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0046S13.01F

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed

**SCS HCS HB 42 a.a.** \_\_\_\_\_ entitled:

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**AN ACT**

To repeal sections 160.011, 160.400, 160.403, 160.405, 160.410, 160.415, 160.417, 160.425, 162.081, 162.1250, 163.036, 167.121, 167.131, 171.031, and 210.861, RSMo, and to enact in lieu thereof forty-four new sections relating to elementary and secondary education, with an emergency clause.

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With SA 1, SA 2, SA 3, SA 4, SA 1 to SA 5, SA 5 <sup>as amended</sup> ~~4~~, SA 6, SA 7

EC - Adopted

In which the concurrence of the House is respectfully requested.

Respectfully,

Adriane D. Crouse  
Secretary of the Senate

APR 16 2015

SENATE AMENDMENT NO. 1

Offered by Chappelle-Nada of 14th

Amend SCS/HCS/House Bill No. 42, Page 53, Section 167.642, Line 4,

2 by striking the following: "has not"; and further amend lines 5-

3 6, by striking said lines and inserting in lieu thereof the

4 following: "is two years or more below grade level as measured

5 by quantifiable student performance data designated by the local

6 district to satisfy the requirements of this section. The term

7 "quantifiable student performance data" shall be as defined in

8 subsection 2 of section 161.096."

9

*Offered 4/13/15*

*Adopted "*

SENATE AMENDMENT NO. 2

Offered by Pearce of 2<sup>nd</sup> Dist.

Amend SCS/HCS/House Bill No. 42, Page 62, Section 167.826, Line 160,

2 by inserting at the end of said line the following: "For each of  
3 the first two full school years that a receiving district or a  
4 receiving charter school charges a rate of tuition that is  
5 seventy percent or less of the per-pupil cost of maintaining the  
6 sending district's grade level grouping as calculated under  
7 subdivision (1) of this subsection and accepts a minimum of  
8 twenty-five transfer students under this section, if the  
9 aggregate scores for student growth of all transfer students in  
10 the receiving district or receiving charter school meet or exceed  
11 targets established in the state accountability system, the  
12 receiving district or charter school shall earn additional credit  
13 in academic achievement on its annual performance report. The  
14 department of elementary and secondary education shall promulgate  
15 an administrative rule to implement the provisions of this  
16 subdivision. Any rule or portion of a rule, as that term is  
17 defined in section 536.010 that is created under the authority  
18 delegated in this section shall become effective only if it  
19 complies with and is subject to all of the provisions of chapter  
20 536, and, if applicable, section 536.028. This section and  
21 chapter 536 are nonseverable and if any of the powers vested with  
22 the general assembly pursuant to chapter 536, to review, to delay

Offered 4/13/15  
adopted "

1 the effective date, or to disapprove and annul a rule are  
2 subsequently held unconstitutional, then the grant of rulemaking  
3 authority and any rule proposed or adopted after the effective  
4 date of this section, shall be invalid and void."

5

# SENATE AMENDMENT NO. 3

Offered by Schaal of Berham

Amend SCS/HCS/House Bill No. 42, Page 1, Section Title, Line 3,

2 by inserting immediately after "162.081," the following:  
 3 "162.471, 162.481, 162.491,"; and further amend line 4, by  
 4 inserting immediately after "RSMo," the following: "and sections  
 5 162.025, 162.481 and 162.491 as enacted by senate substitute for  
 6 senate committee substitute for house committee substitute no. 2  
 7 for house bill no. 63, ninety-eighth general assembly, first  
 8 regular session,"; and further amend said line, by striking  
 9 "forty-four" and inserting in lieu thereof the following:  
 10 "forty-eight"; and

11 Further amend said bill and page, section A, line 2, by  
 12 inserting immediately after "162.081," the following: "162.471,  
 13 162.481, 162.491,"; and further amend line 3, by inserting  
 14 immediately after "RSMo," the following: "and sections 162.025,  
 15 162.481 and 162.491 as enacted by senate substitute for senate  
 16 committee substitute for house committee substitute no. 2 for  
 17 house bill no. 63, ninety-eighth general assembly, first regular  
 18 session,"; and further amend said line, by striking "forty-four"  
 19 and inserting in lieu thereof the following: "forty-eight"; and  
 20 further amend line 5, by inserting immediately after "160.425,"  
 21 the following: "160.671,"; and further amend said line, by  
 22 inserting immediately after "162.081," the following: "162.471,

