

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 894**  
**93RD GENERAL ASSEMBLY**

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Reported from the Committee on Student Achievement and Finance April 20, 2006 with recommendation that House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 894 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

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**AN ACT**

To repeal section 163.021 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 five new sections relating to educational standards and guidelines, with an emergency clause for a certain section.

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

Section A. Section 163.021 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for senate committee substitute for senate bill no. 287, ninety-third general assembly, first regular session, is repealed and five new sections enacted in lieu thereof, to be known as sections 160.775, 161.213, 161.670, 163.021, and 1, to read as follows:

**160.775. 1. Every district shall adopt an anti-bullying policy by September 1, 2007.**  
**2. "Bullying" means intimidation or harassment that causes a reasonable student to fear for his or her physical safety or property. "Bullying" may consist of physical actions, including gestures, or oral or written communication, and any threat of retaliation for reporting of such acts.**

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.

6           **3. Each district's anti-bullying policy shall be founded on the assumption that all**  
7 **students need a safe learning environment. Policies shall treat students equally and shall**  
8 **not contain specific lists of protected classes of students who are to receive special**  
9 **treatment. Policies may include age appropriate differences for schools based on the grade**  
10 **levels at the school. Each such policy shall contain a statement of the consequences of**  
11 **bullying.**

12           **4. Each district's anti-bullying policy shall require district employees to report any**  
13 **instance of bullying of which the employee has firsthand knowledge. The district policy**  
14 **shall address training of employees in the requirements of the district policy.**

**161.213. 1. The department of elementary and secondary education shall develop**  
2 **guidelines for high-quality early childhood education no later than June 30, 2007. The**  
3 **guidelines shall be applicable to all public school prekindergarten programs that receive**  
4 **Title I or Missouri preschool project funds.**

5           **2. Such guidelines shall include, but not be limited to, the following principles:**

6           **(1) Access for all children whose parents or guardians choose to participate;**

7           **(2) Focus on cognitive, language, physical, and social/emotional development;**

8           **(3) Assessment of needs of children and their families;**

9           **(4) Highly qualified and/or properly certified teachers; and**

10           **(5) Delivery of comprehensive services supported by strong and accessible technical**  
11 **assistance and professional development.**

12           **3. In developing such guidelines, the department shall involve representatives of the**  
13 **business community, parents as teachers, head start, early childhood start, early childhood**  
14 **special education, Missouri preschool project, first steps, Title I preschools, and school**  
15 **district personnel.**

16           **4. Unless otherwise prohibited by federal law, public school districts shall not be**  
17 **prohibited from charging tuition and related charges for early childhood education**  
18 **programs.**

19           **5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**  
20 **that is created under the authority delegated in this section shall become effective only if**  
21 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**  
22 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**  
23 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**  
24 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**  
25 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**  
26 **adopted after August 28, 2006, shall be invalid and void.**

**161.670. 1. Notwithstanding any other law, prior to July 1, 2007, the state board of education shall establish a virtual public school to serve school-age students residing in the state. The virtual public school shall offer instruction in a virtual setting using technology, intranet, and/or Internet methods of communication. Any student under the age of twenty-one in grades kindergarten through twelve who resides in this state shall be eligible to enroll in the virtual public school regardless of the student's physical location.**

**2. For purposes of calculation and distribution of state school aid, pupils enrolled in a virtual public school shall be included, at the choice of the pupil's parent or guardian, in the pupil enrollment of the school district in which the pupil physically resides. The virtual public school shall report to the district of residence the following information about each pupil served by the virtual public school: name, address, eligibility for free or reduced-price lunch, limited English proficiency status, special education needs, and the number of courses in which the pupil is enrolled. The virtual public school shall promptly notify the resident district when a pupil discontinues enrollment. A "full-time equivalent student" is a student who has successfully completed the instructional equivalent of six credits per regular term. Each virtual course shall count as one class and shall generate that portion of a full-time equivalent that a comparable course offered by the school district would generate. In no case shall more than the full-time equivalency of a regular term of attendance for a single student be used to claim state aid. Full-time equivalent student credit completed shall be reported to the department of elementary and secondary education in the manner prescribed by the department. Nothing in this section shall prohibit students from enrolling in additional courses under a separate agreement that includes terms for paying tuition or course fees.**

**3. When a school district has one or more resident pupils enrolled in a virtual public school program authorized by this section whose parent or guardian has chosen to include such pupil in the district's enrollment, the department of elementary and secondary education shall disburse an amount corresponding to fifteen percent of the state aid under sections 163.031 and 163.043, RSMo, attributable to such pupil to the resident district. Subject to an annual appropriation by the general assembly, the department shall disburse an amount corresponding to eighty-five percent of the state adequacy target attributable to such pupil to the virtual public school.**

**4. Except as specified in this section and as may be specified by rule of the state board of education, the virtual public school shall comply with all state laws and regulations applicable to school districts, including but not limited to the Missouri school improvement program (MSIP), adequate yearly progress (AYP), annual performance report (APR), teacher certification, and curriculum standards.**

37           **5. The state board of education through the rule-making process and the**  
38 **department of elementary and secondary education in its policies and procedures shall**  
39 **ensure that multiple content providers are allowed.**

40           **6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**  
41 **that is created under the authority delegated in this section shall become effective only if**  
42 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**  
43 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**  
44 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**  
45 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**  
46 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**  
47 **adopted after August 28, 2006, shall be invalid and void.**

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  
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. Any school district that levies an operating levy for school purposes that is less**  
66 **than the performance levy, as such term is defined in section 163.011, must provide written**  
67 **notice to the department of elementary and secondary education asserting that the district**  
68 **is providing an adequate education to the students of such district. If a school district**  
69 **asserts that it is not providing an adequate education to its students, such inadequacy shall**  
70 **be deemed to be a result of insufficient local effort. The provisions of this subsection shall**  
71 **not apply to any special district established under sections 162.815 to 162.940, RSMo.**

**Section 1. 1. The department of elementary and secondary education shall develop**  
2 **a "ready to work" endorsement program that enables high schools to endorse a certificate**  
3 **for students who meet certain standards that demonstrate that such students are deemed**  
4 **ready to work. The program shall be available no later than June 30, 2007.**

5 **2. The program shall include, but not be limited to, the following:**

6 **(1) Voluntary participation by high school seniors who choose to participate;**

7 **(2) Academic components;**

8 **(3) Work readiness components;**

9 **(4) Assessment tools and techniques for a third-party, independent, and objective**  
10 **assessment and endorsement of individual student achievement through an existing**  
11 **workforce investment service delivery system; and**

12 **(5) An easily identifiable guarantee to potential employers that the entry-level**  
13 **employee is ready to work.**

14 **3. In developing such standards, the department shall involve representatives of the**  
15 **division of workforce development, employers, students, career center providers, local**  
16 **workforce investment boards, and school district personnel.**

**Section B. Because immediate action is necessary to ensure adequate funding for**  
2 **schools, the repeal and reenactment of section 163.021 of section A of this act is deemed**  
3 **necessary for the immediate preservation of the public health, welfare, peace, and safety, and is**  
4 **hereby declared to be an emergency act within the meaning of the constitution, and the repeal**  
5 **and reenactment of section 163.021 of section A of this act shall be in full force and effect on**  
6 **July 1, 2006, or upon its passage and approval, whichever later occurs.**

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