

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE NO. 2
FOR
HOUSE BILL NO. 1543

AN ACT

To repeal sections 160.261, 160.775, 161.209, 161.650, 163.031, 163.036, 167.029, 167.117, 168.500, 168.515, 178.693, and 178.695, RSMo, and to enact in lieu thereof thirteen new sections relating to elementary and secondary education, with penalty provisions and an emergency clause for certain sections.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 160.261, 160.775, 161.209, 161.650,
2 163.031, 163.036, 167.029, 167.117, 168.500, 168.515, 178.693,
3 and 178.695, RSMo, are repealed and thirteen new sections enacted
4 in lieu thereof, to be known as sections 160.261, 160.775,
5 161.209, 161.650, 163.031, 163.036, 163.410, 167.029, 167.117,
6 168.500, 168.515, 178.693, and 178.695, to read as follows:

7 160.261. 1. The local board of education of each school
8 district shall clearly establish a written policy of discipline,
9 including the district's determination on the use of corporal
10 punishment and the procedures in which punishment will be
11 applied. A written copy of the district's discipline policy and
12 corporal punishment procedures, if applicable, shall be provided
13 to the pupil and parent or legal guardian of every pupil enrolled

1 in the district at the beginning of each school year and also
2 made available in the office of the superintendent of such
3 district, during normal business hours, for public inspection.
4 All employees of the district shall annually receive instruction
5 related to the specific contents of the policy of discipline and
6 any interpretations necessary to implement the provisions of the
7 policy in the course of their duties, including but not limited
8 to approved methods of dealing with acts of school violence,
9 disciplining students with disabilities and instruction in the
10 necessity and requirements for confidentiality.

11 2. The policy shall require school administrators to report
12 acts of school violence to all teachers at the attendance center
13 and in addition, to other school district employees with a need
14 to know. For the purposes of this chapter or chapter 167, RSMo,
15 "need to know" is defined as school personnel who are directly
16 responsible for the student's education or who otherwise interact
17 with the student on a professional basis while acting within the
18 scope of their assigned duties. As used in this section, the
19 phrase "act of school violence" or "violent behavior" means the
20 exertion of physical force by a student with the intent to do
21 serious physical injury as defined in subdivision (6) of section
22 565.002, RSMo, to another person while on school property,
23 including a school bus in service on behalf of the district, or
24 while involved in school activities. The policy shall at a
25 minimum require school administrators to report, as soon as
26 reasonably practical, to the appropriate law enforcement agency
27 any of the following crimes, or any act which if committed by an
28 adult would be one of the following crimes:

- (1) First degree murder under section 565.020, RSMo;
- (2) Second degree murder under section 565.021, RSMo;
- (3) Kidnapping under section 565.110, RSMo;
- (4) First degree assault under section 565.050, RSMo;
- (5) Forcible rape under section 566.030, RSMo;
- (6) Forcible sodomy under section 566.060, RSMo;
- (7) Burglary in the first degree under section 569.160,
RSMo;
- (8) Burglary in the second degree under section 569.170,
RSMo;
- (9) Robbery in the first degree under section 569.020,
RSMo;
- (10) Distribution of drugs under section 195.211, RSMo;
- (11) Distribution of drugs to a minor under section
195.212, RSMo;
- (12) Arson in the first degree under section 569.040, RSMo;
- (13) Voluntary manslaughter under section 565.023, RSMo;
- (14) Involuntary manslaughter under section 565.024, RSMo;
- (15) Second degree assault under section 565.060, RSMo;
- (16) Sexual assault under section 566.040, RSMo;
- (17) Felonious restraint under section 565.120, RSMo;
- (18) Property damage in the first degree under section
569.100, RSMo;
- (19) The possession of a weapon under chapter 571, RSMo;
- (20) Child molestation in the first degree pursuant to
section 566.067, RSMo;
- (21) Deviate sexual assault pursuant to section 566.070,
RSMo;

1 (22) Sexual misconduct involving a child pursuant to
2 section 566.083, RSMo;

3 (23) Sexual abuse pursuant to section 566.100, RSMo;

4 (24) Harassment under section 565.090, RSMo; or

5 (25) Stalking under section 565.225, RSMo; committed on
6 school property, including but not limited to actions on any
7 school bus in service on behalf of the district or while involved
8 in school activities. The policy shall require that any portion
9 of a student's individualized education program that is related
10 to demonstrated or potentially violent behavior shall be provided
11 to any teacher and other school district employees who are
12 directly responsible for the student's education or who otherwise
13 interact with the student on an educational basis while acting
14 within the scope of their assigned duties. The policy shall also
15 contain the consequences of failure to obey standards of conduct
16 set by the local board of education, and the importance of the
17 standards to the maintenance of an atmosphere where orderly
18 learning is possible and encouraged.

19 3. The policy shall provide that any student who is on
20 suspension for any of the offenses listed in subsection 2 of this
21 section or any act of violence or drug-related activity defined
22 by school district policy as a serious violation of school
23 discipline pursuant to subsection 9 of this section shall have as
24 a condition of his or her suspension the requirement that such
25 student is not allowed, while on such suspension, to be within
26 one thousand feet of any [public] school property in the school
27 district where such student attended school or any activity of
28 that district, regardless of whether or not the activity takes

1 place on district property unless:

2 (1) Such student is under the direct supervision of the
3 student's parent, legal guardian, or custodian and the
4 superintendent or the superintendent's designee has authorized
5 the student to be on school property;

6 (2) Such student is under the direct supervision of another
7 adult designated by the student's parent, legal guardian, or
8 custodian, in advance, in writing, to the principal of the school
9 which suspended the student and the superintendent or the
10 superintendent's designee has authorized the student to be on
11 school property;

12 (3) Such student is enrolled in and attending an
13 alternative school that is located within one thousand feet of a
14 public school in the school district where such student attended
15 school; or

16 (4) Such student resides within one thousand feet of any
17 public school in the school district where such student attended
18 school in which case such student may be on the property of his
19 or her residence without direct adult supervision.

20 4. Any student who violates the condition of suspension
21 required pursuant to subsection 3 of this section may be subject
22 to expulsion or further suspension pursuant to the provisions of
23 sections 167.161, 167.164, and 167.171, RSMo. In making this
24 determination consideration shall be given to whether the student
25 poses a threat to the safety of any child or school employee and
26 whether such student's unsupervised presence within one thousand
27 feet of the school is disruptive to the educational process or
28 undermines the effectiveness of the school's disciplinary policy.

1 Removal of any pupil who is a student with a disability is
2 subject to state and federal procedural rights. This section
3 shall not limit a school district's ability to:

4 (1) Prohibit all students who are suspended from being on
5 school property or attending an activity while on suspension;

6 (2) Discipline students for off-campus conduct that
7 negatively affects the educational environment to the extent
8 allowed by law.

9 5. The policy shall provide for a suspension for a period
10 of not less than one year, or expulsion, for a student who is
11 determined to have brought a weapon to school, including but not
12 limited to the school playground or the school parking lot,
13 brought a weapon on a school bus or brought a weapon to a school
14 activity whether on or off of the school property in violation of
15 district policy, except that:

16 (1) The superintendent or, in a school district with no
17 high school, the principal of the school which such child attends
18 may modify such suspension on a case-by-case basis; and

19 (2) This section shall not prevent the school district from
20 providing educational services in an alternative setting to a
21 student suspended under the provisions of this section.

22 6. For the purpose of this section, the term "weapon" shall
23 mean a firearm as defined under 18 U.S.C. 921 and the following
24 items, as defined in section 571.010, RSMo: a blackjack, a
25 concealable firearm, an explosive weapon, a firearm, a firearm
26 silencer, a gas gun, a knife, knuckles, a machine gun, a
27 projectile weapon, a rifle, a shotgun, a spring gun or a
28 switchblade knife; except that this section shall not be

1 construed to prohibit a school board from adopting a policy to
2 allow a Civil War reenactor to carry a Civil War era weapon on
3 school property for educational purposes so long as the firearm
4 is unloaded. The local board of education shall define weapon in
5 the discipline policy. Such definition shall include the weapons
6 defined in this subsection but may also include other weapons.