*Offered 4/13/15*  
*Adopted "*

1 162.481, 162.491,"; and

2 Further amend said bill, page 34, section 160.425, line 78,  
3 by inserting immediately after said line the following:

4 "160.671. 1. A school board member of any urban school  
5 district located in a county of the first classification with  
6 more than eighty-three thousand but fewer than ninety-two  
7 thousand inhabitants and with a home rule city with more than  
8 seventy-six thousand but fewer than ninety-one thousand  
9 inhabitants as the county seat may be removed by the voters in a  
10 recall election. Proceedings may be commenced for the recall of  
11 any such member by the filing of a notice of intention to  
12 circulate a recall petition under this section.

13 2. The notice of intention to circulate a recall petition  
14 shall be served personally, or by certified mail, on the board  
15 member sought to be recalled. A copy thereof shall be filed,  
16 along with an affidavit of the time and manner of service, with  
17 the election authority, as defined in chapter 115 and with the  
18 secretary of the school board. A separate notice shall be filed  
19 for each board member sought to be recalled and shall contain all  
20 of the following:

21 (1) The name of the board member sought to be recalled;

22 (2) A statement, not exceeding two hundred words in length,  
23 of the reasons for the proposed recall; and

24 (3) The names and business or residential addresses of at  
25 least one but not more than five proponents of the recall who are  
26 registered voters in the district.

27 3. Within seven days after the filing of the notice of  
28 intention, the board member may file with the election authority  
29 and the secretary of the school board a statement, not exceeding

1 two hundred words in length, which may include an answer to the  
2 statement of the proponents. If a statement is filed, the board  
3 member shall also serve a copy of it, personally or by certified  
4 mail, on one of the proponents named in the notice of intention.  
5 The statement is intended solely to be used for the information  
6 of the voters. No insufficiency in form or substance of such  
7 statements shall affect the validity of the election proceedings.

8 4. Before any signature may be affixed to a recall  
9 petition, the petition is required to bear all of the following:

10 (1) A request that an election be called to elect a  
11 successor to the board member at the next school board election;

12 (2) A copy of the notice of intention, including a general  
13 statement of the grounds for which removal is sought;

14 (3) The statement of the board member sought to be  
15 recalled, if any exists. If the board member has not filed a  
16 statement, the petition shall so state; and

17 (4) A place for each signer to affix his or her signature,  
18 printed name, and residential address, including any address in a  
19 city, town, village, or unincorporated community.

20 5. Each section of the petition, when submitted to the  
21 election authority, shall have attached to it an affidavit signed  
22 by the person circulating such section of the petition, setting  
23 forth all of the following:

24 (1) The printed name of the affiant;

25 (2) The residential address of the affiant;

26 (3) That the affiant circulated that section of the  
27 petition and saw the appended signatures be written;

28 (4) That according to the best information and belief of  
29 the affiant, each signature is the genuine signature of the

1 person whose name it purports to be;

2 (5) That the affiant is a registered voter in the school  
3 district; and

4 (6) The dates between which all of the signatures to the  
5 petition were obtained.

6 6. A recall petition shall be filed with the election  
7 authority and secretary of the school board not more than one  
8 hundred eighty days after the filing of the notice of intention.

9 7. The qualified signatures of at least three hundred  
10 registered voters shall be required for the submission of a  
11 petition.

12 8. Within thirty days after the date of filing the  
13 petition, the election authority shall examine and ascertain  
14 whether the petition is signed by the requisite number of voters.  
15 The election authority shall file with the petition a certificate  
16 showing the results of the examination. The election authority  
17 shall give the proponents a copy of the certificate upon their  
18 request.

19 9. If the election authority certifies the petition to be  
20 insufficient, it may be supplemented within ten days of the date  
21 of certification by filing additional petition sections  
22 containing all of the information required by this section.  
23 Within ten days after the supplemental copies are filed, the  
24 election authority shall file with them a certificate stating  
25 whether or not the petition as supplemented is sufficient.

26 10. If the election authority finds the signatures on the  
27 petition, together with the supplementary petition sections, if  
28 any, to be sufficient, it shall submit its certificate as to the  
29 sufficiency of the petition to the school board prior to its next

1 meeting. The certificate shall contain the following:

2 (1) The name of the member whose recall is sought;

3 (2) A copy of the petition with at least three hundred  
4 signatures;

5 (3) The total number of signatures on the petition; and

6 (4) The number of valid signatures on the petition.

