundred hours of which will be in reading, language arts, mathematics, social studies and science or academic courses that are related to the aforementioned subject areas and consonant with the pupil's age and ability. At least four hundred of the six hundred hours shall occur at the regular home school location;

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

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

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

5. The production by a parent of a daily log showing that a home school has a course of instruction which satisfies the requirements of this section **or, in the case of a pupil over the age of sixteen years who attended a metropolitan school district the previous year, a written statement that the pupil is attending home school in compliance with this section** shall be a defense to any prosecution under this section and to any charge or action for educational neglect brought pursuant to chapter 210, RSMo.

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

- (1) Seventeen years of age for any metropolitan school district for which the school board adopts a resolution to establish such compulsory attendance age; provided that such resolution shall take effect no earlier than the school year next following the school year during which the resolution is adopted; and
- (2) Sixteen years of age in all other cases.

The school board of a metropolitan school district for which the compulsory attendance age is seventeen years may adopt a resolution to lower the compulsory attendance age to sixteen years; provided that such resolution shall take effect no earlier than the school year next following the school year during which the resolution is adopted.

167.051. 1. If a school board establishes part-time schools or classes for children under [sixteen] **seventeen** years of age, lawfully engaged in any regular employment, every parent, guardian or other person having charge, control or custody of such a child shall cause the child to attend the school not less than four hours a week between the hours of eight o'clock in the morning and five o'clock in the evening during the school year of the part-time classes.

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

Further amend said title, enacting clause and intersectional references accordingly.

Representative St. Onge raised a point of order that **House Amendment No. 3** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Hilgemann, **House Amendment No. 3** was adopted.

Representative Wilson (130) offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 1040, Page 3, Section 160.518, Lines 69 to 71, by striking all of said lines and inserting in lieu thereof the following:

“(1) Institute performance standards for the statewide assessment system as follows: ‘below grade level,’ ‘at grade level,’ ‘above grade level,’ and ‘level not determined,’ based on the approved grade level expectations developed by the department of elementary and secondary education;

(2) Align the ‘at grade level’ performance standard of the statewide assessment system so that it meets but does not exceed the ‘proficient’ level of the National Assessment of Educational Progress examination;”; and

Further amend said bill, Page 3, Section 160.518, Lines 72 and 74, by renumbering subdivisions **(2)** and **(3)** as **(3)** and **(4)**; and

Further amend said title, enacting clause, and intersectional references accordingly.

On motion of Representative Wilson (130), **House Amendment No. 4** was adopted.

Representative Muckler offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Committee Substitute for House Bill No. 1040, Page 5, Section 162.261, Line 16, by adding after all of said line the following:

“163.036. 1. In computing the amount of state aid a school district is entitled to receive **for the minimum school term only** under section 163.031, a school district may use an estimate of the number of eligible pupils for the ensuing year, the number of eligible pupils for the immediately preceding year or the number of eligible pupils for the second preceding school year, whichever is greater. **Beginning with the 2004-2005 school year, the summer school add-on for eligible pupils, as defined in section 163.011, shall include only those eligible pupils that attend summer school in the ensuing year.** Except as otherwise provided in subsection 3 of this section, any error made in the apportionment of state aid because of a difference between the actual number of eligible pupils and the estimated number of eligible pupils shall be corrected as provided in section 163.091, except that if the amount paid to a district estimating eligible pupils 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 number of eligible pupils 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. (1) For any district which has, for at least five years immediately preceding the year in which the error is discovered, adopted a calendar for the school term in which elementary schools are in session for twelve months of each calendar year, any error made in the apportionment of state aid to such district because of a difference between the actual number of eligible pupils and the estimated number of eligible pupils shall be corrected as provided in section 163.091 and subsection 1 of this section, except that if the amount paid exceeds the amount to which the district was actually entitled by more than five percent and the district provides written application to the state board requesting that the deductions be made pursuant to subdivision (2) of this subsection, then the amounts shall be deducted pursuant to subdivision (2) of this subsection.

(2) For deductions made pursuant to this subdivision, interest at the rate of six percent shall be charged on the excess and shall be included in the amount deducted and the total amount of such excess plus accrued interest shall be deducted from the district's apportionment in equal monthly amounts beginning with the succeeding school year and extending for a period of months specified by the district in its written request and no longer than sixty months.