7 7. All school district personnel responsible for the care
8 and supervision of students are authorized to hold every pupil
9 strictly accountable for any disorderly conduct in school or on
10 any property of the school, on any school bus going to or
11 returning from school, during school-sponsored activities, or
12 during intermission or recess periods.

13 8. Teachers and other authorized district personnel in
14 public schools responsible for the care, supervision, and
15 discipline of schoolchildren, including volunteers selected with
16 reasonable care by the school district, shall not be civilly
17 liable when acting in conformity with the established [policy of
18 discipline] policies developed by each board [under this
19 section], including but not limited to policies of student
20 discipline or when reporting to his or her supervisor or other
21 person as mandated by state law acts of school violence or
22 threatened acts of school violence, within the course and scope
23 of the duties of the teacher, authorized district personnel or
24 volunteer, when such individual is acting in conformity with the
25 established policies developed by the board. Nothing in this
26 section shall be construed to create a new cause of action
27 against such school district, or to relieve the school district
28 from liability for the negligent acts of such persons.

1 9. Each school board shall define in its discipline policy
2 acts of violence and any other acts that constitute a serious
3 violation of that policy. "Acts of violence" as defined by
4 school boards shall include but not be limited to exertion of
5 physical force by a student with the intent to do serious bodily
6 harm to another person while on school property, including a
7 school bus in service on behalf of the district, or while
8 involved in school activities. School districts shall for each
9 student enrolled in the school district compile and maintain
10 records of any serious violation of the district's discipline
11 policy. Such records shall be made available to teachers and
12 other school district employees with a need to know while acting
13 within the scope of their assigned duties, and shall be provided
14 as required in section 167.020, RSMo, to any school district in
15 which the student subsequently attempts to enroll.

16 10. (1) Spanking, when administered by certificated
17 personnel and in the presence of a witness who is an employee of
18 the school district, or the use of reasonable force to protect
19 persons or property, when administered by personnel of a school
20 district in a reasonable manner in accordance with the local
21 board of education's written policy of discipline, is not abuse
22 within the meaning of chapter 210, RSMo. The provisions of
23 sections 210.110 to 210.165, RSMo, notwithstanding, the
24 children's division [of family services] shall not have
25 jurisdiction over or investigate any report of alleged child
26 abuse arising out of or related to the use of reasonable force to
27 protect persons or property when administered by personnel of a
28 school district or any spanking administered in a reasonable

1 manner by any certificated school personnel in the presence of a
2 witness who is an employee of the school district pursuant to a
3 written policy of discipline established by the board of
4 education of the school district, as long as no allegation of
5 sexual misconduct arises from the spanking or use of force.

6 (2) Upon receipt of any reports of child abuse by the
7 children's division [of family services] pursuant to sections
8 210.110 to 210.165, RSMo, which allegedly [involves] involve
9 personnel of a school district, the children's division [of
10 family services] shall notify the superintendent of schools of
11 the district or, if the person named in the alleged incident is
12 the superintendent of schools, the president of the school board
13 of the school district where the alleged incident occurred. If,
14 after an initial investigation, the superintendent of schools or
15 the president of the school board finds that the report involves
16 an alleged incident of child abuse other than the administration
17 of a spanking by certificated school personnel or the use of
18 reasonable force to protect persons or property when administered
19 by school personnel pursuant to a written policy of discipline or
20 [a] that the report was made for the sole purpose of harassing a
21 public school employee, the superintendent of schools or the
22 president of the school board shall immediately refer the matter
23 back to the children's division [of family services] and take no
24 further action.

25 (3) In all matters referred back to the children's division
26 [of family services], the division [of family services] shall
27 treat the report in the same manner as other reports of alleged
28 child abuse received by the division. If the report pertains to

1 an alleged incident which arose out of or is related to a
2 spanking administered by certificated personnel or the use of
3 reasonable force to protect persons or property when administered
4 by personnel of a school district pursuant to a written policy of
5 discipline or a report made for the sole purpose of harassing a
6 public school employee, a notification of the reported child
7 abuse shall be sent by the superintendent of schools or the
8 president of the school board to the juvenile officer of the
9 county in which the alleged incident occurred. The report shall
10 be jointly investigated by the juvenile officer or a law
11 enforcement officer designated by the juvenile officer and the
12 superintendent of schools or, if the subject of the report is the
13 superintendent of schools, by the juvenile officer or a law
14 enforcement officer designated by the juvenile officer and the
15 president of the school board or such president's designee.

16 (4) The investigation shall begin no later than forty-eight
17 hours after notification from the children's division [of family
18 services] is received, and shall consist of, but need not be
19 limited to, interviewing and recording statements of the child
20 and the child's parents or guardian within two working days after
21 the start of the investigation, of the school district personnel
22 allegedly involved in the report, and of any witnesses to the
23 alleged incident. The juvenile officer or a law enforcement
24 officer designated by the juvenile officer and the investigating
25 school district personnel shall issue separate reports of their
26 findings and recommendations after the conclusion of the
27 investigation to the school board of the school district within
28 seven days after receiving notice from the children's division

1 [of family services]. The reports shall contain a statement of
2 conclusion as to whether the report of alleged child abuse is
3 substantiated or is unsubstantiated.

4 (5) The school board shall consider the separate reports
5 and shall issue its findings and conclusions and the action to be
6 taken, if any, within seven days after receiving the last of the
7 two reports. The findings and conclusions shall be made in
8 substantially the following form:

9 [(1)] (a) The report of the alleged child abuse is
10 unsubstantiated. The juvenile officer or a law enforcement
11 officer designated by the juvenile officer and the investigating
12 school board personnel agree that the evidence shows that no
13 abuse occurred;

14 [(2)] (b) The report of the alleged child abuse is
15 substantiated. The juvenile officer or a law enforcement officer
16 designated by the juvenile officer and the investigating school
17 district personnel agree that the evidence is sufficient to
18 support a finding that the alleged incident of child abuse did
19 occur;

20 [(3)] (c) The issue involved in the alleged incident of
21 child abuse is unresolved. The juvenile officer or a law
22 enforcement officer designated by the juvenile officer and the
23 investigating school personnel are unable to agree on their
24 findings and conclusions on the alleged incident.

25 11. The findings and conclusions of the school board under
26 subdivision (5) of subsection 10 of this section shall be sent to
27 the children's division [of family services]. If the findings
28 and conclusions of the school board are that the report of the

1 alleged child abuse is unsubstantiated, the investigation shall
2 be terminated, the case closed, and no record shall be entered in
3 the children's division [of family services'] central registry.
4 If the findings and conclusions of the school board are that the
5 report of the alleged child abuse is substantiated, the
6 children's division [of family services] shall report the
7 incident to the prosecuting attorney of the appropriate county
8 along with the findings and conclusions of the school district
9 and shall include the information in the division's central
10 registry. If the findings and conclusions of the school board
11 are that the issue involved in the alleged incident of child
12 abuse is unresolved, the children's division [of family services]
13 shall report the incident to the prosecuting attorney of the
14 appropriate county along with the findings and conclusions of the
15 school board, however, the incident and the names of the parties
16 allegedly involved shall not be entered into the central registry
17 of the children's division [of family services] unless and until
18 the alleged child abuse is substantiated by a court of competent
19 jurisdiction.

20 12. Any superintendent of schools, president of a school
21 board or such person's designee or juvenile officer who knowingly
22 falsifies any report of any matter pursuant to this section or
23 who knowingly withholds any information relative to any
24 investigation or report pursuant to this section is guilty of a
25 class A misdemeanor.

26 13. In order to ensure the safety of all students, should a
27 student be expelled for bringing a weapon to school, violent
28 behavior, or for an act of school violence, that student shall

1 not, for the purposes of the accreditation process of the
2 Missouri school improvement plan, be considered a dropout or be
3 included in the calculation of that district's educational
4 persistence ratio.

5 160.775. 1. Every district shall adopt an antibullying
6 policy by September 1, 2007.

