

SECOND REGULAR SESSION

HOUSE BILL NO. 2145

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BLAND.

Read 1st time March 31, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5698L.01I

AN ACT

To repeal section 163.021, RSMo, as enacted by conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 287, ninety-third general assembly, first regular session, and to enact in lieu thereof one new section relating to alternative education programs, with an emergency clause.

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

Section A. Section 163.021, RSMo, as enacted by conference committee substitute for
2 house committee substitute for senate substitute for senate committee substitute for senate bill
3 no. 287, ninety-third general assembly, first regular session, is repealed and one new section
4 enacted in lieu thereof, to be known as section 163.021, to read as follows:

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

2 (1) Provides for a minimum of one hundred seventy-four days and one thousand
3 forty-four hours of actual pupil attendance in a term scheduled by the board pursuant to section
4 160.041, RSMo, for each pupil or group of pupils, except that the board shall provide a
5 minimum of one hundred seventy-four days and five hundred twenty-two hours of actual pupil
6 attendance in a term for kindergarten pupils. If any school is dismissed because of inclement
7 weather after school has been in session for three hours, that day shall count as a school day
8 including afternoon session kindergarten students. When the aggregate hours lost in a term due
9 to inclement weather decreases the total hours of the school term below the required minimum
10 number of hours by more than twelve hours for all-day students or six hours for one-half-day

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.

11 kindergarten students, all such hours below the minimum must be made up in one-half day or
12 full day additions to the term, except as provided in section 171.033, RSMo;

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

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

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

26 2. For the 2006-07 school year and thereafter, no school district shall receive more state
27 aid, as calculated under subsections 1 and 2 of section 163.031, for its education program,
28 exclusive of categorical add-ons, than it received per weighted average daily attendance for the
29 school year 2005-06 from the foundation formula, line 14, gifted, remedial reading, exceptional
30 pupil aid, fair share, and free textbook payment amounts, unless it has an operating levy for
31 school purposes, as determined pursuant to section 163.011, of not less than two dollars and
32 seventy-five cents after all adjustments and reductions. Any district which is required, pursuant
33 to article X, section 22 of the Missouri Constitution, to reduce its operating levy below the
34 minimum tax rate otherwise required under this subsection shall not be construed to be in
35 violation of this subsection for making such tax rate reduction. Pursuant to section 10(c) of
36 article X of the state constitution, a school district may levy the operating levy for school
37 purposes required by this subsection less all adjustments required pursuant to article X, section
38 22 of the Missouri Constitution if such rate does not exceed the highest tax rate in effect
39 subsequent to the 1980 tax year. Nothing in this section shall be construed to mean that a school
40 district is guaranteed to receive an amount not less than the amount the school district received
41 per eligible pupil for the school year 1990-91. The provisions of this subsection shall not apply
42 to any school district located in a county of the second classification which has a nuclear power
43 plant located in such district or to any school district located in a county of the third classification
44 which has an electric power generation unit with a rated generating capacity of more than one
45 hundred fifty megawatts which is owned or operated or both by a rural electric cooperative
46 except that such school districts may levy for current school purposes and capital projects an

47 operating levy not to exceed two dollars and seventy-five cents less all adjustments required
48 pursuant to article X, section 22 of the Missouri Constitution.

49 3. No school district shall receive more state aid, as calculated in section 163.031, for
50 its education program, exclusive of categorical add-ons, than it received per eligible pupil for the
51 school year 1993-1994, if the state board of education determines that the district was not in
52 compliance in the preceding school year with the requirements of section 163.172, until such
53 time as the board determines that the district is again in compliance with the requirements of
54 section 163.172.

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

59 5. No school district shall receive more state aid, as calculated in subsections 1 and 2 of
60 section 163.031, for its education program, exclusive of categorical add-ons, than it received per
61 weighted average daily attendance for the school year 2005-06 from the foundation formula, line
62 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment
63 amounts, if the district did not comply in the preceding school year with the requirements of
64 subsection 6 of section 163.031.

65 **6. After July 1, 2007, no school district shall receive state aid under section 163.031**
66 **if the district fails to offer an alternative education program under sections 167.320 to**
67 **167.335, RSMo.**

68 **7. Beginning with fiscal year 2007 and for all fiscal years thereafter, one percent**
69 **of the appropriation to the department of elementary and secondary education otherwise**
70 **distributed to the public schools of the state under section 163.031, exclusive of categorical**
71 **add-ons, shall be distributed by the department of elementary and secondary education to**
72 **establish and fund alternative education programs under sections 167.320 to 167.335,**
73 **RSMo.**

Section B. Because immediate action is necessary to ensure adequate funding for
2 schools, section A of this act is deemed necessary for the immediate preservation of the public
3 health, welfare, peace, and safety, and is hereby declared to be an emergency act within the
4 meaning of the constitution, and section A of this act shall be in full force and effect on July 1,
5 2006, or upon its passage and approval, whichever later occurs.

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