4. For the purposes of distribution of state school aid pursuant to section 163.031, a school district may elect to use the district's equalized assessed valuation for the preceding year, or an estimate of the current year's assessed valuation if the current year's equalized assessed valuation is estimated to be more than ten percent less than the district's equalized assessed valuation for the preceding year. A district shall give prior notice to the department of its intention to use the current year's assessed valuation pursuant to this subsection. 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.

5. 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, except in the year enacted, that more than ten percent of its current taxes due the preceding December thirty-first by a single property owner are delinquent, to use on line 2 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.

6. If a district receives state aid based on equalized assessed valuation as determined by subsection 5 of this section and if prior to such notice the district was paid state aid pursuant to subdivision (2) of subsection 5 of 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 line 1 minus line 10 as defined in subsections 1, 2, 3 and 6 of 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 line 1 minus line 10 as defined in subsections 1, 2, 3 and 6 of 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.” ; and

Further amend the title, enacting clause, and intersectional references accordingly.

On motion of Representative Muckler, House Amendment No. 5 was adopted.

Representative Skaggs offered **House Amendment No. 6**.

House Amendment No. 6 was withdrawn.

On motion of Representative Cunningham (86), **HCS HB 1040, as amended**, was adopted.

On motion of Representative Cunningham (86), **HCS HB 1040, as amended**, was ordered perfected and printed.

HCS HB 1041, relating to school personnel, was taken up by Representative Cunningham (86).

Representative Dempsey offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 1041, Page 3, Section 168.126, Line 49, by adding after said line the following:

"168.305. 1. The state board of education shall submit a written report to the general assembly beginning on October 1, 2004, and annually thereafter, disclosing the number of certified and noncertified teaching positions filled pursuant to section 169.596, RSMo. The report shall include the following:

- (1) The number of positions filled by retirees on a district-by-district basis;**
- (2) The name of individual, title, and salary or contract amount for each filled position; and**
- (3) The amount of employer contribution payments made pursuant to section 169.596, RSMo.**

2. In addition to the information required pursuant to subsection 1 of this section, each school district shall provide the following information to the state board of education to verify compliance with section 169.596, RSMo:

- (1) Copies of vacancy postings;**
- (2) Verification of any early retirement incentive;"**.

Representative Dempsey moved that **House Amendment No. 1** be adopted.

Which motion was defeated.

Representative Lager offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 1041, Page 1, Section 162.032, Line 9, by inserting after all of said line the following:

"163.031. 1. School districts which meet the requirements of section 163.021 shall be entitled to an amount computed as follows: an amount determined by multiplying the number of eligible pupils by the lesser of the district's equalized operating levy for school purposes as defined in section 163.011 or two dollars and seventy-five cents per one hundred dollars assessed valuation multiplied by the guaranteed tax base per eligible pupil times the proration factor plus an amount determined by multiplying the number of eligible pupils by the greater of zero or the district's equalized operating levy for school purposes as defined in section 163.011 minus two dollars and seventy-five cents per one hundred dollars assessed valuation multiplied by the guaranteed tax base per eligible pupil times the proration factor. For the purposes of this section, the proration factor shall be equal to the sum of the total appropriation for distribution

under subsections 1 and 2 of this section; and the state total of the deductions as calculated in subsection 2 of this section which do not exceed the district entitlements as adjusted by the same proration factor; divided by the amount of the state total of district entitlements before proration as calculated pursuant to this subsection; provided that, if the proration factor so calculated is greater than one, the proration factor for line 1(b) shall be the greater of one or the proration factor for line 1(a) minus five hundredths, and provided that if the proration factor so calculated is less than one, the proration factor for line 1(a) shall be the lesser of one or the proration factor for line 1(b) plus five hundredths.