7 2. "Bullying" means intimidation or harassment that causes
8 a reasonable student to fear for his or her physical safety or
9 property. Bullying may consist of physical actions, including
10 gestures, or oral, cyberbullying, electronic, or written
11 communication, and any threat of retaliation for reporting of
12 such acts.

13 3. Each district's antibullying policy shall be founded on
14 the assumption that all students need a safe learning
15 environment. Policies shall treat students equally and shall not
16 contain specific lists of protected classes of students who are
17 to receive special treatment. Policies may include age
18 appropriate differences for schools based on the grade levels at
19 the school. Each such policy shall contain a statement of the
20 consequences of bullying.

21 4. Each district's antibullying policy shall require
22 district employees to report any instance of bullying of which
23 the employee has firsthand knowledge. The district policy shall
24 address training of employees in the requirements of the district
25 policy.

26 161.209. 1. The department of elementary and secondary
27 education has an affirmative duty to seek comment on its rules,
28 regulations, and policies after their final approval or

1 implementation. The department shall undertake such review on
2 existing rules, regulations, and policies on an ad hoc, periodic
3 basis with a priority given to such rules, regulations, and
4 policies that could successfully be revised without affecting
5 student achievement to accommodate periods when there is no
6 increase in the appropriation for basic state aid funding
7 pursuant to section 163.031, RSMo, from one fiscal year to the
8 next or when withholdings of appropriated funds result in a
9 situation equivalent to no increase in such appropriation.

10 2. For fiscal years 2011, 2012, and 2013, if the
11 appropriation for subsections 1 and 2 of section 163.031 is less
12 than the annualized calculation of the amount needed for the
13 phase-in required under subsection 4 for that fiscal year or the
14 appropriation for transportation as provided in subsection 3 of
15 section 163.031 is funded at a level that provides less than
16 seventy-five percent of allowable costs, the department shall not
17 penalize any district undergoing its accreditation review for a
18 failure to meet resource standards under the Missouri school
19 improvement program. If the governor withholds funds for the
20 school funding formula basic apportionment under section 163.031,
21 school districts undergoing accreditation review in the fiscal
22 year following the fiscal year of withholding shall not be
23 penalized for failure to meet resource standards under the
24 Missouri school improvement program.

25 161.650. 1. The department of elementary and secondary
26 education shall identify and adopt an existing program or
27 programs of educational instruction regarding violence prevention
28 to be administered by public school districts pursuant to

1 subsection 2 of this section, and which shall include, but shall
2 not be limited to, instructing students of the negative
3 consequences, both to the individual and to society at large, of
4 membership in or association with criminal street gangs or
5 participation in criminal street gang activity, as those phrases
6 are defined in section 578.421, RSMo, and shall include related
7 training for school district employees directly responsible for
8 the education of students concerning violence prevention and
9 early identification of and intervention in violent behavior.

10 The state board of education shall adopt such program or programs
11 by rule as approved for use in Missouri public schools. The
12 program or programs of instruction shall encourage nonviolent
13 conflict resolution of problems facing youth; present alternative
14 constructive activities for the students; encourage community
15 participation in program instruction, including but not limited
16 to parents and law enforcement officials; and shall be
17 administered as appropriate for different grade levels and shall
18 not be offered for academic credit.

19 2. All public school districts within this state with the
20 approval of the district's board of education may administer the
21 program or programs of student instruction adopted pursuant to
22 subsection 1 of this section to students within the district
23 starting at the kindergarten level and every year thereafter
24 through the twelfth-grade level.

25 3. Any district adopting and providing a program of
26 instruction pursuant to this section shall be entitled to receive
27 state aid pursuant to section 163.031, RSMo. If such aid is
28 determined by the department to be insufficient to implement any

1 program or programs adopted by a district pursuant to this
2 section:

3 (1) The department may fund the program or programs adopted
4 pursuant to this section or pursuant to subsection 2 of section
5 160.530, RSMo, or both, after securing any funding available from
6 alternative sources; and

7 (2) School districts may fund the program or programs from
8 funds received pursuant to subsection 1 of section 160.530,
9 RSMo[, and section 166.260, RSMo].

10 4. No rule or portion of a rule promulgated pursuant to
11 this section shall become effective unless it has been
12 promulgated pursuant to chapter 536, RSMo.

13 163.031. 1. The department of elementary and secondary
14 education shall calculate and distribute to each school district
15 qualified to receive state aid under section 163.021 an amount
16 determined by multiplying the district's weighted average daily
17 attendance by the state adequacy target, multiplying this product
18 by the dollar value modifier for the district, and subtracting
19 from this product the district's local effort and, in years not
20 governed under subsection 4 of this section, subtracting payments
21 from the classroom trust fund under section 163.043.

22 2. Other provisions of law to the contrary notwithstanding:

23 (1) For districts with an average daily attendance of more
24 than three hundred fifty in the school year preceding the payment
25 year:

26 (a) For the 2006-07 school year, the state revenue per
27 weighted average daily attendance received by a district from the
28 state aid calculation under subsections 1 and 4 of this section,

1 as applicable, and the classroom trust fund under section 163.043
2 shall not be less than the state revenue received by a district
3 in the 2005-06 school year from the foundation formula, line 14,
4 gifted, remedial reading, exceptional pupil aid, fair share, and
5 free textbook payment amounts multiplied by the sum of one plus
6 the product of one-third multiplied by the remainder of the
7 dollar value modifier minus one, and dividing this product by the
8 weighted average daily attendance computed for the 2005-06 school
9 year;

10 (b) For the 2007-08 school year, the state revenue per
11 weighted average daily attendance received by a district from the
12 state aid calculation under subsections 1 and 4 of this section,
13 as applicable, and the classroom trust fund under section 163.043
14 shall not be less than the state revenue received by a district
15 in the 2005-06 school year from the foundation formula, line 14,
16 gifted, remedial reading, exceptional pupil aid, fair share, and
17 free textbook payment amounts multiplied by the sum of one plus
18 the product of two-thirds multiplied by the remainder of the
19 dollar value modifier minus one, and dividing this product by the
20 weighted average daily attendance computed for the 2005-06 school
21 year;

22 (c) For the 2008-09 school year, the state revenue per
23 weighted average daily attendance received by a district from the
24 state aid calculation under subsections 1 and 4 of this section,
25 as applicable, and the classroom trust fund under section 163.043
26 shall not be less than the state revenue received by a district
27 in the 2005-06 school year from the foundation formula, line 14,
28 gifted, remedial reading, exceptional pupil aid, fair share, and

1 free textbook payment amounts multiplied by the dollar value
2 modifier, and dividing this product by the weighted average daily
3 attendance computed for the 2005-06 school year;

4 (d) Except as provided in paragraph (e) and (f) of this
5 subdivision, for each year subsequent to the 2008-09 school year,
6 the amount shall be no less than that computed in paragraph (c)
7 of this subdivision, multiplied by the weighted average daily
8 attendance pursuant to section 163.036, less any increase in
9 revenue received from the classroom trust fund under section
10 163.043;

11 (e) In any school year in which the foundation formula
12 appropriation under subsections 1, 2, and 4 of this section is
13 less than the fiscal year 2010 foundation formula expenditure
14 under subsections 1, 2, and 4 of this section; less than the
15 previous fiscal year's foundation formula expenditure under
16 subsections 1, 2, and 4 of this section; or reduced by the
17 governor as provided in section 27 of article IV of the Missouri
18 Constitution and as a result of said reduction the reduced
19 appropriation is less than the foundation formula fiscal year
20 2010 expenditure or less than the previous fiscal year's
21 foundation formula expenditure, the department of elementary and
22 secondary education shall reduce the payment amounts awarded to
23 all districts under paragraph (d) of this subdivision in an
24 amount equal to the percentage reduction calculated in
25 subdivision (11) of subsection 4 of this section;

26 (f) In any school year in which a proportional reduction
27 occurred during the previous school year as provided in
28 subdivision (11) of subsection 4 of this section, and in the

