

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Substitute for Senate Committee Substitute for Senate Bill No. 125, Page 1, Section
2 A, Line 3, by inserting after all of said line the following:

3 "160.011. As used in chapters 160, 161, 162, 163, 164, 165, 167, 168, 170, 171, 177 and
4 178, the following terms mean:

5 (1) "District" or "school district", when used alone, may include seven-director, urban, and
6 metropolitan school districts;

7 (2) "Elementary school", a public school giving instruction in a grade or grades not higher
8 than the eighth grade;

9 (3) "Family literacy programs", services of sufficient intensity in terms of hours, and of
10 sufficient duration, to make sustainable changes in families that include:

11 (a) Interactive literacy activities between parents and their children;

12 (b) Training of parents regarding how to be the primary teacher of their children and full
13 partners in the education of their children;

14 (c) Parent literacy training that leads to high school completion and economic self
15 sufficiency; and

16 (d) An age-appropriate education to prepare children of all ages for success in school;

17 (4) "Graduation rate", the quotient of the number of graduates in the current year as of June
18 thirtieth divided by the sum of the number of graduates in the current year as of June thirtieth plus
19 the number of twelfth graders who dropped out in the current year plus the number of eleventh
20 graders who dropped out in the preceding year plus the number of tenth graders who dropped out in
21 the second preceding year plus the number of ninth graders who dropped out in the third preceding
22 year;

23 (5) "High school", a public school giving instruction in a grade or grades not lower than the
24 ninth nor higher than the twelfth grade;

25 (6) "Metropolitan school district", any school district the boundaries of which are
26 coterminous with the limits of any city which is not within a county;

27 (7) "Public school" includes all elementary and high schools operated at public expense;

28 (8) "School board", the board of education having general control of the property and affairs
29 of any school district;

30 (9) "School term", a minimum of one [hundred seventy-four school days, as that term is
31 defined in section 160.041, for schools with a five-day school week or a minimum of one hundred
32 forty-two school days, as that term is defined in section 160.041, for schools with a four-day school
33 week, and one thousand forty-four hours of actual pupil attendance as scheduled by the board
34 pursuant to section 171.031 during a twelve-month period in which the academic instruction of
35 pupils is actually and regularly carried on for a group of students in the public schools of any school
36 district] thousand eighty hours of actual pupil attendance. A school term may be within a school
37 year or may consist of parts of two consecutive school years, but does not include summer school. A

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district may choose to operate two or more terms for different groups of children. A school term for students participating in a school flex program as established in section 160.539 may consist of a combination of actual pupil attendance and attendance at college or technical career education or approved employment aligned with the student's career academic plan for a total of one thousand [forty-four] eighty hours;

(10) "Secretary", the secretary of the board of a school district;

(11) "Seven-director district", any school district which has seven directors and includes urban districts regardless of the number of directors an urban district may have unless otherwise provided by law;

(12) "Taxpayer", any individual who has paid taxes to the state or any subdivision thereof within the immediately preceding twelve-month period or the spouse of such individual;

(13) "Town", any town or village, whether or not incorporated, the plat of which has been filed in the office of the recorder of deeds of the county in which it is situated;

(14) "Urban school district", any district which includes more than half of the population or land area of any city which has not less than seventy thousand inhabitants, other than a city which is not within a county.

160.041. 1. [The "minimum school day" consists of three hours for schools with a five-day school week or four hours for schools with a four-day school week in which the pupils are under the guidance and direction of teachers in the teaching process. A "school month" consists of four weeks of five days each for schools with a five-day school week or four weeks of four days each for schools with a four-day school week.] The "school year" commences on the first day of July and ends on the thirtieth day of June following.

2. Notwithstanding the provisions of subsection 1 of this section, the commissioner of education is authorized to reduce the required number of hours and days in which the pupils are under the guidance and direction of teachers in the teaching process if:

(1) There is damage to or destruction of a public school facility which requires the dual utilization of another school facility; or

(2) Flooding or other inclement weather as defined in subsection 1 of section 171.033 prevents students from attending the public school facility.
Such reduction shall not extend beyond two calendar years in duration.

160.047. 1. The department of elementary and secondary education shall adopt criteria for the recognition of district community involvement programs that recognize current best practices and are demonstrated to address specific community needs and improve student academic success. Districts meeting the criteria shall be considered to have met the governance process requirement for mobilizing community resources under the school improvement program.