2. From the district entitlement for each district there shall be deducted the following amounts: an amount determined by multiplying the district equalized assessed valuation by the district's equalized operating levy for school purposes times the district income factor plus ninety percent of any payment received the current year of protested taxes due in prior years no earlier than the 1997 tax year minus the amount of any protested taxes due in the current year and for which notice of protest was received during the current year; one hundred percent of the amount received the previous year for school purposes from intangible taxes, fines, forfeitures and escheats, payments in lieu of taxes and receipts from state assessed railroad and utility tax, except that any penalty paid after July 1, 1995, by a concentrated animal feeding operation as defined by the department of natural resources rule shall not be included; one hundred percent of the amounts received the previous year for school purposes from federal properties pursuant to sections 12.070 and 12.080, RSMo; federal impact aid received the previous year for school purposes pursuant to P.L. 81-874 less fifty thousand dollars multiplied by ninety percent or the maximum percentage allowed by federal regulation if that percentage is less than ninety; fifty percent, or the percentage otherwise provided in section 163.087 of Proposition C revenues received the previous year for school purposes from the school district trust fund pursuant to section 163.087; one hundred percent of the amount received the previous year for school purposes from the fair share fund pursuant to section 149.015, RSMo; and one hundred percent of the amount received the previous year for school purposes from the free textbook fund, pursuant to section 148.360, RSMo.

3. School districts which meet the requirements of section 163.021 shall receive categorical add-on revenue as provided in this subsection. There shall be individual proration factors for each categorical entitlement provided for in this subsection, and each proration factor shall be determined by annual appropriations, but no categorical proration factor shall exceed the entitlement proration factor established pursuant to subsection 1 of this section, except that the vocational education entitlement proration factor established pursuant to line 16 of subsection 6 of this section and the educational and screening program entitlements proration factor established pursuant to line 17 of subsection 6 of this section may exceed the entitlement proration factor established pursuant to subsection 1 of this section. The categorical add-on for the district shall be the sum of: seventy-five percent of the costs of adopting and providing a violence prevention program pursuant to section 161.650, RSMo, multiplied by the proration factor; seventy-five percent of the district allowable transportation costs pursuant to section 163.161 multiplied by the proration factor; the special education approved or allowed cost entitlement for the district, provided for by section 162.975, RSMo, multiplied by the proration factor; seventy-five percent of the district gifted education approved or allowable cost entitlement as determined pursuant to section 162.975, RSMo, multiplied by the proration factor; the free and reduced lunch eligible pupil count for the district, as defined in section 163.011, multiplied by twenty percent, for a district with an operating levy in excess of two dollars and seventy-five cents per one hundred dollars assessed valuation, or twenty-two percent, otherwise times the guaranteed tax base per eligible pupil times two dollars and seventy-five cents per one hundred dollars assessed valuation times the proration factor plus the free and reduced lunch eligible pupil count for the district, as defined in section 163.011, times thirty percent times the guaranteed tax base per eligible pupil times the following quantity: ((the greater of zero or the district's operating levy for school purposes minus two dollars and seventy-five cents per one hundred dollars assessed valuation) times one or, beginning in the fifth year following the effective date of this section, the quotient of the district's fiscal instructional ratio of efficiency for the prior year divided by the fiscal year 1998 statewide average fiscal instructional ratio of efficiency, if the district's prior year fiscal instructional ratio of efficiency is at least five percent below the fiscal year 1998 statewide average) times the proration factor, minus court-ordered state desegregation aid received by the district for operating purposes; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo, [multiplied by the proration factor]; the vocational education entitlement for the district, as provided for in section 167.332, RSMo, multiplied by the proration factor and the district educational and screening program entitlements as provided for in sections 178.691 to 178.699, RSMo, times the proration factor.

4. Each district's apportionment shall be the prorated categorical add-ons plus the greater of the district's prorated entitlement minus the total deductions for the district or zero.

5. (1) In the 1993-94 school year and all subsequent school years, pursuant to section 10(c) of article X of the state constitution, a school district shall adjust upward its operating levy for school purposes to the extent necessary for the district to at least maintain the current operating expenditures per pupil received by the district from all sources in

the 1992-93 school year, except that its operating levy for school purposes shall not exceed the highest tax rate in effect subsequent to the 1980 tax year, or the minimum rate required by subsection 2 of section 163.021, whichever is less.