7 11. Following the school board's receipt of the  
8 certificate, the election authority shall order an election to be  
9 held on the next election day as specified in section 115.123 but  
10 the election shall be held not less than forty-five days from the  
11 date the school board receives the petition.

12 12. At any time prior to fifty days before the election,  
13 the member sought to be recalled may offer his or her  
14 resignation. If his or her resignation is offered, the recall  
15 question shall be removed from the ballot and the office declared  
16 vacant. At such time, the vacancy shall be filled as provided in  
17 section 162.471, except that the member who resigned shall not  
18 fill the vacancy.

19 13. If a majority of the voters vote in favor of retaining  
20 the member, the member shall remain in office and shall not be  
21 subject to another recall election during his or her term of  
22 office. If a majority of voters vote to remove the member, his  
23 or her successor shall be chosen by the county commission of any  
24 county of the first classification with more than eighty-three  
25 thousand but fewer than ninety-two thousand inhabitants and with  
26 a home rule city with more than seventy-six thousand but fewer  
27 than ninety-one thousand inhabitants as the county seat as  
28 provided in section 162.471.

29 14. The provisions of this section shall expire on December

1 31, 2021."; and

2 Further amend said bill, page 42, section 162.081, line 148,  
3 by inserting immediately after said line the following:

4 "162.471. 1. The government and control of an urban school  
5 district is vested in a board of seven directors. Each director  
6 shall be a voter of the district who has resided within this  
7 state for one year next preceding his election or appointment and  
8 who is at least twenty-four years of age. All directors, except  
9 as otherwise provided in section 162.481 and section 162.492,  
10 hold their offices for six years and until their successors are  
11 duly elected and qualified. All vacancies occurring in the  
12 board, except as provided in section 162.492 and in subsection 2  
13 of this section, shall be filled by appointment by the board as  
14 soon as practicable, and the person appointed shall hold his  
15 office until the next school board election, when his successor  
16 shall be elected for the remainder of the unexpired term. The  
17 power of the board to perform any official duty during the  
18 existence of a vacancy continues unimpaired thereby.

19 2. All vacancies occurring in the school board of any urban  
20 school district located in a county of the first classification  
21 with more than eighty-three thousand but fewer than ninety-two  
22 thousand inhabitants and with a home rule city with more than  
23 seventy-six thousand but fewer than ninety-one thousand  
24 inhabitants as the county seat shall be filled by appointment of  
25 the county commission of a county of the first classification  
26 with more than eighty-three thousand but fewer than ninety-two  
27 thousand inhabitants and with a home rule city with more than  
28 seventy-six thousand but fewer than ninety-one thousand  
29 inhabitants as the county seat. If the vacancy occurred because

1 of a recall under section 160.671, the member who was recalled  
2 shall not fill the vacancy. The person appointed by the county  
3 commission shall hold office until the next school board  
4 election, when his or her successor shall be elected for the  
5 remainder of the unexpired term.

6 162.481. 1. Except as otherwise provided in this section  
7 and in section 162.492, all elections of school directors in  
8 urban school districts shall be held biennially at the same times  
9 and places as municipal elections.

10 2. [In any urban district which includes all or the major  
11 part of a city which first obtained a population of more than  
12 seventy-five thousand inhabitants by reason of the 1960 federal  
13 decennial census, elections of directors shall be held on  
14 municipal election days of even-numbered years. The directors of  
15 the prior district shall continue as directors of the urban  
16 district until their successors are elected as herein provided.  
17 On the first Tuesday in April, 1964, four directors shall be  
18 elected, two for terms of two years to succeed the two directors  
19 of the prior district who were elected in 1960 and two for terms  
20 of six years to succeed the two directors of the prior district  
21 who were elected in 1961. The successors of these directors  
22 shall be elected for terms of six years. On the first Tuesday in  
23 April, 1968, two directors shall be elected for terms to commence  
24 on November 5, 1968, and to terminate on the first Tuesday in  
25 April, 1974, when their successors shall be elected for terms of  
26 six years. No director shall serve more than two consecutive  
27 six-year terms after October 13, 1963.