2. The department of elementary and secondary education shall develop a process and scoring guide that rewards districts by providing additional performance points on the school improvement program for providing:

(1) Long-term focused training to teacher evaluators; and

(2) Full-day kindergarten to students who qualify for free or reduced price lunch, students who are receiving special educational services under an individualized education program, and students who are identified by school staff as at-risk through attendance patterns, disciplinary incidents, or academic screening.

160.530. 1. Beginning with fiscal year 1994 and for all fiscal years thereafter, in order to be eligible for state aid distributed pursuant to section 163.031, a school district shall allocate one percent of moneys received pursuant to section 163.031, exclusive of categorical add-ons, to the professional development committee of the district as established in subdivision (1) of subsection 4 of section 168.400. Of the moneys allocated to the professional development committee in any

1 fiscal year as specified by this subsection, seventy-five percent of such funds shall be spent in the
 2 same fiscal year for purposes determined by the professional development committee after
 3 consultation with the administrators of the school district and approved by the local board of
 4 education as meeting the objectives of a school improvement plan of the district that has been
 5 developed by the local board. Moneys expended for staff training pursuant to any provisions of
 6 [this] the outstanding schools act shall not be considered in determining the requirements for school
 7 districts imposed by this subsection.

8 2. Beginning with fiscal year 1994 and for all fiscal years thereafter, eighteen million dollars
 9 shall be distributed by the commissioner of education to address statewide areas of critical need for
 10 learning and development, [provided that such disbursements are approved by the joint committee
 11 on education as provided in subsection 5 of this section,] and as determined by rule and regulation of
 12 the state board of education with the advice of the commission established by section 160.510 and
 13 the advisory council provided by subsection 1 of section 168.015. The moneys described in this
 14 subsection may be distributed by the commissioner of education to colleges, universities, private
 15 associations, professional education associations, statewide associations organized for the benefit of
 16 members of boards of education, public elementary and secondary schools, and other associations
 17 and organizations that provide professional development opportunities for teachers, administrators,
 18 family literacy personnel and boards of education for the purpose of addressing statewide areas of
 19 critical need, provided that subdivisions (1), (2) and (3) of this subsection shall constitute priority
 20 uses for such moneys. "Statewide areas of critical need for learning and development" shall include:

- 21 (1) Funding the operation of state management teams in districts with academically deficient
 22 schools and providing resources specified by the management team as needed in such districts;
- 23 (2) Funding for grants to districts, upon application to the department of elementary and
 24 secondary education, for resources identified as necessary by the district, for those districts which are
 25 failing to achieve assessment standards;
- 26 (3) Funding for family literacy programs;
- 27 (4) Ensuring that all children, especially children at risk, children with special needs, and
 28 gifted students are successful in school;
- 29 (5) Increasing parental involvement in the education of their children;
- 30 (6) Providing information which will assist public school administrators and teachers in
 31 understanding the process of site-based decision making;
- 32 (7) Implementing recommended curriculum frameworks as outlined in section 160.514;
- 33 (8) Training in new assessment techniques for students;
- 34 (9) Cooperating with law enforcement authorities to expand successful antidrug programs
 35 for students;
- 36 (10) Strengthening existing curricula of local school districts to stress drug and alcohol
 37 prevention;
- 38 (11) Implementing and promoting programs to combat gang activity in urban areas of the
 39 state;
- 40 (12) Establishing family schools, whereby such schools adopt proven models of one-stop
 41 state services for children and families;
- 42 (13) Expanding adult literacy services; and
- 43 (14) Training of members of boards of education in the areas deemed important for the
 44 training of effective board members as determined by the state board of education.

45 3. Beginning with fiscal year 2014 and for all fiscal years thereafter, one million dollars shall
 46 be distributed by the commissioner of education to fund evaluator training to support the teacher
 47 evaluation process adopted by the state board of education in 2012.

48 4. Beginning with fiscal year 1994 and for all fiscal years thereafter, two million dollars of

the moneys appropriated to the department of elementary and secondary education otherwise distributed to the public schools of the state pursuant to the provisions of section 163.031, exclusive of categorical add-ons, shall be distributed in grant awards by the state board of education, by rule and regulation, for the "Success Leads to Success" grant program, which is hereby created. The purpose of the success leads to success grant program shall be to recognize, disseminate and exchange information about the best professional teaching practices and programs in the state that address student needs, and to encourage the staffs of schools with these practices and programs to develop school-to-school networks to share these practices and programs.