(2) The revenue per eligible pupil received by a district from the following sources: line 1 minus line 10, or zero if line 1 minus line 10 is less than zero, plus line 14 of subsection 6 of this section, shall not be less than the revenue per eligible pupil received by a district in the 1992-93 school year from the foundation formula entitlement payment amount plus the amount of line 14 per eligible pupil that exceeds the line 14 per pupil amount from the 1997-98 school year, or the revenue per eligible pupil received by a district in the 1992-93 school year from the foundation formula entitlement payment amount plus the amount of line 14(a) per eligible pupil times the quotient of line 1 minus line 10, divided by the number of eligible pupils, or zero if line 1 minus line 10 is less than zero, divided by the revenue per eligible pupil received by the district in the 1992-93 school year from the foundation formula entitlement payment amount, whichever is greater. The department of elementary and secondary education shall make an addition in the payment amount of line 19 of subsection 6 of this section to assure compliance with the provisions contained in this section.

(3) For any school district which meets the eligibility criteria for state aid as established in section 163.021, but which under subsections 1 to 4 of this section, receives no state aid for two successive school years, other than categorical add-ons, by August first following the second such school year, the commissioner of education shall present a plan to the superintendent of the school district for the waiver of rules and the duration of said waivers, in order to promote flexibility in the operations of the district and to enhance and encourage efficiency in the delivery of instructional services. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257, RSMo. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school district related to the authority of the state board of education to classify school districts pursuant to section 161.092, RSMo, and such other rules as determined by the commissioner of education, except that such waivers shall not include the provisions established pursuant to sections 160.514 and 160.518, RSMo.

(4) In the 1993-94 school year and each school year thereafter for two years, those districts which are entitled to receive state aid under subsections 1 to 4 of this section, shall receive state aid in an amount per eligible pupil as provided in this subsection. For the 1993-94 school year, the amount per eligible pupil shall be twenty-five percent of the amount of state aid per eligible pupil calculated for the district for the 1993-94 school year pursuant to subsections 1 to 4 of this section plus seventy-five percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1993-94 school year pursuant to subsections 1 to 4 of this section. For the 1994-95 school year, the amount per eligible pupil shall be fifty percent of the amount of state aid per eligible pupil calculated for the district for the 1994-95 school year pursuant to subsections 1 to 4 of this section plus fifty percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1994-95 school year pursuant to subsections 1 to 4 of this section. For the 1995-96 school year, the amount of state aid per eligible pupil shall be seventy-five percent of the amount of state aid per eligible pupil calculated for the district for the 1995-96 school year pursuant to subsections 1 to 4 of this section plus twenty-five percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1995-96 school year pursuant to subsections 1 to 4 of this section. Nothing in this subdivision shall be construed to limit the authority of a school district to raise its district operating levy pursuant to subdivision (1) of this subsection.

(5) If the total of state aid apportionments to all districts pursuant to subdivision (3) of this subsection is less than the total of state aid apportionments calculated pursuant to subsections 1 to 4 of this section, then the difference shall be deposited in the outstanding schools trust fund. If the total of state aid apportionments to all districts pursuant to subdivision (1) of this subsection is greater than the total of state aid apportionments calculated pursuant to subsections 1 to 4 of this section, then funds shall be transferred from the outstanding schools trust fund to the state school moneys fund to the extent necessary to fund the district entitlements as modified by subdivision (4) of this subsection for that school year with a district entitlement proration factor no less than one and such transfer shall be given priority over all other uses for the outstanding schools trust fund as otherwise provided by law.

6. State aid shall be determined as follows:

District Entitlement

- 1(a). Number of eligible pupils x (lesser of district's equalized operating levy for school purposes or two dollars and seventy-five cents per one hundred dollars assessed valuation) x (proration x GTB per EP) \$.....
- 1(b). Number of eligible pupils x (greater of: 0, or district's equalized operating levy for school purposes minus two dollars and seventy-five cents per one hundred dollars assessed valuation) x (proration x GTB per EP) \$.....