28 3.] Except as otherwise provided in subsections 3, 4, and 5  
29 of this section, hereafter when a seven-director district becomes

1 an urban school district, the directors of the prior  
2 seven-director district shall continue as directors of the urban  
3 school district until the expiration of the terms for which they  
4 were elected and until their successors are elected as provided  
5 in this subsection. The first biennial school election for  
6 directors shall be held in the urban school district at the time  
7 provided in subsection 1 which is on the date of or subsequent to  
8 the expiration of the terms of the directors of the prior  
9 district which are first to expire, and directors shall be  
10 elected to succeed the directors of the prior district whose  
11 terms have expired. If the terms of two directors only have  
12 expired, the directors elected at the first biennial school  
13 election in the urban school district shall be elected for terms  
14 of six years. If the terms of four directors have expired, two  
15 directors shall be elected for terms of six years and two shall  
16 be elected for terms of four years. At the next succeeding  
17 biennial election held in the urban school district, successors  
18 for the remaining directors of the prior seven-director district  
19 shall be elected. If only two directors are to be elected they  
20 shall be elected for terms of six years each. If four directors  
21 are to be elected, two shall be elected for terms of six years  
22 and two shall be elected for terms of two years. After seven  
23 directors of the urban school district have been elected under  
24 this subsection, their successors shall be elected for terms of  
25 six years.

26 [4.] 3. In any school district in [any city with a  
27 population of one hundred thousand or more inhabitants which is  
28 located within a county of the first classification that adjoins  
29 no other county of the first classification, or any school

1 district which becomes an urban school district by reason of the  
2 2000 federal decennial census] which a majority of the district  
3 is located in any home rule city with more than one hundred  
4 fifty-five thousand but fewer than two hundred thousand  
5 inhabitants, elections shall be held annually at the same times  
6 and places as general municipal elections for all years where one  
7 or more terms expire, and the terms shall be for three years and  
8 until their successors are duly elected and qualified for all  
9 directors elected on and after August 28, 1998.

10 4. For any school district which becomes an urban school  
11 district by reason of the 2000 federal decennial census,  
12 elections shall be held annually at the same times and places as  
13 general municipal elections for all years where one or more terms  
14 expire, and the terms shall be for three years and until their  
15 successors are duly elected and qualified for all directors  
16 elected on and after August 28, 2001.

17 5. In any school district in any county with a charter form  
18 of government and with more than three hundred thousand but fewer  
19 than four hundred fifty thousand inhabitants which becomes an  
20 urban school district by reason of the 2010 federal decennial  
21 census, elections shall be held annually at the same times and  
22 places as general municipal elections for all years where one or  
23 more terms expire, and the terms shall be for three years and  
24 until their successors are duly elected and qualified for all  
25 directors elected on and after April 2, 2012.

26 6. In any urban school district in a county of the first  
27 classification with more than eighty-three thousand but fewer  
28 than ninety-two thousand inhabitants and with a home rule city  
29 with more than seventy-six thousand but fewer than ninety-one

1 thousand inhabitants as the county seat, elections shall be held  
2 annually at the same times and places as general municipal  
3 elections for all years where one or more terms expire, and upon  
4 expiration of any term after August 28, 2015, the term of office  
5 shall be for three years and until their successors are duly  
6 elected and qualified.

7 162.491. 1. Directors for urban school districts, other  
8 than those districts containing the greater part of a city of  
9 over one hundred thirty thousand inhabitants, may be nominated by  
10 petition to be filed with the secretary of the board and signed  
11 by a number of voters in the district equal to ten percent of the  
12 total number of votes cast for the director receiving the highest  
13 number of votes cast at the next preceding biennial election,  
14 except as provided in subsection 4 of this section.

15 2. This section shall not be construed as providing the  
16 sole method of nominating candidates for the office of school  
17 director in urban districts which do not contain the greater part  
18 of a city of over three hundred thousand inhabitants.

19 3. A director for any urban school district containing a  
20 city of greater than one hundred thirty thousand inhabitants and  
21 less than three hundred thousand inhabitants may be nominated as  
22 an independent candidate by filing with the secretary of the  
23 board a petition signed by five hundred registered voters of such  
24 school district.

25 4. In any urban school district located in a county of the  
26 first classification with more than eighty-three thousand but  
27 fewer than ninety-two thousand inhabitants and with a home rule  
28 city with more than seventy-six thousand but fewer than  
29 ninety-one thousand inhabitants as the county seat, a candidate

1 for director shall file a declaration of candidacy with the  
2 secretary of the board and shall not be required to submit a  
3 petition."; and

4 Further amend said bill, page 88, section 2, line 4, by  
5 inserting immediately after said line the following:

6 "[162.025. No person shall be a candidate for a  
7 member or director of the school board in any district  
8 in this state if such person has previously been  
9 employed by the district as the district's  
10 superintendent.]

