

SECOND REGULAR SESSION

HOUSE BILL NO. 2219

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES LAMPE (Sponsor), LOWE (44), SCHOEMEHL, PAGE,
WRIGHT-JONES, SCHIEFFER, OXFORD, CORCORAN AND ROORDA (Co-sponsors).

Read 1st time February 20, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3876L.011

AN ACT

To repeal section 163.011, RSMo, and to enact in lieu thereof one new section relating to state funding for elementary and secondary education.

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

Section A. Section 163.011, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 163.011, to read as follows:

163.011. As used in this chapter unless the context requires otherwise:

(1) "Adjusted operating levy", the sum of tax rates for the current year for teachers' and incidental funds for a school district as reported to the proper officer of each county pursuant to section 164.011, RSMo;

(2) "Average daily attendance", the quotient or the sum of the quotients obtained by dividing the total number of hours attended in a term by resident pupils between the ages of five and twenty-one by the actual number of hours school was in session in that term. To the average daily attendance of the following school term shall be added the full-time equivalent average daily attendance of summer school students. "Full-time equivalent average daily attendance of summer school students" shall be computed by dividing the total number of hours, except for physical education hours that do not count as credit toward graduation for students in grades nine, ten, eleven, and twelve, attended by all summer school pupils by the number of hours required in section 160.011, RSMo, in the school term. For purposes of determining average daily attendance under this subdivision, the term "resident pupil" shall include all children

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.

15 between the ages of five and twenty-one who are residents of the school district and who are
16 attending kindergarten through grade twelve in such district. If a child is attending school in a
17 district other than the district of residence and the child's parent is teaching in the school district
18 or is a regular employee of the school district which the child is attending, then such child shall
19 be considered a resident pupil of the school district which the child is attending for such period
20 of time when the district of residence is not otherwise liable for tuition. Average daily
21 attendance for students below the age of five years for which a school district may receive state
22 aid based on such attendance shall be computed as regular school term attendance unless
23 otherwise provided by law;

24 (3) "Current operating expenditures":

25 (a) For the fiscal year 2007 calculation, "current operating expenditures" shall be
26 calculated using data from fiscal year 2004 and shall be calculated as all expenditures for
27 instruction and support services except capital outlay and debt service expenditures minus the
28 revenue from federal categorical sources; food service; student activities; categorical payments
29 for transportation costs pursuant to section 163.161; state reimbursements for early childhood
30 special education; the career ladder entitlement for the district, as provided for in sections
31 168.500 to 168.515, RSMo; the vocational education entitlement for the district, as provided for
32 in section 167.332, RSMo; and payments from other districts;

33 (b) In every fiscal year subsequent to fiscal year 2007, current operating expenditures
34 shall be the amount in paragraph (a) plus any increases in state funding pursuant to sections
35 163.031 and 163.043 subsequent to fiscal year 2005, [not to exceed five percent, per
36 recalculation, of the state revenue] received by a district in the 2004-05 school year from the
37 foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free
38 textbook payments for any district from the first preceding calculation of the state adequacy
39 target;

40 (4) "District's tax rate ceiling", the highest tax rate ceiling in effect subsequent to the
41 1980 tax year or any subsequent year. Such tax rate ceiling shall not contain any tax levy for
42 debt service;

43 (5) "Dollar-value modifier", an index of the relative purchasing power of a dollar,
44 calculated as one plus fifteen percent of the difference of the regional wage ratio minus one,
45 provided that the dollar value modifier shall not be applied at a rate less than 1.0:

46 (a) "County wage per job", the total county wage and salary disbursements divided by
47 the total county wage and salary employment for each county and the city of St. Louis as reported
48 by the Bureau of Economic Analysis of the United States Department of Commerce for the
49 fourth year preceding the payment year;

50 (b) "Regional wage per job":

51 a. The total Missouri wage and salary disbursements of the metropolitan area as defined
52 by the Office of Management and Budget divided by the total Missouri metropolitan wage and
53 salary employment for the metropolitan area for the county signified in the school district number
54 or the city of St. Louis, as reported by the Bureau of Economic Analysis of the United States
55 Department of Commerce for the fourth year preceding the payment year and recalculated upon
56 every decennial census to incorporate counties that are newly added to the description of
57 metropolitan areas; or if no such metropolitan area is established, then:

58 b. The total Missouri wage and salary disbursements of the micropolitan area as defined
59 by the Office of Management and Budget divided by the total Missouri micropolitan wage and
60 salary employment for the micropolitan area for the county signified in the school district
61 number, as reported by the Bureau of Economic Analysis of the United States Department of
62 Commerce for the fourth year preceding the payment year, if a micropolitan area for such county
63 has been established and recalculated upon every decennial census to incorporate counties that
64 are newly added to the description of micropolitan areas; or