Deductions

2. District equalized assessed valuation x district income factor x district's equalized operating levy for school purposes plus ninety percent of any payment received the current year of protested taxes due in prior years no earlier than the 1997 tax year minus the amount of any protested taxes due in the current year and for which notice of protest was received during the current year \$.....
3. Intangible taxes, fines, forfeitures, escheats, payments in lieu of taxes, etc. (100% of the amount received the previous year for school purposes) \$.....
4. Receipts from state assessed railroad and utility tax (100% of the amount received the previous year for school purposes) \$.....
5. Receipts from federal properties pursuant to sections 12.070 and 12.080, RSMo (100% of the amount received the previous year for school purposes) \$.....
6. (Federal impact aid received the previous year for school purposes pursuant to P.L. 81-874 less \$50,000) x 90% or the maximum percentage allowed by federal regulations if less than 90% \$.....
7. Fifty percent or the percentage otherwise provided in section 163.087 of Proposition C receipts from the school district trust fund received the previous year for school purposes pursuant to section 163.087 \$.....
8. One hundred percent of the amount received the previous year for school purposes from the fair share fund pursuant to section 149.015, RSMo \$.....
9. One hundred percent of the amount received the previous year for school purposes from the free textbook fund pursuant to section 148.360, RSMo \$.....
10. Total deductions (sum of lines 2-9) \$.....

Categorical Add-ons

11. The amount distributed pursuant to section 163.161 x proration \$.....
12. Special education approved or allowed cost entitlement for the district pursuant to section 162.975, RSMo, x proration \$.....
13. Seventy-five percent of the gifted education approved or allowable cost entitlement as determined pursuant to section 162.975, RSMo, x proration \$.....
- 14(a). Free and reduced lunch eligible pupil count for the district, as defined in section 163.011, x .20, if operating levy in excess of \$2.75, or .22, otherwise x GTB per EP x \$2.75 per \$100 AV x proration \$.....
- 14(b). Free and reduced lunch eligible pupil count for the district, as defined in section 163.011 x .30 x GTB x ((the greater of zero or the district's adjusted operating levy minus \$2.75 per \$100 AV) x (1.0 or, beginning in the fifth year following the effective date of this section, the district's FIRE for the prior year/statewide average FIRE for FY 1998, if the district's prior year FIRE is at least five percent below the FY 1998 statewide average FIRE) x proration) - court-ordered state desegregation aid received by the district for operating purposes \$.....
15. Career ladder entitlement for the district as provided for in sections 168.500 to 168.515, RSMo[, x proration] \$.....
16. Vocational education entitlements for the district as provided in section 167.332, RSMo, x proration \$.....
17. Educational and screening program entitlements for the district as provided in sections 178.691 to 178.699, RSMo, x proration \$.....
18. Sum of categorical add-ons for the district (sum of lines 11-17) \$.....
19. District apportionment (line 18 plus the greater of line 1 minus line 10 or zero) \$.....

7. Revenue received for school purposes by each school district pursuant to this section shall be placed in each of the incidental and teachers' funds based on the ratio of the property tax rate in the district for that fund to the total tax rate in the district for the two funds.

8. In addition to the penalty for line 14 described in subsection 6 of this section, beginning in school year 2004-05, any increase in a school district's funds received pursuant to line 14 of subsection 6 of this section over the 1997-98 school year shall be reduced by one percent for each full percentage point the percentage of the district's pupils scoring at or above five percent below the statewide average level on either mathematics or reading is less than sixty-five percent.

9. If a school district's annual audit discloses that students were inappropriately identified as eligible for free or reduced-price lunch and the district does not resolve the audit finding, the department of elementary and secondary education shall require that the amount of line 14 aid paid on the inappropriately identified pupils be repaid by the district in the next school year and shall additionally impose a penalty of one hundred percent of the line 14 aid paid on such pupils, which penalty shall also be paid within the next school year. Such amounts may be repaid by the district through the withholding of the amount of state aid."; and

Further amend said bill, Page 3, Section 168.126, Line 49, by inserting after all of said line the following:

"168.515. 1. Each teacher selected to participate in a career plan established under sections 168.500 to 168.515, who meets the requirements of such plan, shall receive a salary supplement, the state's share of which shall be distributed under section 163.031, RSMo, equal to the following amounts [multiplied by the proration factor applied to the career ladder entitlement of line 15 of subsection 6 of section 163.031, RSMo]:

- (1) Career stage I teachers may receive up to an additional one thousand five hundred dollars per school year;
- (2) Career stage II teachers may receive up to an additional three thousand dollars per school year;
- (3) Career stage III teachers may receive up to an additional five thousand dollars per school year.