[4.] 5. The department shall include a listing of all expenditures under this section in the annual budget documentation presented to the governor and general assembly.

[5. Prior to distributing any funds under subsection 2 of this section, the commissioner of education shall appear before the joint committee on education and present a proposed delineation of the programs to be funded under the provisions of subsection 2 of this section. The joint committee shall review all proposed spending under subsection 2 of this section and shall affirm, by a majority vote of all members serving on the committee, the spending proposal of the commissioner prior to any disbursement of funds under subsection 2 of this section.

6. If any provision of subdivision (11) of subsection 4 of section 160.254 or any provision of subsection 2 or 5 of this section regarding approval of disbursements by the joint committee on education is held to be invalid for any reason, then such decision shall invalidate subsection 2 of this section in its entirety.]" and

Further amend said bill, Page 3, Section 161.092, Line 72, by inserting after all of said line the following:

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

(1) Provides for a minimum of one [hundred seventy-four days and one thousand forty-four hours] thousand eighty hours of actual pupil attendance in a term scheduled by the board pursuant to section 160.041 for each pupil or group of pupils, except that the board shall provide a minimum of [one hundred seventy-four days and five hundred twenty-two] five hundred forty hours of actual pupil attendance in a term for kindergarten pupils[. If any school is dismissed because of inclement weather after school has been in session for three hours, that day shall count as a school day including afternoon session kindergarten students. When the aggregate hours lost in a term due to inclement weather decreases the total hours of the school term below the required minimum number of hours by more than twelve hours for all-day students or six hours for one-half-day kindergarten students, all such hours below the minimum must be made up in one-half day or full day additions to the term, except as provided in section 171.033];

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

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

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

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

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

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

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

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

163.031. 1. The department of elementary and secondary education shall calculate and distribute to each school district qualified to receive state aid under section 163.021 an amount determined by multiplying the district's weighted average daily attendance by the state adequacy target, multiplying this product by the dollar value modifier for the district, and subtracting from this product the district's local effort and, in years not governed under subsection 4 of this section,

1 subtracting payments from the classroom trust fund under section 163.043.

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

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

5 (a) For the 2006-07 school year, the state revenue per weighted average daily attendance
6 received by a district from the state aid calculation under subsections 1 and 4 of this section, as
7 applicable, and the classroom trust fund under section 163.043 shall not be less than the state revenue
8 received by a district in the 2005-06 school year from the foundation formula, line 14, gifted,
9 remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by
10 the sum of one plus the product of one-third multiplied by the remainder of the dollar value modifier
11 minus one, and dividing this product by the weighted average daily attendance computed for the
12 2005-06 school year;

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

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

28 (d) For each year subsequent to the 2008-09 school year, the amount shall be no less than
29 that computed in paragraph (c) of this subdivision, multiplied by the weighted average daily
30 attendance pursuant to section 163.036, less any increase in revenue received from the classroom
31 trust fund under section 163.043;

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

34 (a) For the 2006-07 school year, the state revenue received by a district from the state aid
35 calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund
36 under section 163.043 shall not be less than the greater of state revenue received by a district in the
37 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial reading,
38 exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum of one
39 plus the product of one-third multiplied by the remainder of the dollar value modifier minus one;

40 (b) For the 2007-08 school year, the state revenue received by a district from the state aid
41 calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund
42 under section 163.043 shall not be less than the greater of state revenue received by a district in the
43 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial reading,
44 exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum of one
45 plus the product of two-thirds multiplied by the remainder of the dollar value modifier minus one;

46 (c) For the 2008-09 school year, the state revenue received by a district from the state aid
47 calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund
48 under section 163.043 shall not be less than the greater of state revenue received by a district in the

1 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial reading,
2 exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the dollar value
3 modifier;

4 (d) For each year subsequent to the 2008-09 school year, the amount shall be no less than
5 that computed in paragraph (c) of this subdivision;

6 (3) The department of elementary and secondary education shall make an addition in the
7 payment amount specified in subsection 1 of this section to assure compliance with the provisions
8 contained in this subsection.