65 c. If a county is not part of a metropolitan or micropolitan area as established by the
66 Office of Management and Budget, then the county wage per job, as defined in paragraph (a) of
67 this subdivision, shall be used for the school district, as signified by the school district number;

68 (c) "Regional wage ratio", the ratio of the regional wage per job divided by the state
69 median wage per job;

70 (d) "State median wage per job", the fifty-eighth highest county wage per job;

71 (6) "Free and reduced lunch pupil count", the number of pupils eligible for free and
72 reduced lunch on the last Wednesday in January for the preceding school year who were enrolled
73 as students of the district, as approved by the department in accordance with applicable federal
74 regulations;

75 (7) "Free and reduced lunch threshold" shall be calculated by dividing the total free and
76 reduced lunch pupil count of every performance district that falls entirely above the bottom five
77 percent and entirely below the top five percent of average daily attendance, when such districts
78 are rank-ordered based on their current operating expenditures per average daily attendance, by
79 the total average daily attendance of all included performance districts;

80 (8) **"Gifted education pupil count", the number of pupils who qualify as "gifted"**
81 **under the definition of "Gifted Children" under section 162.675, RSMo, and who are**
82 **enrolled in a gifted education program provided by the district on the last Wednesday in**
83 **January for the preceding school year;**

84 (9) "Limited English proficiency pupil count", the number in the preceding school year
85 of pupils aged three through twenty-one enrolled or preparing to enroll in an elementary school
86 or secondary school who were not born in the United States or whose native language is a

87 language other than English or are Native American or Alaskan native, or a native resident of
88 the outlying areas, and come from an environment where a language other than English has had
89 a significant impact on such individuals' level of English language proficiency, or are migratory,
90 whose native language is a language other than English, and who come from an environment
91 where a language other than English is dominant; and have difficulties in speaking, reading,
92 writing, or understanding the English language sufficient to deny such individuals the ability to
93 meet the state's proficient level of achievement on state assessments described in Public Law
94 107-10, the ability to achieve successfully in classrooms where the language of instruction is
95 English, or the opportunity to participate fully in society;

96 [(9)] **(10)** "Limited English proficiency threshold" shall be calculated by dividing the
97 total limited English proficiency pupil count of every performance district that falls entirely
98 above the bottom five percent and entirely below the top five percent of average daily attendance,
99 when such districts are rank-ordered based on their current operating expenditures per average
100 daily attendance, by the total average daily attendance of all included performance districts;

101 [(10)] **(11)** "Local effort":

102 (a) For the fiscal year 2007 calculation, "local effort" shall be computed as the equalized
103 assessed valuation of the property of a school district in calendar year 2004 divided by one
104 hundred and multiplied by the performance levy less the percentage retained by the county
105 assessor and collector plus one hundred percent of the amount received in fiscal year 2005 for
106 school purposes from intangible taxes, fines, escheats, payments in lieu of taxes and receipts
107 from state-assessed railroad and utility tax, one hundred percent of the amount received for
108 school purposes pursuant to the merchants' and manufacturers' taxes under sections 150.010 to
109 150.370, RSMo, one hundred percent of the amounts received for school purposes from federal
110 properties under sections 12.070 and 12.080, RSMo, except when such amounts are used in the
111 calculation of federal impact aid pursuant to P.L. 81-874, fifty percent of Proposition C revenues
112 received for school purposes from the school district trust fund under section 163.087, and one
113 hundred percent of any local earnings or income taxes received by the district for school
114 purposes. Under this paragraph, for a special district established under sections 162.815 to
115 162.940, RSMo, in a county with a charter form of government and with more than one million
116 inhabitants, a tax levy of zero shall be utilized in lieu of the performance levy for the special
117 school district;

118 (b) In every year subsequent to fiscal year 2007, "local effort" shall be the amount
119 calculated under paragraph (a) of this subdivision plus any increase in the amount received for
120 school purposes from fines. If a district's assessed valuation has decreased subsequent to the
121 calculation outlined in paragraph (a) of this subdivision, the district's local effort shall be

calculated using the district's current assessed valuation in lieu of the assessed valuation utilized in calculation outlined in paragraph (a) of this subdivision;

[(11)] **(12)** "Membership" shall be the average of:

(a) The number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in September of the previous year and who were in attendance one day or more during the preceding ten school days; and