1 current school year the foundation formula appropriation under
2 subsections 1, 2, and 4 of this section is greater than the
3 fiscal year 2010 foundation formula expenditure under subsections
4 1, 2, and 4 of this section and the previous fiscal year's
5 foundation formula expenditure under subsections 1, 2, and 4 of
6 this section but the current year appropriation would result in a
7 decrease from the previous year's phase-in percentage
8 attributable to subsection 1 of this section without a
9 proportional reduction as provided in subdivision (11) of
10 subsection 4 of this subsection, then the department of
11 elementary and secondary education shall reduce the payment
12 amounts awarded to all districts under paragraph (d) of this
13 subdivision in an amount equal to the percentage reduction
14 calculated in subdivision (11) of subsection 4 of this section;

15 (2) For districts with an average daily attendance of three
16 hundred fifty or less in the school year preceding the payment
17 year:

18 (a) For the 2006-07 school year, the state revenue received
19 by a district from the state aid calculation under subsections 1
20 and 4 of this section, as applicable, and the classroom trust
21 fund under section 163.043 shall not be less than the greater of
22 state revenue received by a district in the 2004-05 or 2005-06
23 school year from the foundation formula, line 14, gifted,
24 remedial reading, exceptional pupil aid, fair share, and free
25 textbook payment amounts multiplied by the sum of one plus the
26 product of one-third multiplied by the remainder of the dollar
27 value modifier minus one;

28 (b) For the 2007-08 school year, the state revenue received

1 by a district from the state aid calculation under subsections 1
2 and 4 of this section, as applicable, and the classroom trust
3 fund under section 163.043 shall not be less than the greater of
4 state revenue received by a district in the 2004-05 or 2005-06
5 school year from the foundation formula, line 14, gifted,
6 remedial reading, exceptional pupil aid, fair share, and free
7 textbook payment amounts multiplied by the sum of one plus the
8 product of two-thirds multiplied by the remainder of the dollar
9 value modifier minus one;

10 (c) For the 2008-09 school year, the state revenue received
11 by a district from the state aid calculation under subsections 1
12 and 4 of this section, as applicable, and the classroom trust
13 fund under section 163.043 shall not be less than the greater of
14 state revenue received by a district in the 2004-05 or 2005-06
15 school year from the foundation formula, line 14, gifted,
16 remedial reading, exceptional pupil aid, fair share, and free
17 textbook payment amounts multiplied by the dollar value modifier;

18 (d) Except as provided in paragraph (e) and (f) of this
19 subdivision, for each year subsequent to the 2008-09 school year,
20 the amount shall be no less than that computed in paragraph (c)
21 of this subdivision;

22 (e) In any school year in which the foundation formula
23 appropriation under subsections 1, 2, and 4 of this section is:
24 less than the fiscal year 2010 foundation formula expenditure
25 under subsections 1, 2, and 4 of this section; less than the
26 previous fiscal year's foundation formula expenditure under
27 subsection 1, 2, and 4 of this section; or reduced by the
28 governor as provided in section 27 of article IV of the Missouri

1 Constitution and as a result of said reduction the reduced
2 appropriation is less than the foundation formula fiscal year
3 2010 expenditure or less than the previous fiscal year's
4 foundation formula expenditure, the department of elementary and
5 secondary education shall reduce the payment amounts awarded to
6 all districts under paragraph (d) of this subdivision in an
7 amount equal to the percentage reduction calculated in
8 subdivision (11) of subsection 4 of this section;

9 (f) In any school year in which a proportional reduction
10 occurred during the previous school year as provided in
11 subdivision (11) of subsection 4 of this section, and in the
12 current school year the foundation formula appropriation under
13 subsections 1, 2, and 4 of this section is greater than the
14 fiscal year 2010 foundation formula expenditure under subsections
15 1, 2, and 4 of this section and the previous fiscal year's
16 foundation formula expenditure under subsections 1, 2, and 4 of
17 this section but the current year appropriation would result in a
18 decrease from the previous year's phase-in percentage
19 attributable to subsection 1 of this section without a
20 proportional reduction as provided in subdivision (11) of
21 subsection 4 of this subsection, then the department of
22 elementary and secondary education shall reduce the payment
23 amounts awarded to all districts under paragraph (d) of this
24 subdivision in an amount equal to the percentage reduction
25 calculated in subdivision (11) of subsection 4 of this section;

26 (3) The department of elementary and secondary education
27 shall make an addition in the payment amount specified in
28 subsection 1 of this section to assure compliance with the

1 provisions contained in this subsection.

2 3. School districts that meet the requirements of section
3 163.021 shall receive categorical add-on revenue as provided in
4 this subsection. The categorical add-on for the district shall
5 be the sum of: seventy-five percent of the district allowable
6 transportation costs under section 163.161; the career ladder
7 entitlement for the district, as provided for in sections 168.500
8 to 168.515, RSMo; the vocational education entitlement for the
9 district, as provided for in section 167.332, RSMo; and the
10 district educational and screening program entitlements as
11 provided for in sections 178.691 to 178.699, RSMo. The
12 categorical add-on revenue amounts may be adjusted to accommodate
13 available appropriations.

14 4. In the 2006-07 school year and each school year
15 thereafter for ~~[five]~~ seven years, those districts entitled to
16 receive state aid under the provisions of subsection 1 of this
17 section shall receive state aid in an amount as provided in this
18 subsection.

19 (1) For the 2006-07 school year, the amount shall be
20 fifteen percent of the amount of state aid calculated for the
21 district for the 2006-07 school year under the provisions of
22 subsection 1 of this section, plus eighty-five percent of the
23 total amount of state revenue received by the district for the
24 2005-06 school year from the foundation formula, line 14, gifted,
25 remedial reading, exceptional pupil aid, fair share, and free
26 textbook payments less any amounts received under section
27 163.043.

28 (2) For the 2007-08 school year, the amount shall be thirty

1 percent of the amount of state aid calculated for the district
2 for the 2007-08 school year under the provisions of subsection 1
3 of this section, plus seventy percent of the total amount of
4 state revenue received by the district for the 2005-06 school
5 year from the foundation formula, line 14, gifted, remedial
6 reading, exceptional pupil aid, fair share, and free textbook
7 payments less any amounts received under section 163.043.

8 (3) For the 2008-09 school year, the amount of state aid
9 shall be forty-four percent of the amount of state aid calculated
10 for the district for the 2008-09 school year under the provisions
11 of subsection 1 of this section plus fifty-six percent of the
12 total amount of state revenue received by the district for the
13 2005-06 school year from the foundation formula, line 14, gifted,
14 remedial reading, exceptional pupil aid, fair share, and free
15 textbook payments less any amounts received under section
16 163.043.

17 (4) For the 2009-10 school year, the amount of state aid
18 shall be fifty-eight percent of the amount of state aid
19 calculated for the district for the 2009-10 school year under the
20 provisions of subsection 1 of this section plus forty-two percent
21 of the total amount of state revenue received by the district for
22 the 2005-06 school year from the foundation formula, line 14,
23 gifted, remedial reading, exceptional pupil aid, fair share, and
24 free textbook payments less any amounts received under section
25 163.043.

26 (5) For the 2010-11 school year, the amount of state aid
27 shall be [seventy-two] fifty-eight percent of the amount of state
28 aid calculated for the district for the 2010-11 school year under

1 the provisions of subsection 1 of this section plus
2 ~~[twenty-eight]~~ forty-two percent of the total amount of state
3 revenue received by the district for the 2005-06 school year from
4 the foundation formula, line 14, gifted, remedial reading,
5 exceptional pupil aid, fair share, and free textbook payments
6 less any amounts received under section 163.043.

7 (6) For the 2011-12 school year, the amount of state aid
8 shall be ~~[eighty-six]~~ fifty-eight percent of the amount of state
9 aid calculated for the district for the 2011-12 school year under
10 the provisions of subsection 1 of this section plus ~~[fourteen]~~
11 forty-two percent of the total amount of state revenue received
12 by the district for the 2005-06 school year from the foundation
13 formula, line 14, gifted, remedial reading, exceptional pupil
14 aid, fair share, and free textbook payments less any amounts
15 received under section 163.043.