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

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

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

24 (2) For the 2007-08 school year, the amount shall be thirty percent of the amount of state aid
25 calculated for the district for the 2007-08 school year under the provisions of subsection 1 of this
26 section, plus seventy percent of the total amount of state revenue received by the district for the
27 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional
28 pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

29 (3) For the 2008-09 school year, the amount of state aid shall be forty-four percent of the
30 amount of state aid calculated for the district for the 2008-09 school year under the provisions of
31 subsection 1 of this section plus fifty-six percent of the total amount of state revenue received by the
32 district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading,
33 exceptional pupil aid, fair share, and free textbook payments less any amounts received under section
34 163.043.

35 (4) For the 2009-10 school year, the amount of state aid shall be fifty-eight percent of the
36 amount of state aid calculated for the district for the 2009-10 school year under the provisions of
37 subsection 1 of this section plus forty-two percent of the total amount of state revenue received by
38 the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial
39 reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received
40 under section 163.043.

41 (5) For the 2010-11 school year, the amount of state aid shall be seventy-two percent of the
42 amount of state aid calculated for the district for the 2010-11 school year under the provisions of
43 subsection 1 of this section plus twenty-eight percent of the total amount of state revenue received
44 by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial
45 reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received
46 under section 163.043.

47 (6) For the 2011-12 school year, the amount of state aid shall be eighty-six percent of the
48 amount of state aid calculated for the district for the 2011-12 school year under the provisions of

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

(7) (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 school average daily attendance, an amount equal to the product of the percent reduction that is in excess of thirty 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 payment amount.

c. For the 2008-09 school year, if a school district experiences a decrease in summer school average daily attendance of more than thirty-five 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 thirty-five 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 payment amount.

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

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

(c) If a school district experiences a decrease in its gifted program enrollment of more than twenty percent from its 2005-06 gifted program enrollment in any year governed by this subsection, an amount equal to the product of the percent reduction in the district's gifted program enrollment multiplied by the funds generated by the district's gifted program in the 2005-06 school year shall be subtracted from the district's current year payment amount.] For fiscal years 2015, 2016, and 2017, the general assembly shall provide an appropriation for the basic apportionment under subsections 1 and 2 of this section as follows:

(1) For fiscal year 2015, an appropriation no less than that for fiscal year 2014 and additional funds to reach a proration level of ninety-four percent of full funding;

(2) For fiscal year 2016, an appropriation no less than that for fiscal year 2015 and additional funds to reach a proration level of ninety-seven percent of full funding; and

(3) For fiscal year 2017, an appropriation no less than that for fiscal year 2016 and additional funds to reach full funding.

5. For any school district meeting the eligibility criteria for state aid as established in section 163.021, but which is considered an option district under section 163.042 and therefore receives no state aid, the commissioner of education shall present a plan to the superintendent of the school district for the waiver of rules and the duration of said waivers, in order to promote flexibility in the

1 operations of the district and to enhance and encourage efficiency in the delivery of instructional
2 services as provided in section 163.042.

3 6. (1) No less than seventy-five percent of the state revenue received under the provisions of
4 subsections 1[, and 2[, and 4] of this section shall be placed in the teachers' fund, and the remaining
5 percent of such moneys shall be placed in the incidental fund. No less than seventy-five percent of
6 one-half of the funds received from the school district trust fund distributed under section 163.087
7 shall be placed in the teachers' fund. One hundred percent of revenue received under the provisions
8 of section 163.161 shall be placed in the incidental fund. One hundred percent of revenue received
9 under the provisions of sections 168.500 to 168.515 shall be placed in the teachers' fund.

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

12 (a) An amount equal to at least seventy-five percent of the state revenue received under the
13 provisions of subsections 1[, and 2[, and 4] of this section;