All teachers within each stage within the same school district shall receive equal salary supplements.

2. The state shall make payments pursuant to section 163.031, RSMo, to the local school district for the purpose of reimbursing the local school district for the payment of any salary supplements provided for in this section, subject to the availability of funds as appropriated each year and distributed on a variable match formula which shall be based on equalized assessed valuation of the district for the second preceding school year. A district's equalized assessed valuation shall be multiplied by the district income factor defined in section 163.011, RSMo, and shall be known as the adjusted equalized assessed valuation.

3. In distributing these matching funds, school districts shall be ranked by the adjusted equalized assessed valuation for the second preceding school year per eligible pupil from the highest to the lowest and divided into three groups. Group one shall contain the highest twenty-five percent of all public school districts, groups two and three combined shall contain the remaining seventy-five percent of all public school districts. The districts in groups two and three shall be rank ordered from largest to smallest based on enrollment as of the last Wednesday in September during the second preceding school year, group two shall contain twenty-five percent of all public school districts that are larger on the enrollment based rank ordered list and group three shall contain the remaining fifty percent of all public school districts. Pursuant to subsection 4 of this section, districts in group one shall receive forty percent state funding and shall contribute sixty percent local funding, group two shall receive fifty percent state funding and shall contribute fifty percent local funding and group three shall receive sixty percent state funding and shall contribute forty percent local funding.

4. The incremental groups are as follows:

Group	Percentage of Districts	Percentage of State Funding	Percentage of Local Funding
1	25%	40%	60%
2	25%	50%	50%
3	50%	60%	40%

5. Beginning in the 1996-97 school year, any school district in any group which participated in the career ladder program in 1995-96 and paid less than the local funding percentage required by subsection 4 of this section shall increase its local share of career ladder costs by five percentage points from the preceding year until the district pays the percentage share of cost required by subsection 4 of this section, and in no case shall the local funding percentage be increased by a greater amount for any year. For any district, the state payment shall not exceed the local payment times the state percentage share divided by the local percentage share. Any district not participating in the 1995-96 school year or any district which interrupts its career ladder program for any subsequent year shall enter the program on the cost-sharing basis required by subsection 4 of this section.

6. Not less than every fourth year, beginning with calendar year 1988, the general assembly, through the joint committee established under section 160.254, RSMo, shall review the amount of the career pay provided for in this section to determine if any increases are necessary to reflect the increases in the cost of living which have occurred since the salary supplements were last reviewed or set.

7. To participate in the salary supplement program established under this section, a school district may submit to the voters of the district a proposition to increase taxes for this purpose. If a school district's current tax rate ceiling is at or above the rate from which an increase would require a two-thirds majority, the school board may submit to the voters of the district a proposition to reduce or eliminate the amount of the levy reduction resulting from section 164.013, RSMo. If a majority of the voters voting thereon vote in favor of the proposition, the board may certify that seventy-five percent of the revenue generated from this source shall be used to implement the salary supplement program established under this section.

8. In no case shall a school district use state funds received under this section nor local revenue generated from a tax established under subsection 7 of this section to comply with the minimum salary requirements for teachers established pursuant to section 163.172, RSMo.

9. Beginning in the 1996-97 school year, for any teacher who participated in the career program in the 1995-96 school year, continues to participate in the program thereafter, and remains qualified to receive career pay pursuant to section 168.510, the state's share of the teacher's salary supplement shall continue to be the percentage paid by the state in the 1995-96 school year, notwithstanding any provisions of subsection 4 of this section to the contrary, and the state shall continue to pay such percentage of the teacher's salary supplement until any of the following occurs:

- (1) The teacher ceases his or her participation in the program; or
- (2) The teacher suspends his or her participation in the program for any school year after the 1995-96 school year. If the teacher later resumes participation in the program, the state funding shall be subject to the provisions of subsection 4 of this section."; and

Further amend said bill, Page 5, Section 302.272, Line 66, by inserting after all of said line the following:

"Section B. Because immediate action is necessary to aid school finances the repeal and reenactment of sections 163.031 and 168.515 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 163.031 and 168.515 of section A of this act shall be in full force and effect on July 1, 2004, or upon its passage and approval, whichever later occurs."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Lager, **House Amendment No. 2** was adopted.