16 (7) For the 2012-13 school year, the amount of state aid
17 shall be seventy-two percent of the amount of state aid
18 calculated for the district for the 2012-13 school year under the
19 provisions of subsection 1 of this section plus twenty-eight
20 percent of the total amount of state revenue received by the
21 district for the 2005-06 school year from the foundation formula,
22 line 14, gifted, remedial reading, exceptional pupil aid, fair
23 share, and free textbook payments less any amounts received under
24 section 163.043.

25 (8) For the 2013-14 school year, the amount of state aid
26 shall be eighty-six percent of the amount of state aid calculated
27 for the district for the 2013-14 school year under the provisions
28 of subsection 1 of this section plus fourteen percent of the

1 total amount of state revenue received by the district for the
2 2005-06 school year from the foundation formula, line 14, gifted,
3 remedial reading, exceptional pupil aid, fair share, and free
4 textbook payments less any amounts received under section
5 163.043.

6 (9) The provisions of this subsection shall not prohibit
7 the general assembly from appropriating more funds than required
8 to fund the applicable percentages provided for in any school
9 year under this subsection. In such an instance, the department
10 of elementary and secondary education shall adjust such phase-in
11 percentages in order to accommodate the total amount of available
12 appropriations so that such percentages equal one hundred percent
13 and the total amount of the appropriated funds is distributed.

14 (10) For any school year governed by this subsection, if
15 the foundation formula appropriation under subsections 1, 2, and
16 4 of this section is equal to or greater than the fiscal year
17 2010 foundation formula expenditure under subsections 1, 2, and 4
18 of this section and the previous fiscal year's foundation formula
19 expenditure under subsections 1, 2, and 4 of this section but is
20 insufficient to fully fund the applicable percentages provided
21 for in any school year under this subsection, the department of
22 elementary and secondary education shall adjust such phase-in
23 percentages in order to accommodate the total amount of available
24 appropriations so that such percentages equal one hundred percent
25 and the total amount of the appropriated funds is distributed.
26 In the event of a reduction from the current year appropriation
27 by the governor as provided in section 27 of article IV of the
28 Missouri Constitution resulting in a reduced foundation formula

1 appropriation under subsections 1, 2, and 4 of this section, such
2 reduced appropriation level shall be utilized when determining
3 qualification under this subdivision.

4 (11) In any school year in which the foundation formula
5 appropriation under subsections 1, 2, and 4 of this section is:
6 less than the fiscal year 2010 foundation formula expenditure
7 under subsections 1, 2, and 4 of this section; less than the
8 previous fiscal year's foundation formula expenditure under
9 subsection 1, 2, and 4 of this section; or reduced from the
10 current year appropriation by the governor as provided in section
11 27 of article IV of the Missouri Constitution and as a result of
12 said reduction the reduced appropriation is less than the
13 foundation formula fiscal year 2010 expenditure or less than the
14 previous fiscal year's foundation formula expenditure, the
15 department of elementary and secondary education shall reduce the
16 payment amounts awarded to all districts, including those
17 districts that qualify under subsection 2 of this section. The
18 department shall calculate a uniform proportional reduction
19 percentage based on all available foundation formula state aid
20 for the given school year to be applied to the payment amount to
21 which all districts would otherwise be entitled under the
22 applicable phase-in percentage for the applicable school year as
23 provided in this subsection. In such a situation, any district
24 receiving a payment pursuant to the provisions of this
25 subdivision shall not be required to meet the nonfederal
26 requirements of the Missouri school improvement program.

27 (12) In any school year in which a proportional reduction
28 occurred during the previous school year as provided in

subdivision (11) of this subsection, and in the current school year the foundation formula appropriation under subsections 1, 2, and 4 of this section is greater than the fiscal year 2010 foundation formula expenditure under subsections 1, 2, and 4 of this section and the previous fiscal year's foundation formula expenditure under subsections 1, 2, and 4 of this section but the current year appropriation would result in a decrease from the previous year's phase-in percentage attributable to subsection 1 of this section without a proportional reduction as provided in subdivision (11) of this subsection, then the department shall calculate and apply a uniform proportional reduction percentage as provided in subdivision (11) of this subsection;

 (13) (a) Notwithstanding subdivision (18) of section 163.011, the state adequacy target may not be adjusted downward to accommodate available appropriations in any year governed by this subsection.

(b) [a. For the 2006-07 school year, if a school district experiences a decrease in summer school average daily attendance of more than twenty percent from the district's 2005-06 summer school average daily attendance, an amount equal to the product of the percent reduction that is in excess of twenty percent of the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's current year payment amount.

b. For the 2007-08 school year, if a school district experiences a decrease in summer school average daily attendance of more than thirty percent from the district's 2005-06 summer

1 school average daily attendance, an amount equal to the product
2 of the percent reduction that is in excess of thirty percent of
3 the district's summer school average daily attendance multiplied
4 by the funds generated by the district's summer school program in
5 the 2005-06 school year shall be subtracted from the district's
6 payment amount.

7 c. For the 2008-09 school year, if a school district
8 experiences a decrease in summer school average daily attendance
9 of more than thirty-five percent from the district's 2005-06
10 summer school average daily attendance, an amount equal to the
11 product of the percent reduction that is in excess of thirty-five
12 percent of the district's summer school average daily attendance
13 multiplied by the funds generated by the district's summer school
14 program in the 2005-06 school year shall be subtracted from the
15 district's payment amount.

16 d. Notwithstanding the provisions of this paragraph, no
17 such reduction shall be made in the case of a district that is
18 receiving a payment under section 163.044 or any district whose
19 regular school term average daily attendance for the preceding
20 year was three hundred fifty or less.

21 e. This paragraph shall not be construed to permit any
22 reduction applied under this paragraph to result in any district
23 receiving a current-year payment that is less than the amount
24 calculated for such district under subsection 2 of this section.

25 (c) If a school district experiences a decrease in its
26 gifted program enrollment of more than twenty percent from its
27 2005-06 gifted program enrollment in any year governed by this
28 subsection, an amount equal to the product of the percent

1 reduction in the district's gifted program enrollment multiplied
2 by the funds generated by the district's gifted program in the
3 2005-06 school year shall be subtracted from the district's
4 current year payment amount.

5 5. For any school district meeting the eligibility criteria
6 for state aid as established in section 163.021, but which is
7 considered an option district under section 163.042 and therefore
8 receives no state aid, the commissioner of education shall
9 present a plan to the superintendent of the school district for
10 the waiver of rules and the duration of said waivers, in order to
11 promote flexibility in the operations of the district and to
12 enhance and encourage efficiency in the delivery of instructional
13 services as provided in section 163.042.

14 6. (1) No less than seventy-five percent of the state
15 revenue received under the provisions of subsections 1, 2, and 4
16 of this section shall be placed in the teachers' fund, and the
17 remaining percent of such moneys shall be placed in the
18 incidental fund. No less than seventy-five percent of one-half
19 of the funds received from the school district trust fund
20 distributed under section 163.087 shall be placed in the
21 teachers' fund. One hundred percent of revenue received under
22 the provisions of section 163.161 shall be placed in the
23 incidental fund. One hundred percent of revenue received under
24 the provisions of sections 168.500 to 168.515, RSMo, shall be
25 placed in the teachers' fund.

26 (2) A school district shall spend for certificated
27 compensation and tuition expenditures each year:

28 (a) An amount equal to at least seventy-five percent of the

1 state revenue received under the provisions of subsections 1, 2,
2 and 4 of this section;

3 (b) An amount equal to at least seventy-five percent of
4 one-half of the funds received from the school district trust
5 fund distributed under section 163.087 during the preceding
6 school year; and

7 (c) Beginning in fiscal year 2008, as much as was spent per
8 the second preceding year's weighted average daily attendance for
9 certificated compensation and tuition expenditures the previous
10 year from revenue produced by local and county tax sources in the
11 teachers' fund, plus the amount of the incidental fund to
12 teachers' fund transfer calculated to be local and county tax
13 sources by dividing local and county tax sources in the
14 incidental fund by total revenue in the incidental fund. In the
15 event a district fails to comply with this provision, the amount
16 by which the district fails to spend funds as provided herein
17 shall be deducted from the district's state revenue received
18 under the provisions of subsections 1, 2, and 4 of this section
19 for the following year, provided that the state board of
20 education may exempt a school district from this provision if the
21 state board of education determines that circumstances warrant
22 such exemption.

