



GOVERNOR OF MISSOURI

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JEREMIAH W. (JAY) NIXON
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October 21, 2011

TO THE SECRETARY OF THE SENATE
96TH GENERAL ASSEMBLY
FIRST EXTRAORDINARY SESSION
STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No. 1 entitled:

AN ACT

To repeal section 162.069, RSMo, and to enact in lieu thereof one new section relating to communications between school district employees and students.

On October 21, 2011, I approved said Senate Committee Substitute for Senate Bill No. 1.

My approval of Senate Committee Substitute for Senate Bill No. 1 is provided after considerable deliberation. Although it eliminates particularly egregious provisions that were contained in Senate Committee Substitute for Senate Bill No. 54, passed during the First Regular Session of the Ninety-Sixth General Assembly, Senate Committee Substitute for Senate Bill No. 1 is not without flaws.

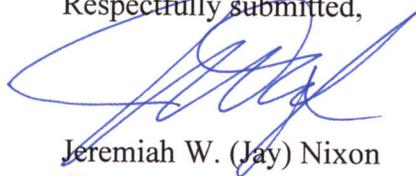
First, Senate Committee Substitute for Senate Bill No. 1 requires each school district to promulgate a policy directed at the use of electronic communication between staff members and students rather than its substance and the policy must be drafted in a manner that will “prevent” improper communications. School districts may find it challenging to promulgate a policy that erects adequate restrictions around the use of electronic media sufficient to “prevent” improper communications without also preventing otherwise appropriate communications.

Second, under Senate Committee Substitute for Senate Bill No. 1, a school district will need to determine whether its policy applies to “employees,” as that term is used in 162.069.1, RSMo, or “staff members,” as that term is used in 162.069.1(2), RSMo, to the extent such terms have different meanings.

These challenges could have been avoided with a more deliberative approach, which is why my Special Message was narrowly drafted to effectuate immediate relief for educators by simply repealing the offending provisions of Senate Committee Substitute for Senate Bill No. 54.

Nonetheless, Senate Committee Substitute for Senate Bill No. 1 is an improvement – primarily through subtraction – over Senate Committee Substitute for Senate Bill No. 54. Senate Committee Substitute for Senate Bill No. 1 eliminates three of the problematic provisions of Senate Committee Substitute for Senate Bill No. 54, and Senate Committee Substitute for Senate Bill No. 1 will give school districts an additional two months, until March 1, 2012, to promulgate policies. Senate Committee Substitute for Senate Bill No. 1 is not perfect, but the alternative of educators having to conform to the unreasonable restrictions of Senate Committee Substitute for Senate Bill No. 54 is a far worse result.

Respectfully submitted,



Jeremiah W. (Jay) Nixon
Governor