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

16 (c) Beginning in fiscal year 2008, as much as was spent per the second preceding year's
17 weighted average daily attendance for certificated compensation and tuition expenditures the
18 previous year from revenue produced by local and county tax sources in the teachers' fund, plus the
19 amount of the incidental fund to teachers' fund transfer calculated to be local and county tax sources
20 by dividing local and county tax sources in the incidental fund by total revenue in the incidental
21 fund. In the event a district fails to comply with this provision, the amount by which the district fails
22 to spend funds as provided herein shall be deducted from the district's state revenue received under
23 the provisions of subsections 1[, and 2[, and 4] of this section for the following year, provided that
24 the state board of education may exempt a school district from this provision if the state board of
25 education determines that circumstances warrant such exemption. 7. If a school district's annual
26 audit discloses that students were inappropriately identified as eligible for free and reduced lunch,
27 special education, or limited English proficiency and the district does not resolve the audit finding,
28 the department of elementary and secondary education shall require that the amount of aid paid
29 pursuant to the weighting for free and reduced lunch, special education, or limited English
30 proficiency in the weighted average daily attendance on the inappropriately identified pupils be
31 repaid by the district in the next school year and shall additionally impose a penalty of one hundred
32 percent of such aid paid on such pupils, which penalty shall also be paid within the next school year.
33 Such amounts may be repaid by the district through the withholding of the amount of state aid.

34 167.031. 1. Every parent, guardian or other person in this state having charge, control or
35 custody of a child not enrolled in a public, private, parochial, parish school or full-time equivalent
36 attendance in a combination of such schools and between the ages of seven years and the compulsory
37 attendance age for the district is responsible for enrolling the child in a program of academic
38 instruction which complies with subsection 2 of this section. Any parent, guardian or other person
39 who enrolls a child between the ages of five and seven years in a public school program of academic
40 instruction shall cause such child to attend the academic program on a regular basis, according to this
41 section except as provided in subsection 8 of this section. Nonattendance by such child shall cause
42 such parent, guardian or other responsible person to be in violation of the provisions of section
43 167.061, except as provided by this section. A parent, guardian or other person in this state having
44 charge, control, or custody of a child between the ages of seven years of age and the compulsory
45 attendance age for the district shall cause the child to attend regularly some public, private,
46 parochial, parish, home school or a combination of such schools not less than the entire school term
47 of the school which the child attends; except that:

48 (1) A child who, to the satisfaction of the superintendent of public schools of the district in

1 which he resides, or if there is no superintendent then the chief school officer, is determined to be
 2 mentally or physically incapacitated may be excused from attendance at school for the full time
 3 required, or any part thereof;

4 (2) A child between fourteen years of age and the compulsory attendance age for the district
 5 may be excused from attendance at school for the full time required, or any part thereof, by the
 6 superintendent of public schools of the district, or if there is none then by a court of competent
 7 jurisdiction, when legal employment has been obtained by the child and found to be desirable, and
 8 after the parents or guardian of the child have been advised of the pending action; or

9 (3) A child between five and seven years of age shall be excused from attendance at school if
 10 a parent, guardian or other person having charge, control or custody of the child makes a written
 11 request that the child be dropped from the school's rolls.

12 2. (1) As used in sections 167.031 to 167.071, a "home school" is a school, whether
 13 incorporated or unincorporated, that:

14 (a) Has as its primary purpose the provision of private or religious-based instruction;

15 (b) Enrolls pupils between the ages of seven years and the compulsory attendance age for the
 16 district, of which no more than four are unrelated by affinity or consanguinity in the third degree;
 17 and

18 (c) Does not charge or receive consideration in the form of tuition, fees, or other
 19 remuneration in a genuine and fair exchange for provision of instruction.

20 (2) As evidence that a child is receiving regular instruction, the parent shall, except as
 21 otherwise provided in this subsection:

22 (a) Maintain the following records:

23 a. A plan book, diary, or other written record indicating subjects taught and activities
 24 engaged in; and

25 b. A portfolio of samples of the child's academic work; and

26 c. A record of evaluations of the child's academic progress; or

27 d. Other written, or credible evidence equivalent to subparagraphs a., b. and c.; and

28 (b) Offer at least one thousand hours of instruction, at least six hundred hours of which will
 29 be in reading, language arts, mathematics, social studies and science or academic courses that are
 30 related to the aforementioned subject areas and consonant with the pupil's age and ability. At least
 31 four hundred of the six hundred hours shall occur at the regular home school location.

32 (3) The requirements of subdivision (2) of this subsection shall not apply to any pupil above
 33 the age of sixteen years.

34 3. Nothing in this section shall require a private, parochial, parish or home school to include
 35 in its curriculum any concept, topic, or practice in conflict with the school's religious doctrines or to
 36 exclude from its curriculum any concept, topic, or practice consistent with the school's religious
 37 doctrines. Any other provision of the law to the contrary notwithstanding, all departments or
 38 agencies of the state of Missouri shall be prohibited from dictating through rule, regulation or other
 39 device any statewide curriculum for private, parochial, parish or home schools.