23 7. If a school district's annual audit discloses that
24 students were inappropriately identified as eligible for free and
25 reduced lunch, special education, or limited English proficiency
26 and the district does not resolve the audit finding, the
27 department of elementary and secondary education shall require
28 that the amount of aid paid pursuant to the weighting for free

1 and reduced lunch, special education, or limited English
2 proficiency in the weighted average daily attendance on the
3 inappropriately identified pupils be repaid by the district in
4 the next school year and shall additionally impose a penalty of
5 one hundred percent of such aid paid on such pupils, which
6 penalty shall also be paid within the next school year. Such
7 amounts may be repaid by the district through the withholding of
8 the amount of state aid.

9 163.036. 1. In computing the amount of state aid a school
10 district is entitled to receive for the minimum school term only
11 under section 163.031, a school district may use an estimate of
12 the weighted average daily attendance for the current year, or
13 the weighted average daily attendance for the immediately
14 preceding year or the weighted average daily attendance for the
15 second preceding school year, whichever is greater. Beginning
16 with the 2006-07 school year, the summer school attendance
17 included in the average daily attendance as defined in
18 subdivision (2) of section 163.011 shall include only the
19 attendance hours of pupils that attend summer school in the
20 current year. Beginning with the 2010-2011 school year, the
21 summer school attendance included in average daily attendance
22 shall include only the attendance hours of pupils based
23 exclusively on academic areas of study or as specified in
24 individual education programs. The curriculum shall be based on
25 core subject areas of the regular instruction program for the
26 relevant grade levels. In order for summer school attendance to
27 be included in the average daily attendance definition, each
28 school district shall verify to the department of elementary and

secondary education that the district's summer school program conforms to this subsection. This subsection shall not be construed to disallow a school district from providing a summer school program that offers nonacademic or enrichment activities at such district's or parent's or parents' expense. In any year in which the foundation formula appropriation under subsections 1, 2, and 4 of section 163.031 is less than the state aid expenditure for the previous year, each school district's summer school average daily attendance figure shall be reduced by the same percentage that the foundation formula appropriation has decreased from the previous year's state aid expenditure.

Beginning with the 2004-05 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 payment attributable to kindergarten shall include only the current year kindergarten average daily attendance. Any error made in the apportionment of state aid because of a difference between the actual weighted average daily attendance and the estimated weighted average daily attendance shall be corrected as provided in section 163.091, except that if the amount paid to a district estimating weighted average daily attendance exceeds the amount to which the district was actually entitled by more than five percent, interest at the rate of six percent shall be charged on the excess and shall be added to the amount to be deducted from the district's apportionment the next succeeding year.

2. Notwithstanding the provisions of subsection 1 of this

1 section or any other provision of law, the state board of
2 education shall make an adjustment for the immediately preceding
3 year for any increase in the actual weighted average daily
4 attendance above the number on which the state aid in section
5 163.031 was calculated. Said adjustment shall be made in the
6 manner providing for correction of errors under subsection 1 of
7 this section.

8 3. Any error made in the apportionment of state aid because
9 of a difference between the actual equalized assessed valuation
10 for the current year and the estimated equalized assessed
11 valuation for the current year shall be corrected as provided in
12 section 163.091, except that if the amount paid to a district
13 estimating current equalized assessed valuation exceeds the
14 amount to which the district was actually entitled, interest at
15 the rate of six percent shall be charged on the excess and shall
16 be added to the amount to be deducted from the district's
17 apportionment the next succeeding year.

18 4. For the purposes of distribution of state school aid
19 pursuant to section 163.031, a school district with ten percent
20 or more of its assessed valuation that is owned by one person or
21 corporation as commercial or personal property who is delinquent
22 in a property tax payment may elect, after receiving notice from
23 the county clerk on or before March fifteenth that more than ten
24 percent of its current taxes due the preceding December
25 thirty-first by a single property owner are delinquent, to use in
26 the local effort calculation of the state aid formula the
27 district's equalized assessed valuation for the preceding year or
28 the actual assessed valuation of the year for which the taxes are

1 delinquent less the assessed valuation of property for which the
2 current year's property tax is delinquent. To qualify for use of
3 the actual assessed valuation of the year for which the taxes are
4 delinquent less the assessed valuation of property for which the
5 current year's property tax is delinquent, a district must notify
6 the department of elementary and secondary education on or before
7 April first, except in the year enacted, of the current year
8 amount of delinquent taxes, the assessed valuation of such
9 property for which delinquent taxes are owed and the total
10 assessed valuation of the district for the year in which the
11 taxes were due but not paid. Any district giving such notice to
12 the department of elementary and secondary education shall
13 present verification of the accuracy of such notice obtained from
14 the clerk of the county levying delinquent taxes. When any of
15 the delinquent taxes identified by such notice are paid during a
16 four-year period following the due date, the county clerk shall
17 give notice to the district and the department of elementary and
18 secondary education, and state aid paid to the district shall be
19 reduced by an amount equal to the delinquent taxes received plus
20 interest. The reduction in state aid shall occur over a period
21 not to exceed five years and the interest rate on excess state
22 aid not refunded shall be six percent annually.

23 5. If a district receives state aid based on equalized
24 assessed valuation as determined by subsection 4 of this section
25 and if prior to such notice the district was paid state aid
26 pursuant to section 163.031, the amount of state aid paid during
27 the year of such notice and the first year following shall equal
28 the sum of state aid paid pursuant to section 163.031 plus the

1 difference between the state aid amount being paid after such
2 notice minus the amount of state aid the district would have
3 received pursuant to section 163.031 before such notice. To be
4 eligible to receive state aid based on this provision the
5 district must levy during the first year following such notice at
6 least the maximum levy permitted school districts by article X,
7 section 11(b) of the Missouri Constitution and have a voluntary
8 rollback of its tax rate which is no greater than one cent per
9 one hundred dollars assessed valuation.

10 163.410. 1. Notwithstanding the provisions of section
11 163.021, in fiscal years 2011, 2012, and 2013, if the
12 appropriation for subsections 1 and 2 of section 163.031 is less
13 than the annualized calculation of the amount needed for the
14 phase-in required under subsection 4 of section 163.031 for that
15 fiscal year or the appropriation for transportation as provided
16 in subsection 3 of section 163.031 is funded at a level that
17 provides less than seventy-five percent of allowable costs,
18 school districts shall be excused from compliance with:

19 (1) Spending funds for professional development as required
20 under subsection 1 of section 160.530; and

21 (2) The fund placement and expenditure requirements of
22 subsection 6 of section 163.031.

23 2. If the governor withholds funds for the school funding
24 formula basic apportionment under section 163.031, in fiscal
25 years 2011, 2012, and 2013, school districts shall be excused
26 from compliance with the statutes listed in subsection 1 of this
27 section in the following fiscal year.

28 167.029. A public school district [in any city not within a

1 county shall determine whether a dress code policy requiring
2 pupils] may require students to wear a school uniform [is
3 appropriate at any school or schools within such district, and if
4 it is so determined, shall adopt such a policy] or restrict
5 student dress to a particular style in accordance with the law.
6 The school district may determine the style and color of the
7 school uniform.

8 167.117. 1. In any instance when any person is believed to
9 have committed an act which if committed by an adult would be
10 assault in the first, second or third degree, sexual assault, or
11 deviate sexual assault against a pupil or school employee, while
12 on school property, including a school bus in service on behalf
13 of the district, or while involved in school activities, the
14 principal shall immediately report such incident to the
15 appropriate local law enforcement agency and to the
16 superintendent, except in any instance when any person is
17 believed to have committed an act which if committed by an adult
18 would be assault in the third degree and a written agreement as
19 to the procedure for the reporting of such incidents of third
20 degree assault has been executed between the superintendent of
21 the school district and the appropriate local law enforcement
22 agency, the principal shall report such incident to the
23 appropriate local law enforcement agency in accordance with such
24 agreement.

