

FIRST REGULAR SESSION

HOUSE BILL NO. 87

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WALLACE.

Pre-filed December 13, 2004 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0134L.011

AN ACT

To repeal section 163.036, RSMo, and to enact in lieu thereof one new section relating to summer school programs.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 163.036, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 163.036, to read as follows:

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 current 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 2005-2006 school year, **in districts where the summer school program is run directly by the district**, the summer school add-on for eligible pupils as defined in subdivision (8) of section 163.011 shall include only those eligible pupils that attend summer school in the current year. **Summer school programs administered or taught through a contract with an educational service agency shall not qualify for the summer school add-on.** Beginning with the 2004-2005 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 eligible pupil payment attributable to kindergarten shall include only the current year kindergarten average daily attendance. 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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 163.091, except that if the amount paid to a district estimating eligible pupils exceeds the amount
18 to which the district was actually entitled by more than five percent, interest at the rate of six
19 percent shall be charged on the excess and shall be added to the amount to be deducted from the
20 district's apportionment the next succeeding year.

2. Notwithstanding the provisions of subsection 1 of this section or any other provision
2 of law, the state board of education shall make an adjustment for the immediately preceding year
3 for any increase in the actual number of eligible pupils above the number on which the state aid
4 in section 163.031 was calculated. Said adjustment shall be made in the manner providing for
5 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
2 in which the error is discovered, adopted a calendar for the school term in which elementary
3 schools are in session for twelve months of each calendar year, any error made in the
4 apportionment of state aid to such district because of a difference between the actual number of
5 eligible pupils and the estimated number of eligible pupils shall be corrected as provided in
6 section 163.091 and subsection 1 of this section, except that if the amount paid exceeds the
7 amount to which the district was actually entitled by more than five percent and the district
8 provides written application to the state board requesting that the deductions be made pursuant
9 to subdivision (2) of this subsection, then the amounts shall be deducted pursuant to subdivision
10 (2) of this subsection.

(2) For deductions made pursuant to this subdivision, interest at the rate of six percent
2 shall be charged on the excess and shall be included in the amount deducted and the total amount
3 of such excess plus accrued interest shall be deducted from the district's apportionment in equal
4 monthly amounts beginning with the succeeding school year and extending for a period of
5 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
2 school district may elect to use the district's equalized assessed valuation for the preceding year,
3 or an estimate of the current year's assessed valuation if the current year's equalized assessed
4 valuation is estimated to be more than ten percent less than the district's equalized assessed
5 valuation for the preceding year. A district shall give prior notice to the department of its
6 intention to use the current year's assessed valuation pursuant to this subsection. Any error made
7 in the apportionment of state aid because of a difference between the actual equalized assessed
8 valuation for the current year and the estimated equalized assessed valuation for the current year
9 shall be corrected as provided in section 163.091, except that if the amount paid to a district
10 estimating current equalized assessed valuation exceeds the amount to which the district was
11 actually entitled, interest at the rate of six percent shall be charged on the excess and shall be
12 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.