40 4. A school year begins on the first day of July and ends on the thirtieth day of June
 41 following.

42 5. The production by a parent of a daily log showing that a home school has a course of
 43 instruction which satisfies the requirements of this section or, in the case of a pupil over the age of
 44 sixteen years who attended a metropolitan school district the previous year, a written statement that
 45 the pupil is attending home school in compliance with this section shall be a defense to any
 46 prosecution under this section and to any charge or action for educational neglect brought pursuant to
 47 chapter 210.

48 6. As used in sections 167.031 to 167.051, the term "compulsory attendance age for the

1 district" shall mean:

2 (1) Seventeen years of age for any metropolitan school district for which the school board
3 adopts a resolution to establish such compulsory attendance age; provided that such resolution shall
4 take effect no earlier than the school year next following the school year during which the resolution
5 is adopted; and

6 (2) Seventeen years of age or having successfully completed sixteen credits towards high
7 school graduation in all other cases. The school board of a metropolitan school district for which the
8 compulsory attendance age is seventeen years may adopt a resolution to lower the compulsory
9 attendance age to sixteen years; provided that such resolution shall take effect no earlier than the
10 school year next following the school year during which the resolution is adopted.

11 7. For purposes of subsection 2 of this section as applied in subsection 6 [herein] of this
12 section, a "completed credit towards high school graduation" shall be defined as one hundred hours
13 or more of instruction in a course. Home school education enforcement and records pursuant to this
14 section, and sections 210.167 and 211.031, shall be subject to review only by the local prosecuting
15 attorney.

16 8. (1) Notwithstanding subsection 1 of this section, beginning in the 2014-15 school year, in
17 a metropolitan school district or an urban school district containing most or all of a home rule city
18 with more than four hundred thousand inhabitants and located in more than one county, every parent,
19 guardian, or other person having charge, control, or custody of a child who chooses to enroll the
20 child in a public, private, parochial, parish school, or full-time equivalent attendance in a
21 combination of such schools shall enroll such child by the age of five in accordance with the
22 provisions of sections 160.053, 160.054, and 160.055. The provisions of this subsection shall not
23 apply to any parent, guardian, or other person having charge, control, or custody of a child and
24 intending to enroll the child in a program of academic instruction that complies with subsection 2 of
25 this section.

26 (2) No later than November 1, 2017, the department of elementary and secondary education
27 shall report to the Joint Committee on Education on any effects on the academic performance of the
28 districts affected by subdivision (1) of this subsection that may be attributed to the lowering of the
29 mandatory age of enrollment.

30 (3) The provisions of this subsection shall automatically sunset six years after the effective
31 date of this subsection unless reauthorized by an act of the general assembly.

32 168.133. 1. The school district shall ensure that a criminal background check is conducted
33 on any person employed after January 1, 2005, authorized to have contact with pupils and prior to
34 the individual having contact with any pupil. Such persons include, but are not limited to,
35 administrators, teachers, aides, paraprofessionals, assistants, secretaries, custodians, cooks, and
36 nurses. The school district shall also ensure that a criminal background check is conducted for
37 school bus drivers. The district may allow such drivers to operate buses pending the result of the
38 criminal background check. For bus drivers, the school district shall be responsible for conducting
39 the criminal background check on drivers employed by the school district. For drivers employed by
40 a pupil transportation company under contract with the school district, the criminal background
41 check shall be conducted pursuant to section 43.540 and conform to the requirements established in
42 the National Child Protection Act of 1993, as amended by the Volunteers for Children Act.
43 Personnel who have successfully undergone a criminal background check and a check of the family
44 care safety registry as part of the professional license application process under section 168.021 and
45 who have received clearance on the checks within one prior year of employment shall be considered
46 to have completed the background check requirement. A criminal background check under this
47 section shall include a search of any information publicly available in an electronic format through a
48 public index or single case display.

1 2. In order to facilitate the criminal history background check, the applicant shall submit a
2 set of fingerprints collected pursuant to standards determined by the Missouri highway patrol. The
3 fingerprints shall be used by the highway patrol to search the criminal history repository and shall be
4 forwarded to the Federal Bureau of Investigation for searching the federal criminal history files.