25 2. In any instance when a pupil is discovered to have on or
26 about such pupil's person, or among such pupil's possessions, or
27 placed elsewhere on the school premises, including but not
28 limited to the school playground or the school parking lot, on a

1 school bus or at a school activity whether on or off of school
2 property any controlled substance as defined in section 195.010,
3 RSMo, or any weapon as defined in subsection [4] 6 of section
4 160.261, RSMo, in violation of school policy, the principal shall
5 immediately report such incident to the appropriate local law
6 enforcement agency and to the superintendent.

7 3. In any instance when a teacher becomes aware of an
8 assault as set forth in subsection 1 of this section or finds a
9 pupil in possession of a weapon or controlled substances as set
10 forth in subsection 2 of this section, the teacher shall
11 immediately report such incident to the principal.

12 4. A school employee, superintendent or such person's
13 designee who in good faith provides information to law
14 enforcement or juvenile authorities pursuant to this section or
15 section 160.261, RSMo, shall not be civilly liable for providing
16 such information.

17 5. Any school official responsible for reporting pursuant
18 to this section or section 160.261, RSMo, who willfully neglects
19 or refuses to perform this duty shall be subject to the penalty
20 established pursuant to section 162.091, RSMo.

21 168.500. 1. For the purpose of providing career pay, which
22 shall be a salary supplement, for public school teachers, which
23 for the purpose of sections 168.500 to 168.515 shall include
24 classroom teachers, librarians, guidance counselors and
25 certificated teachers who hold positions as school psychological
26 examiners, parents as teachers educators, school psychologists,
27 special education diagnosticians and speech pathologists, and are
28 on the district salary schedule, there is hereby created and

1 established a career advancement program which shall be known as
2 the "Missouri Career Development and Teacher Excellence Plan",
3 hereinafter known as the "career plan or program". Participation
4 by local school districts in the career advancement program
5 established under this section shall be voluntary. The career
6 advancement program is a matching fund program [of variable match
7 rates]. The general assembly [shall] may make an annual
8 appropriation to the excellence in education fund established
9 under section 160.268, RSMo, for the purpose of providing the
10 state's portion for the career advancement program. The "Career
11 Ladder Forward Funding Fund" is hereby established in the state
12 treasury. Beginning with fiscal year 1998 and until the career
13 ladder forward funding fund is terminated pursuant to this
14 subsection, the general assembly [shall] may appropriate funds to
15 the career ladder forward funding fund. Notwithstanding the
16 provisions of section 33.080, RSMo, to the contrary, moneys in
17 the fund shall not be transferred to the credit of the general
18 revenue fund at the end of the biennium. All interest or other
19 gain received from investment of moneys in the fund shall be
20 credited to the fund. All funds deposited in the fund shall be
21 maintained in the fund until such time as the balance in the fund
22 at the end of the fiscal year is equal to or greater than the
23 appropriation for the career ladder program for the following
24 year, at which time all such revenues shall be used to fund, in
25 advance, the career ladder program for such following year and
26 the career ladder forwarding funding fund shall thereafter be
27 terminated.

28 2. The department of elementary and secondary education, at

1 the direction of the commissioner of education, shall study and
2 develop model career plans which shall be made available to the
3 local school districts. These state model career plans shall:

4 (1) Contain three steps or stages of career advancement;

5 (2) Contain a detailed procedure for the admission of
6 teachers to the career program;

7 (3) Contain specific criteria for career step
8 qualifications and attainment. These criteria shall clearly
9 describe the minimum number of professional responsibilities
10 required of the teacher at each stage of the plan and shall
11 include reference to classroom performance evaluations performed
12 pursuant to section 168.128;

13 (4) Be consistent with the teacher certification process
14 recommended by the Missouri advisory council of certification for
15 educators and adopted by the department of elementary and
16 secondary education;

17 (5) Provide that public school teachers in Missouri shall
18 become eligible to apply for admission to the career plans
19 adopted under sections 168.500 to 168.515 after five years of
20 public school teaching in Missouri. All teachers seeking
21 admission to any career plan shall, as a minimum, meet the
22 requirements necessary to obtain the first renewable professional
23 certificate as provided in section 168.021;

24 (6) Provide procedures for appealing decisions made under
25 career plans established under sections 168.500 to 168.515.

26 3. The commissioner of education shall cause the department
27 of elementary and secondary education to establish guidelines for
28 all career plans established under this section, and criteria

1 that must be met by any school district which seeks funding for
2 its career plan.

3 4. A participating local school district may have the
4 option of implementing a career plan developed by the department
5 of elementary and secondary education or a local plan which has
6 been developed with advice from teachers employed by the district
7 and which has met with the approval of the department of
8 elementary and secondary education. In approving local career
9 plans, the department of elementary and secondary education may
10 consider provisions in the plan of the local district for
11 recognition of teacher mobility from one district to another
12 within this state.

13 5. The career plans of local school districts shall not
14 discriminate on the basis of race, sex, religion, national
15 origin, color, creed, or age. Participation in the career plan
16 of a local school district is optional, and any teacher who
17 declines to participate shall not be penalized in any way.

18 6. In order to receive funds under this section, a school
19 district which is not subject to section 162.920, RSMo, must have
20 a total levy for operating purposes which is in excess of the
21 amount allowed in section 11(b) of article X of the Missouri
22 Constitution; and a school district which is subject to section
23 162.920, RSMo, must have a total levy for operating purposes
24 which is equal to or in excess of twenty-five cents on each
25 hundred dollars of assessed valuation.

26 7. The commissioner of education shall cause the department
27 of elementary and secondary education to regard a speech
28 pathologist who holds both a valid certificate of license to

1 teach and a certificate of clinical competence to have fulfilled
2 the standards required to be placed on stage III of the career
3 program, provided that such speech pathologist has been employed
4 by a public school in Missouri for at least five years and is
5 approved for placement at such stage III by the local school
6 district.

7 8. Beginning in fiscal year 2012, the state portion of
8 career ladder payments shall only be made available to local
9 school districts if the general assembly makes an appropriation
10 for such program. Payments authorized under sections 168.500 to
11 168.515 shall only be made available in a year for which a state
12 appropriation is made. Any state appropriation shall be made
13 prospectively in relation to the year in which work under the
14 program is performed.

15 9. Nothing in this section shall be construed to prohibit a
16 local school district from funding the program for its teachers,
17 for work performed in years for which no state appropriation is
18 made available.

19 168.515. 1. Each teacher selected to participate in a
20 career plan established under sections 168.500 to 168.515, who
21 meets the requirements of such plan, ~~[shall]~~ may receive a salary
22 supplement, the state's share of which shall be distributed under
23 section 163.031, RSMo, equal to the following amounts applied to
24 the career ladder entitlement of section 163.031, RSMo:

25 (1) Career stage I teachers may receive up to an additional
26 one thousand five hundred dollars per school year;

27 (2) Career stage II teachers may receive up to an
28 additional three thousand dollars per school year;

1 (3) Career stage III teachers may receive up to an
2 additional five thousand dollars per school year. All teachers
3 within each stage within the same school district shall receive
4 equal salary supplements.

5 2. The state ~~[shall]~~ may make payments pursuant to section
6 163.031, RSMo, to the local school district for the purpose of
7 ~~[reimbursing]~~ providing funding to the local school district for
8 the payment of any salary supplements provided for in this
9 section, subject to the availability of funds as appropriated
10 each year and distributed on a ~~[variable match formula which~~
11 ~~shall]~~ matching basis where the percentage of state funding shall
12 be forty percent and the percentage of local funding shall be
13 sixty percent. ~~[be based on assessed valuation of the district~~
14 ~~for the second preceding school year.~~

15 3. In distributing these matching funds, school districts
16 shall be ranked by the assessed valuation for the second
17 preceding school year per weighted average daily attendance from
18 the highest to the lowest and divided into three groups. Group
19 one shall contain the highest twenty-five percent of all public
20 school districts, groups two and three combined shall contain the
21 remaining seventy-five percent of all public school districts.
22 The districts in groups two and three shall be rank-ordered from
23 largest to smallest based on enrollment as of the last Wednesday
24 in September during the second preceding school year, group two
25 shall contain twenty-five percent of all public school districts
26 that are larger on the enrollment-based rank-ordered list and
27 group three shall contain the remaining fifty percent of all
28 public school districts. Pursuant to subsection 4 of this

1 section, districts in group one shall receive forty percent state
2 funding and shall contribute sixty percent local funding, group
3 two shall receive fifty percent state funding and shall
4 contribute fifty percent local funding and group three shall
5 receive sixty percent state funding and shall contribute forty
6 percent local funding.