Representative Sanders Brooks offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 1041, Page 1, Section 167.166, Line 1, by inserting after the word "**employee**" the following: "**or volunteer**"; and

Further amend said page and section, Line 3, by inserting after the word "**employee**" the following: "**or volunteer**"; and

Further amend said page and section, Line 4, by inserting immediately after the words "**fellow student**" the following:

"**; however, such searches may be conducted by, or under the authority of, a commissioned law enforcement officer or if an emergency condition exists**"; and

Further amend Page 2, Section 167.166, Line 9, by inserting at the end of said line, the following:

"**If an employee is not entitled to such evidentiary hearing, the employee shall be suspended pending completion of due process.**".

On motion of Representative Sanders Brooks, **House Amendment No. 3** was adopted.

Representative Mayer offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 1041, Page 2, Section 168.110, Line 18, by inserting after all of said line the following:

“168.124.1. The board of education of a school district may place on leave of absence as many teachers as may be necessary because of a decrease in pupil enrollment, school district reorganization or the financial condition of the school district. In placing teachers on leave, the board of education shall be governed by the following provisions:

(1) No permanent teacher shall be placed on leave of absence while probationary teachers are retained in positions for which a permanent teacher is qualified;

(2) Permanent teachers shall be retained on the basis of performance-based evaluations and seniority (however, seniority shall not be controlling) within the field of specialization;

(3) Permanent teachers shall be reinstated to the positions from which they have been given leaves of absence, or if not available, to positions requiring like training and experience, or to other positions in the school system for which they are qualified by training and experience;

(4) No appointment of new teachers shall be made while there are available teachers on unrequested leave of absence who are properly qualified to fill such vacancies;

(5) A teacher placed on leave of absence may engage in teaching or another occupation during the period of such leave;

(6) The leave of absence shall not impair the tenure of a teacher;

(7) The leave of absence shall continue for a period of not more than three years unless extended by the board.

2. If a school district has an unrestricted combined ending fund balance of more than ten percent of current expenditures in its teachers' and incidental funds, and in the subsequent fiscal year such district, because of state appropriations, places a contracted teacher on leave of absence after forty days subsequent to the governor signing the elementary and secondary education appropriation bill, the district shall pay the affected teacher the greater of his or her salary for any days worked under the contract or a sum equal to three thousand dollars.

3. If a school district reduces staff due to financial considerations, the school district shall solely follow the procedures provided in this section.”; and

Further amend the title, enacting clause, and intersectional references accordingly.

On motion of Representative Mayer, **House Amendment No. 4** was adopted.

Representative Hobbs offered **House Amendment No. 5.**

House Amendment No. 5

AMEND House Committee Substitute for House Bill No. 1041, Page 2, Section 167.166, Line 9, by inserting after all of said line the following:

“168.081. [After September 1, 1988,] No person without a valid Missouri certificate shall:

(1) Engage in the practice of teaching or the performance of education duties in [grades kindergarten through] **prekindergarten through grade** twelve in any public school in the state;

(2) Act as a school administrator in any public school district, unless such person obtains a temporary administrator certificate pursuant to section 168.083.”; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Riback Wilson (25) offered **House Amendment No. 1 to House Amendment No. 5.**

House Amendment No. 1

to

House Amendment No. 5

AMEND House Amendment No. 5 to House Committee Substitute for House Bill No. 1041, Page 1, Section 168.081, Line 6, by adding after the word “state,” the following:

“provided, however, that prekindergarten teachers may have a four-year degree from an accredited institution of higher education in either early childhood education or child development.”.

Representative Riback Wilson (25) moved that **House Amendment No. 1 to House Amendment No. 5** be adopted.

Which motion was defeated.

Representative Hobbs moved that **House Amendment No. 5** be adopted.

Which motion was defeated.

HCS HB 1041, as amended, was laid over.

COMMITTEE REPORT

Committee on Education, Chairman Cunningham (86) reporting:

Madam Speaker: Your Committee on Education, to which was referred **HB 1380**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

COMMITTEE CHANGES

The Speaker submitted the following Committee changes:

Representative Harris (23) is no longer a member of the Health Care Policy Committee.