11  
12 [162.481. 1. Except as otherwise provided in this  
13 section and in section 162.492, all elections of school  
14 directors in urban school districts shall be held biennially  
15 at the same times and places as municipal elections.

16 2. [In any urban district which includes all or  
17 the major part of a city which first obtained a  
18 population of more than seventy-five thousand  
19 inhabitants by reason of the 1960 federal decennial  
20 census, elections of directors shall be held on  
21 municipal election days of even-numbered years. The  
22 directors of the prior district shall continue as  
23 directors of the urban district until their successors  
24 are elected as herein provided. On the first Tuesday  
25 in April, 1964, four directors shall be elected, two  
26 for terms of two years to succeed the two directors of  
27 the prior district who were elected in 1960 and two for  
28 terms of six years to succeed the two directors of the  
29 prior district who were elected in 1961. The  
30 successors of these directors shall be elected for  
31 terms of six years. On the first Tuesday in April,  
32 1968, two directors shall be elected for terms to  
33 commence on November 5, 1968, and to terminate on the  
34 first Tuesday in April, 1974, when their successors  
35 shall be elected for terms of six years. No director  
36 shall serve more than two consecutive six-year terms  
37 after October 13, 1963.

38 3.] Except as otherwise provided in subsections  
39 3, 4, and 5 of this section, hereafter when a  
40 seven-director district becomes an urban school  
41 district, the directors of the prior seven-director  
42 district shall continue as directors of the urban  
43 school district until the expiration of the terms for  
44 which they were elected and until their successors are  
45 elected as provided in this subsection. The first  
46 biennial school election for directors shall be held in  
47 the urban school district at the time provided in  
48 subsection 1 which is on the date of or subsequent to

1 the expiration of the terms of the directors of the  
2 prior district which are first to expire, and directors  
3 shall be elected to succeed the directors of the prior  
4 district whose terms have expired. If the terms of two  
5 directors only have expired, the directors elected at  
6 the first biennial school election in the urban school  
7 district shall be elected for terms of six years. If  
8 the terms of four directors have expired, two directors  
9 shall be elected for terms of six years and two shall  
10 be elected for terms of four years. At the next  
11 succeeding biennial election held in the urban  
12 district, successors for the remaining directors of the  
13 prior seven-director district shall be elected. If  
14 only two directors are to be elected they shall be  
15 elected for terms of six years each. If four directors  
16 are to be elected, two shall be elected for terms of  
17 six years and two shall be elected for terms of two  
18 years. After seven directors of the urban district  
19 have been elected under this subsection, their  
20 successors shall be elected for terms of six years.

21 [4.] 3. In any school district in [any city with  
22 a population of one hundred thousand or more  
23 inhabitants which is located within a county of the  
24 first classification that adjoins no other county of  
25 the first classification, or any school district which  
26 becomes an urban school district by reason of the 2000  
27 federal decennial census] which a majority of the  
28 district is located in any home rule city with more  
29 than one hundred fifty-five thousand but fewer than two  
30 hundred thousand inhabitants, elections shall be held  
31 annually at the same times and places as general  
32 municipal elections for all years where one or more  
33 terms expire, and the terms shall be for three years  
34 and until their successors are duly elected and  
35 qualified for all directors elected on and after August  
36 28, 1998.

37 4. For any school district which becomes an urban  
38 school district by reason of the 2000 federal decennial  
39 census, elections shall be held annually at the same  
40 times and places as general municipal elections for all  
41 years where one or more terms expire, and the terms  
42 shall be for three years and until their successors are  
43 duly elected and qualified for all directors elected on  
44 and after August 28, 2001.

45 5. In any school district in any county with a  
46 charter form of government and with more than three  
47 hundred thousand but fewer than four hundred fifty  
48 thousand inhabitants which becomes an urban school  
49 district by reason of the 2010 federal decennial  
50 census, elections shall be held annually at the same  
51 times and places as general municipal elections for all  
52 years where one or more terms expire, and the terms

1 shall be for three years and until their successors are  
2 duly elected and qualified for all directors elected on  
3 and after April 2, 2012.