7 4. The incremental groups are as follows:

Percentage		Percentage	
Percentage			
Group	of Districts	of State Funding	of
Local Funding			
1	25%	40%	60%
2	25%	50%	50%
3	50%	60%	40%

15 5. Beginning in the 1996-97 school year, any school
16 district in any group which participated in the career ladder
17 program in 1995-96 and paid less than the local funding
18 percentage required by subsection 4 of this section shall
19 increase its local share of career ladder costs by five
20 percentage points from the preceding year until the district pays
21 the percentage share of cost required by subsection 4 of this
22 section, and in no case shall the local funding percentage be
23 increased by a greater amount for any year. For any district,
24 the state payment shall not exceed the local payment times the
25 state percentage share divided by the local percentage share.
26 Except as provided in subsection 10 of this section, any district
27 not participating in the 1995-96 school year or any district
28 which interrupts its career ladder program for any subsequent

1 year shall enter the program on the cost-sharing basis required
2 by subsection 4 of this section.]

3 [6.] 3. Not less than every fourth year, beginning with
4 calendar year 1988, the general assembly, through the joint
5 committee established under section 160.254, RSMo, shall review
6 the amount of the career pay provided for in this section to
7 determine if any increases are necessary to reflect the increases
8 in the cost of living which have occurred since the salary
9 supplements were last reviewed or set.

10 [7.] 4. To participate in the salary supplement program
11 established under this section, a school district may submit to
12 the voters of the district a proposition to increase taxes for
13 this purpose. If a school district's current tax rate ceiling is
14 at or above the rate from which an increase would require a
15 two-thirds majority, the school board may submit to the voters of
16 the district a proposition to reduce or eliminate the amount of
17 the levy reduction resulting from section 164.013, RSMo. If a
18 majority of the voters voting thereon vote in favor of the
19 proposition, the board may certify that seventy-five percent of
20 the revenue generated from this source shall be used to implement
21 the salary supplement program established under this section.

22 [8.] 5. In no case shall a school district use state funds
23 received under this section nor local revenue generated from a
24 tax established under subsection 7 of this section to comply with
25 the minimum salary requirements for teachers established pursuant
26 to section 163.172, RSMo.

27 [9. Beginning in the 1996-97 school year, for any teacher
28 who participated in the career program in the 1995-96 school

1 year, continues to participate in the program thereafter, and
2 remains qualified to receive career pay pursuant to section
3 168.510, the state's share of the teacher's salary supplement
4 shall continue to be the percentage paid by the state in the
5 1995-96 school year, notwithstanding any provisions of subsection
6 4 of this section to the contrary, and the state shall continue
7 to pay such percentage of the teacher's salary supplement until
8 any of the following occurs:

9 (1) The teacher ceases his or her participation in the
10 program; or

11 (2) The teacher suspends his or her participation in the
12 program for any school year after the 1995-96 school year. If
13 the teacher later resumes participation in the program, the state
14 funding shall be subject to the provisions of subsection 4 of
15 this section.

16 10. Any school district that participated in the career
17 ladder program prior to the 2001-02 school year but ceased its
18 participation at any time from July 1, 2001, to July 1, 2005, may
19 resume participation in the program no later than July 1, 2006,
20 at the same matching level, pursuant to subsections 4 and 5 of
21 this section, for which the district qualified during its last
22 year of participation.]

23 178.693. 1. School districts that offer an approved
24 program of parent education shall be eligible for state
25 reimbursement, pursuant to section 163.031, RSMo, subject to
26 appropriations therefor for each participating family. If a
27 school district fails or is unable to offer an approved program
28 of parent education, the district shall enter into a contract

1 which meets the requirements under section 178.697, with another
2 district, public agency or state approved not-for-profit agency
3 offering an approved program for such services. If the district
4 finds that no approved program is available in another district,
5 public agency, or through a state approved not-for-profit agency,
6 it shall request the state department of elementary and secondary
7 education to assist it in obtaining from an approved program,
8 services at the reimbursable rate. If available appropriations
9 are insufficient to fund services for all individuals who request
10 such services, the department of elementary and secondary
11 education shall direct funds to serve those individuals
12 designated as high need or low income, as defined by the
13 department. School districts may charge a co-pay or a fee based
14 on adjusted gross income and family size based on a sliding fee
15 scale adopted by the department. The department shall promulgate
16 rules necessary to implement the provisions of this subsection.

17 2. School districts that offer an approved program of
18 developmental screening for all children under the age of five
19 years shall be eligible for state reimbursement, pursuant to
20 section 163.031, RSMo, subject to appropriations therefor for
21 each participating child. If a school district fails or is
22 unable to offer an approved program of developmental screening,
23 the district shall enter into a contract which meets the
24 requirements under section 178.697, with another district, public
25 agency or state approved not-for-profit agency offering an
26 approved program for such services. If the district finds that
27 no approved program is available in another district, public
28 agency or state approved not-for-profit agency, it shall request

1 the state department of elementary and secondary education to
2 assist it in obtaining from an approved program, services at the
3 reimbursable rate.

4 3. School districts that offer approved programs for
5 developmentally delayed children ages three and four who may also
6 be eligible for programs under the provisions of sections 162.670
7 to 162.995, RSMo, shall be eligible for state reimbursement,
8 pursuant to section 163.031, RSMo, subject to appropriations,
9 provided the children are not receiving the same or similar
10 services for handicapped or severely handicapped children under
11 another program for which reimbursements from the department of
12 elementary and secondary education are available to the district.
13 If a school district fails or is unable to offer an approved
14 program for developmentally delayed children ages three and four,
15 the district shall enter into a contract which meets the
16 requirements under section 178.697, with another district, public
17 agency or state approved not-for-profit agency offering an
18 approved program for such services. If the district finds that
19 no approved program is available in another district, public
20 agency or state approved not-for-profit agency, it shall request
21 the state department of elementary and secondary education to
22 assist it in obtaining from an approved program, services at the
23 reimbursable rate.

24 4. Any rule or portion of a rule, as that term is defined
25 in section 536.010 that is created under the authority delegated
26 in this section shall become effective only if it complies with
27 and is subject to all of the provisions of chapter 536, and, if
28 applicable, section 536.028. This section and chapter 536 are

1 nonseverable and if any of the powers vested with the general
2 assembly pursuant to chapter 536, to review, to delay the
3 effective date, or to disapprove and annul a rule are
4 subsequently held unconstitutional, then the grant of rulemaking
5 authority and any rule proposed or adopted after August 28, 2010,
6 shall be invalid and void.

7 178.695. 1. Programs shall be subject to review and
8 approval under standards developed by the department of
9 elementary and secondary education consisting of early childhood
10 education and parents as teachers programs and published as an
11 administrative rule under the provisions of chapter 536, RSMo.

12 2. The department of elementary and secondary education
13 shall, by October first of each year, submit to the joint
14 committee on education a report concerning the demographics of
15 the individuals served by any approved program of parent
16 education, including whether such individuals would be considered
17 high need or low income. No information shall identify any
18 specific individual.

19 3. The lieutenant governor shall act as an advisor to the
20 department for all such programs reviewed by the department.

21 Section B. Because of the need to provide adequate funding
22 to public schools, the enactment of section 163.410 of this act
23 and the repeal and reenactment of sections 163.031, 163.036,
24 168.500, and 168.515 of this act is deemed necessary for the
25 immediate preservation of the public health, welfare, peace and
26 safety, and is hereby declared to be an emergency act within the
27 meaning of the constitution, and the enactment of section 163.410
28 of this act and the repeal and reenactment of sections 163.031,

1 163.036, 168.500, and 168.515 of this act shall be in full force
2 and effect upon its passage and approval or July 1, 2010,
3 whichever occurs later.

4