5 3. The applicant shall pay the fee for the state criminal history record information pursuant
6 to section 43.530 and sections 210.900 to 210.936 and pay the appropriate fee determined by the
7 Federal Bureau of Investigation for the federal criminal history record when he or she applies for a
8 position authorized to have contact with pupils pursuant to this section. The department shall
9 distribute the fees collected for the state and federal criminal histories to the Missouri highway
10 patrol.

11 4. The department of elementary and secondary education shall facilitate an annual check of
12 employed persons holding current active certificates under section 168.021 against criminal history
13 records in the central repository under section 43.530, the sexual offender registry under sections
14 589.400 to 589.475, and child abuse central registry under sections 210.109 to 210.183. The
15 department of elementary and secondary education shall facilitate procedures for school districts to
16 submit personnel information annually for persons employed by the school districts who do not hold
17 a current valid certificate who are required by subsection 1 of this section to undergo a criminal
18 background check, sexual offender registry check, and child abuse central registry check. The
19 Missouri state highway patrol shall provide ongoing electronic updates to criminal history
20 background checks of those persons previously submitted, both those who have an active certificate
21 and those who do not have an active certificate, by the department of elementary and secondary
22 education. This shall fulfill the annual check against the criminal history records in the central
23 repository under section 43.530. The department of elementary and secondary education shall
24 jointly with the state highway patrol implement a real-time information system that provides the
25 latest available data for the criminal history background check.

26 5. The school district may adopt a policy to provide for reimbursement of expenses incurred
27 by an employee for state and federal criminal history information pursuant to section 43.530.

28 6. If, as a result of the criminal history background check mandated by this section, it is
29 determined that the holder of a certificate issued pursuant to section 168.021 has pled guilty or nolo
30 contendere to, or been found guilty of a crime or offense listed in section 168.071, or a similar crime
31 or offense committed in another state, the United States, or any other country, regardless of
32 imposition of sentence, such information shall be reported to the department of elementary and
33 secondary education.

34 7. Any school official making a report to the department of elementary and secondary
35 education in conformity with this section shall not be subject to civil liability for such action.

36 8. For any teacher who is employed by a school district on a substitute or part-time basis
37 within one year of such teacher's retirement from a Missouri school, the state of Missouri shall not
38 require such teacher to be subject to any additional background checks prior to having contact with
39 pupils. Nothing in this subsection shall be construed as prohibiting or otherwise restricting a school
40 district from requiring additional background checks for such teachers employed by the school
41 district.

42 9. A criminal background check and fingerprint collection conducted under subsections 1
43 and 2 of this section shall be valid for at least a period of one year and transferrable from one school
44 district to another district. A school district may, in its discretion, conduct a new criminal
45 background check and fingerprint collection under subsections 1 and 2 for a newly hired employee at
46 the district's expense. A teacher's change in type of certification shall have no effect on the
47 transferability or validity of such records.

48 10. Nothing in this section shall be construed to alter the standards for suspension, denial, or

1 revocation of a certificate issued pursuant to this chapter.

2 11. The state board of education may promulgate rules for criminal history background
3 checks made pursuant to this section. Any rule or portion of a rule, as that term is defined in section
4 536.010, that is created under the authority delegated in this section shall become effective only if it
5 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
6 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
7 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
8 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any
9 rule proposed or adopted after January 1, 2005, shall be invalid and void."; and

10
11 Further amend said bill, Page 6, Section 168.221, Line 109, by inserting after all of said line the
12 following:

13 "171.031. 1. Each school board shall prepare annually a calendar for the school term,
14 specifying the opening date and providing a minimum term of at least one [hundred seventy-four
15 days for schools with a five-day school week or one hundred forty-two days for schools with a
16 four-day school week, and one thousand forty-four] thousand eighty hours of actual pupil
17 attendance. In addition, such calendar shall include [six make-up days] thirty-six make-up hours for
18 possible loss of attendance due to inclement weather as defined in subsection 1 of section 171.033.

19 2. Each local school district may set its opening date each year, which date shall be no earlier
20 than ten calendar days prior to the first Monday in September. No public school district shall select
21 an earlier start date unless the district follows the procedure set forth in subsection 3 of this section.