4 6. In any urban school district in a county of  
5 the first classification with more than eighty-three  
6 thousand but fewer than ninety-two thousand inhabitants  
7 and with a home rule city with more than seventy-six  
8 thousand but fewer than ninety-one thousand inhabitants  
9 as the county seat, elections shall be held annually at  
10 the same times and places as general municipal  
11 elections for all years where one or more terms expire,  
12 and upon expiration of any term after August 28, 2015,  
13 the term of office shall be for three years and until  
14 their successors are duly elected and qualified.]  
15

16 [162.491. 1. Directors for urban school  
17 districts, other than those districts containing the  
18 greater part of a city of over one hundred thirty  
19 thousand inhabitants, may be nominated by petition to  
20 be filed with the secretary of the board and signed by  
21 a number of voters in the district equal to ten percent  
22 of the total number of votes cast for the director  
23 receiving the highest number of votes cast at the next  
24 preceding biennial election, except as provided in  
25 subsection 4 of this section.

26 2. This section shall not be construed as  
27 providing the sole method of nominating candidates for  
28 the office of school director in urban districts which  
29 do not contain the greater part of a city of over three  
30 hundred thousand inhabitants.

31 3. A director for any urban school district  
32 containing a city of greater than one hundred thirty  
33 thousand inhabitants and less than three hundred  
34 thousand inhabitants may be nominated as an independent  
35 candidate by filing with the secretary of the board a  
36 petition signed by five hundred registered voters of  
37 such school district.

38 4. In any urban school district located in a home  
39 rule city with more than seventy-one thousand but fewer  
40 than seventy-nine thousand inhabitants, a candidate for  
41 director shall file a declaration of candidacy with the  
42 secretary of the board and shall not be required to  
43 submit a petition.]

44

SENATE AMENDMENT NO. 4

Offered by Holsman of 7

Amend SCS/HCS/House Bill No. 42, Page 86, Section 1, Line 34,

2 by inserting immediately after the word "operation" the  
3 following: "subject to any deeds of trust that secure any  
4 financing of improvements to the property".

5

Offered 4/13/15  
Adopted "

SA 1

Read 4/13/15

0046S13.22S

to

SENATE AMENDMENT NO. 5

Offered by Wasson of 20

Amend SA <sup>5</sup> to SCS/HCS/House Bill No. 42, Page 23, Section 163.031, Line 13,

- 2 by striking "2017" and inserting in lieu thereof the following:  
3 "2016"; and further amend line 18 of said amendment by striking  
4 "2017" and inserting in lieu thereof the following: "2016".

Offered 4/13/15  
Adopted "

SENATE AMENDMENT NO. 5Offered by Wasson of 20Amend SCS/HCS/House Bill No. 42, Page 49, Section 162.1313, Line 7,

2 by inserting after all of said line the following:

3 "163.011. As used in this chapter unless the context  
4 requires otherwise:5 (1) "Adjusted operating levy", the sum of tax rates for the  
6 current year for teachers' and incidental funds for a school  
7 district as reported to the proper officer of each county  
8 pursuant to section 164.011;9 (2) "Average daily attendance", the quotient or the sum of  
10 the quotients obtained by dividing the total number of hours  
11 attended in a term by resident pupils between the ages of five  
12 and twenty-one by the actual number of hours school was in  
13 session in that term. To the average daily attendance of the  
14 following school term shall be added the full-time equivalent  
15 average daily attendance of summer school students. "Full-time  
16 equivalent average daily attendance of summer school students"  
17 shall be computed by dividing the total number of hours, except  
18 for physical education hours that do not count as credit toward  
19 graduation for students in grades nine, ten, eleven, and twelve,  
20 attended by all summer school pupils by the number of hours  
21 required in section 160.011 in the school term. For purposes ofOffered 4/13/15  
Adopted "

1 determining average daily attendance under this subdivision, the  
2 term "resident pupil" shall include all children between the ages  
3 of five and twenty-one who are residents of the school district  
4 and who are attending kindergarten through grade twelve in such  
5 district. If a child is attending school in a district other  
6 than the district of residence and the child's parent is teaching  
7 in the school district or is a regular employee of the school  
8 district which the child is attending, then such child shall be  
9 considered a resident pupil of the school district which the  
10 child is attending for such period of time when the district of  
11 residence is not otherwise liable for tuition. Average daily  
12 attendance for students below the age of five years for which a  
13 school district may receive state aid based on such attendance  
14 shall be computed as regular school term attendance unless  
15 otherwise provided by law;