(b) The number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in January of the previous year and who were in attendance one day or more during the preceding ten school days, plus the full-time equivalent number of summer school pupils. "Full-time equivalent number of part-time students" is determined by dividing the total number of hours for which all part-time students are enrolled by the number of hours in the school term. "Full-time equivalent number of summer school pupils" is determined by dividing the total number of hours for which all summer school pupils were enrolled by the number of hours required pursuant to section 160.011, RSMo, in the school term. Only students eligible to be counted for average daily attendance shall be counted for membership;

[(12)] **(13)** "Operating levy for school purposes", the sum of tax rates levied for teachers' and incidental funds plus the operating levy or sales tax equivalent pursuant to section 162.1100, RSMo, of any transitional school district containing the school district, in the payment year, not including any equalized operating levy for school purposes levied by a special school district in which the district is located;

[(13)] **(14)** "Performance district", any district that has met all performance standards and indicators as established by the department of elementary and secondary education for purposes of accreditation under section 161.092, RSMo, and as reported on the final annual performance report for that district each year;

[(14)] **(15)** "Performance levy", three dollars and forty-three cents;

[(15)] **(16)** "School purposes" pertains to teachers' and incidental funds;

[(16)] **(17)** "Special education pupil count", the number of public school students with a current individualized education program and receiving services from the resident district as of December first of the preceding school year, except for special education services provided through a school district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, in which case the sum of the students in each district within the county exceeding the special education threshold of each respective district within the county shall be counted within the special district and not in

157 the district of residence for purposes of distributing the state aid derived from the special
158 education pupil count;

159 [(17)] (18) "Special education threshold" shall be calculated by dividing the total special
160 education pupil count of every performance district that falls entirely above the bottom five
161 percent and entirely below the top five percent of average daily attendance, when such districts
162 are rank-ordered based on their current operating expenditures per average daily attendance, by
163 the total average daily attendance of all included performance districts;

164 [(18)] (19) "State adequacy target", the sum of the current operating expenditures of
165 every performance district that falls entirely above the bottom five percent and entirely below
166 the top five percent of average daily attendance, when such districts are rank-ordered based on
167 their current operating expenditures per average daily attendance, divided by the total average
168 daily attendance of all included performance districts. The department of elementary and
169 secondary education shall first calculate the state adequacy target for fiscal year 2007 and
170 recalculate the state adequacy target every two years using the most current available data. The
171 recalculation shall never result in a decrease from the previous state adequacy target amount.
172 Should a recalculation result in an increase in the state adequacy target amount, fifty percent of
173 that increase shall be included in the state adequacy target amount in the year of recalculation,
174 and fifty percent of that increase shall be included in the state adequacy target amount in the
175 subsequent year. The state adequacy target may be adjusted to accommodate available
176 appropriations;

177 [(19)] (20) "Teacher", any teacher, teacher-secretary, substitute teacher, supervisor,
178 principal, supervising principal, superintendent or assistant superintendent, school nurse, social
179 worker, counselor or librarian who shall, regularly, teach or be employed for no higher than
180 grade twelve more than one-half time in the public schools and who is certified under the laws
181 governing the certification of teachers in Missouri;

182 [(20)] (21) "Weighted average daily attendance", the average daily attendance plus the
183 product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that
184 exceeds the free and reduced lunch threshold, **plus the product of twenty hundredths**
185 **multiplied by the number of the district's gifted education pupil count**, plus the product of
186 seventy-five hundredths multiplied by the number of special education pupil count that exceeds
187 the special education threshold, and plus the product of six-tenths multiplied by the number of
188 limited English proficiency pupil count that exceeds the limited English proficiency threshold.
189 For special districts established under sections 162.815 to 162.940, RSMo, in a county with a
190 charter form of government and with more than one million inhabitants, weighted average daily
191 attendance shall be the average daily attendance plus the product of twenty-five hundredths
192 multiplied by the free and reduced lunch pupil count that exceeds the free and reduced lunch

193 threshold, plus the product of seventy-five hundredths multiplied by the sum of the special
194 education pupil count that exceeds the threshold for each county district, plus the product of
195 six-tenths multiplied by the limited English proficiency pupil count that exceeds the limited
196 English proficiency threshold, **plus the product of twenty hundredths multiplied by the**
197 **number of the district's gifted education pupil count.** None of the districts comprising a
198 special district established under sections 162.815 to 162.940, RSMo, in a county with a charter
199 form of government and with more than one million inhabitants, shall use any special education
200 pupil count in calculating their weighted average daily attendance.

✓