Representative Muckler has been appointed a member of the Health Care Policy Committee.

ADJOURNMENT

On motion of Representative Crowell, the House adjourned until 10:00 a.m., Thursday, February 12, 2004.

COMMITTEE MEETINGS

AGRICULTURE

Tuesday, February 17, 2004, 12:00 p.m. Hearing Room 1.

Possible Executive session. CANCELLED

Public hearing to be held on: HB 1176

APPROPRIATIONS - GENERAL ADMINISTRATION

Thursday, February 12, 2004, 8:00 a.m. Hearing Room 7.

Public Defender, General Assembly, Office of the Governor and Office of the Lt. Governor.

CORRECTED NOTICE

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Monday, February 16, 2004, 12:00 p.m. Hearing Room 3.

Departments of Health, Mental Health, and Social Services. AMENDED

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Tuesday, February 17, 2004, 8:00 a.m. Hearing Room 3.

Departments of Health, Mental Health, and Social Services.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Wednesday, February 18, 2004, 8:00 a.m. Hearing Room 3.

Public testimony. Departments of Health, Mental Health, and Social Services.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Thursday, February 19, 2004, 8:00 a.m. Hearing Room 3.

Departments of Health, Mental Health, and Social Services.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Thursday, February 12, 2004, Hearing Room 6 upon morning adjournment.

Departments of Public Safety and Corrections. Department presentations.

Review Governor's recommendations.

BUDGET

Thursday, February 12, 2004, 8:00 a.m. Hearing Room 3.

CANCELLED

Executive session will be held on: HB 1014

CRIME PREVENTION AND PUBLIC SAFETY

Thursday, February 12, 2004, South side gallery of House Chamber upon morning adjournment.

Executive session will be held on: HB 1215, HB 1055, HB 1094

JOINT COMMITTEE ON CORRECTIONS

Thursday, February 19, 2004, 8:30 a.m. Hearing Room 5.

Regular business meeting.

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Thursday, February 26, 2004, Hearing Room 5 upon morning adjournment of both Chambers.

Report from the Revision Subcommittee.

Oversight program evaluation on the Office of Administration,

Division of Facilities Management, State leasing practices. Any other business.

JOINT COMMITTEE ON OUT-OF-SCHOOL PROGRAMS

Friday, February 13, 2004, 8:30 a.m. Senate Lounge.

JOINT INTERIM COMMITTEE ON EDUCATION

Thursday, February 12, 2004, 12:00 p.m. Senate Committee Room 2.

Final report of committee.

LOCAL GOVERNMENT

Thursday, February 12, 2004, 8:30 a.m. Hearing Room 6.

Executive session will follow.

Public hearings to be held on: HB 1128, HB 1162, HB 1166, HB 975

SENIOR SECURITY

Tuesday, February 17, 2004, 5:00 p.m. Hearing Room 6.

Public hearings to be held on: HB 1230, HB 1302

SMALL BUSINESS

Wednesday, February 18, 2004, Hearing Room 4 at noon or upon adjournment.

Public hearing to be held on: HB 1286

TOURISM AND CULTURAL AFFAIRS

Thursday, February 19, 2004, 9:00 a.m. House Lounge.

Joint committee meeting with the Senate Economic Development,

Tourism and Local Government Committee.

HOUSE CALENDAR

TWENTY-FIRST DAY, THURSDAY, FEBRUARY 12, 2004

HOUSE BILLS FOR SECOND READING

HB 1460 through HB 1471

HOUSE JOINT RESOLUTION FOR PERFECTION

HCS HJR 28 - Roark (139)

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 946, 1106 & 952 - Crawford (117)
- 2 HCS HB 1105, 1062, 1111, 1113 & 1119 - Crawford (117)
- 3 HCS HB 1041, as amended - Cunningham (86)
- 4 HCS HB 1268 & 1211 - Smith (118)
- 5 HCS HB 978 - Baker (123)
- 6 HCS HB 1380 - Lager (4)

HOUSE BILLS FOR THIRD READING

- 1 HCS HB 980, (Budget 2-04-04) - Myers (160)
- 2 HCS HB 1040, E.C. - Cunningham (86)

HOUSE BILL FOR THIRD READING - CONSENT

HB 994 - Cunningham (145)