22 3. A district may set an opening date that is more than ten calendar days prior to the first
23 Monday in September only if the local school board first gives public notice of a public meeting to
24 discuss the proposal of opening school on a date more than ten days prior to the first Monday in
25 September, and the local school board holds said meeting and, at the same public meeting, a majority
26 of the board votes to allow an earlier opening date. If all of the previous conditions are met, the
27 district may set its opening date more than ten calendar days prior to the first Monday in September.
28 The condition provided in this subsection must be satisfied by the local school board each year that
29 the board proposes an opening date more than ten days before the first Monday in September.

30 4. If any local district violates the provisions of this section, the department of elementary
31 and secondary education shall withhold an amount equal to one quarter of the state funding the
32 district generated under section 163.031 for each date the district was in violation of this section.

33 5. The provisions of subsections 2 to 4 of this section shall not apply to school districts in
34 which school is in session for twelve months of each calendar year.

35 6. The state board of education may grant an exemption from this section to a school district
36 that demonstrates highly unusual and extenuating circumstances justifying exemption from the
37 provisions of subsections 2 to 4 of this section. Any exemption granted by the state board of
38 education shall be valid for one academic year only.

39 7. No school day [for schools with a five-day school week] shall be longer than seven hours
40 except for vocational schools which may adopt an eight-hour day in a metropolitan school district
41 and a school district in a first class county adjacent to a city not within a county[, and any school that
42 adopts a four-day school week in accordance with section 171.029].

43 171.033. 1. "Inclement weather", for purposes of this section, shall be defined as ice, snow,
44 extreme cold, flooding, or a tornado, but such term shall not include excessive heat.

45 2. A district shall be required to make up the first [six days] thirty-six hours of school lost or
46 cancelled due to inclement weather and half the number of [days] hours lost or cancelled in excess of
47 [six days] thirty-six hours if the makeup of the [days] hours is necessary to ensure that the district's
48 students will attend a minimum of one [hundred forty-two days and a minimum of one thousand

forty-four] thousand eighty hours for the school year except as otherwise provided in this section.
[Schools with a four-day school week may schedule such make-up days on Fridays.]

3. [In the 2008-09 school year a school district may be exempt from the requirement to make up days of school lost or cancelled due to inclement weather in the school district when the school district has made up the six days required under subsection 2 of this section and half the number of additional lost or cancelled days up to eight days, resulting in no more than ten total make-up days required by this section.

4.] In the 2009-10 school year and subsequent years, a school district may be exempt from the requirement to make up [days of] school lost or cancelled due to inclement weather in the school district when the school district has made up the [six days] thirty-six hours required under subsection 2 of this section and half the number of additional lost or cancelled [days] hours up to [eight days] forty-eight hours, resulting in no more than [ten] sixty total make-up [days] hours required by this section.

[5.] 4. The commissioner of education may provide, for any school district [in which schools are in session for twelve months of each calendar year] that cannot meet the minimum school calendar requirement of at least one [hundred seventy-four days for schools with a five-day school week or one hundred forty-two days for schools with a four-day school week and one thousand forty-four] thousand eighty hours of actual pupil attendance, upon request, a waiver to be excused from such requirement. This waiver shall be requested from the commissioner of education and may be granted if the school was closed due to circumstances beyond school district control, including inclement weather, flooding or fire."; and

Further amend said bill, Page 7, Section 168.291, Line 18, by inserting after all of said line the following:

"[171.029. 1. The school board of any school district in the state, upon adoption of a resolution by the vote of a majority of all its members to authorize such action, may establish a four-day school week or other calendar consisting of less than one hundred seventy-four days in lieu of a five-day school week. Upon adoption of a four-day school week or other calendar consisting of less than one hundred seventy-four days, the school shall file a calendar with the department of elementary and secondary education in accordance with section 171.031. Such calendar shall include, but not be limited to, a minimum term of one hundred forty-two days and one thousand forty-four hours of actual pupil attendance.

2. If a school district that attends less than one hundred seventy-four days meets at least two fewer performance standards on two successive annual performance reports than it met on its last annual performance report received prior to implementing a calendar year of less than one hundred seventy-four days, it shall be required to revert to a one hundred seventy-four-day school year in the school year following the report of the drop in the number of performance standards met. When the number of performance standards met reaches the earlier number, the district may return to the four-day week or other calendar consisting of less than one hundred seventy-four days in the next school year.]"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.