16 (3) "Current operating expenditures":

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

29 (b) In every fiscal year subsequent to fiscal year 2007,

1 current operating expenditures shall be the amount in paragraph  
2 (a) of this subdivision plus any increases in state funding  
3 pursuant to sections 163.031 and 163.043 subsequent to fiscal  
4 year 2005, not to exceed five percent, per recalculation, of the  
5 state revenue received by a district in the 2004-05 school year  
6 from the foundation formula, line 14, gifted, remedial reading,  
7 exceptional pupil aid, fair share, and free textbook payments for  
8 any district from the first preceding calculation of the state  
9 adequacy target. Beginning on July 1, 2010, current operating  
10 expenditures shall be the amount in paragraph (a) of this  
11 subdivision plus any increases in state funding pursuant to  
12 sections 163.031 and 163.043 subsequent to fiscal year 2005  
13 received by a district in the 2004-05 school year from the  
14 foundation formula, line 14, gifted, remedial reading,  
15 exceptional pupil aid, fair share, and free textbook payments for  
16 any district from the first preceding calculation of the state  
17 adequacy target; provided that, when used to recalculate the  
18 state adequacy target as provided in subdivision (18) of this  
19 section, any increase in state funding attributable to an  
20 individual district shall be limited to two hundred percent of  
21 the aggregate percentage increase in state funding for all of the  
22 performance districts used in the same recalculation;

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

27 (5) "Dollar-value modifier", an index of the relative  
28 purchasing power of a dollar, calculated as one plus fifteen  
29 percent of the difference of the regional wage ratio minus one,

1 provided that the dollar value modifier shall not be applied at a  
2 rate less than 1.0:

3 (a) "County wage per job", the total county wage and salary  
4 disbursements divided by the total county wage and salary  
5 employment for each county and the City of St. Louis as reported  
6 by the Bureau of Economic Analysis of the United States  
7 Department of Commerce for the fourth year preceding the payment  
8 year;

9 (b) "Regional wage per job":

10 a. The total Missouri wage and salary disbursements of the  
11 metropolitan area as defined by the Office of Management and  
12 Budget divided by the total Missouri metropolitan wage and salary  
13 employment for the metropolitan area for the county signified in  
14 the school district number or the City of St. Louis, as reported  
15 by the Bureau of Economic Analysis of the United States  
16 Department of Commerce for the fourth year preceding the payment  
17 year and recalculated upon every decennial census to incorporate  
18 counties that are newly added to the description of metropolitan  
19 areas; or if no such metropolitan area is established, then:

20 b. The total Missouri wage and salary disbursements of the  
21 micropolitan area as defined by the Office of Management and  
22 Budget divided by the total Missouri micropolitan wage and salary  
23 employment for the micropolitan area for the county signified in  
24 the school district number, as reported by the Bureau of Economic  
25 Analysis of the United States Department of Commerce for the  
26 fourth year preceding the payment year, if a micropolitan area  
27 for such county has been established and recalculated upon every  
28 decennial census to incorporate counties that are newly added to  
29 the description of micropolitan areas; or

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

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

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

10 (6) "Free and reduced lunch pupil count", for school  
11 districts not eligible for and those that do not choose the USDA  
12 Community Eligibility Option, the number of pupils eligible for  
13 free and reduced lunch on the last Wednesday in January for the  
14 preceding school year who were enrolled as students of the  
15 district, as approved by the department in accordance with  
16 applicable federal regulations. For eligible school districts  
17 that choose the USDA Community Eligibility Option, the free and  
18 reduced lunch pupil count shall be the percentage of free and  
19 reduced lunch students calculated as eligible on the last  
20 Wednesday in January of the most recent school year that included  
21 household applications to determine free and reduced lunch count  
22 multiplied by the district's average daily attendance figure;

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

1 districts;

2 (8) "Limited English proficiency pupil count", the number  
3 in the preceding school year of pupils aged three through  
4 twenty-one enrolled or preparing to enroll in an elementary  
5 school or secondary school who were not born in the United States  
6 or whose native language is a language other than English or are  
7 Native American or Alaskan native, or a native resident of the  
8 outlying areas, and come from an environment where a language  
9 other than English has had a significant impact on such  
10 individuals' level of English language proficiency, or are  
11 migratory, whose native language is a language other than  
12 English, and who come from an environment where a language other  
13 than English is dominant; and have difficulties in speaking,  
14 reading, writing, or understanding the English language  
15 sufficient to deny such individuals the ability to meet the  
16 state's proficient level of achievement on state assessments  
17 described in Public Law 107-10, the ability to achieve  
18 successfully in classrooms where the language of instruction is  
19 English, or the opportunity to participate fully in society;

20 (9) "Limited English proficiency threshold" shall be  
21 calculated by dividing the total limited English proficiency  
22 pupil count of every performance district that falls entirely  
23 above the bottom five percent and entirely below the top five  
24 percent of average daily attendance, when such districts are  
25 rank-ordered based on their current operating expenditures per  
26 average daily attendance, by the total average daily attendance  
27 of all included performance districts;

28 (10) "Local effort":

29 (a) For the fiscal year 2007 calculation, "local effort"

1 shall be computed as the equalized assessed valuation of the  
2 property of a school district in calendar year 2004 divided by  
3 one hundred and multiplied by the performance levy less the  
4 percentage retained by the county assessor and collector plus one  
5 hundred percent of the amount received in fiscal year 2005 for  
6 school purposes from intangible taxes, fines, escheats, payments  
7 in lieu of taxes and receipts from state-assessed railroad and  
8 utility tax, one hundred percent of the amount received for  
9 school purposes pursuant to the merchants' and manufacturers'  
10 taxes under sections 150.010 to 150.370, one hundred percent of  
11 the amounts received for school purposes from federal properties  
12 under sections 12.070 and 12.080 except when such amounts are  
13 used in the calculation of federal impact aid pursuant to P.L.  
14 81-874, fifty percent of Proposition C revenues received for  
15 school purposes from the school district trust fund under section  
16 163.087, and one hundred percent of any local earnings or income  
17 taxes received by the district for school purposes. Under this  
18 paragraph, for a special district established under sections  
19 162.815 to 162.940 in a county with a charter form of government  
20 and with more than one million inhabitants, a tax levy of zero  
21 shall be utilized in lieu of the performance levy for the special  
22 school district;

23 (b) In every year subsequent to fiscal year 2007, "local  
24 effort" shall be the amount calculated under paragraph (a) of  
25 this subdivision plus any increase in the amount received for  
26 school purposes from fines. If a district's assessed valuation  
27 has decreased subsequent to the calculation outlined in paragraph  
28 (a) of this subdivision, the district's local effort shall be  
29 calculated using the district's current assessed valuation in

1 lieu of the assessed valuation utilized in the calculation  
2 outlined in paragraph (a) of this subdivision. When a change in  
3 a school district's boundary lines occurs because of a boundary  
4 line change, annexation, attachment, consolidation,  
5 reorganization, or dissolution under section 162.071, 162.081,  
6 sections 162.171 to 162.201, section 162.221, 162.223, 162.431,  
7 162.441, or 162.451, or in the event that a school district  
8 assumes any territory from a district that ceases to exist for  
9 any reason, the department of elementary and secondary education  
10 shall make a proper adjustment to each affected district's local  
11 effort, so that each district's local effort figure conforms to  
12 the new boundary lines of the district. The department shall  
13 compute the local effort figure by applying the calendar year  
14 2004 assessed valuation data to the new land areas resulting from  
15 the boundary line change, annexation, attachment, consolidation,  
16 reorganization, or dissolution and otherwise follow the  
17 procedures described in this subdivision;

18 (11) "Membership" shall be the average of:

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

25 (b) The number of resident full-time students and the  
26 full-time equivalent number of part-time students who were  
27 enrolled in the public schools of the district on the last  
28 Wednesday in January of the previous year and who were in  
29 attendance one day or more during the preceding ten school days,

1 plus the full-time equivalent number of summer school pupils.

2 "Full-time equivalent number of part-time students" is determined  
3 by dividing the total number of hours for which all part-time  
4 students are enrolled by the number of hours in the school term.

5 "Full-time equivalent number of summer school pupils" is  
6 determined by dividing the total number of hours for which all  
7 summer school pupils were enrolled by the number of hours  
8 required pursuant to section 160.011 in the school term. Only  
9 students eligible to be counted for average daily attendance  
10 shall be counted for membership;

11 (12) "Operating levy for school purposes", the sum of tax  
12 rates levied for teachers' and incidental funds plus the  
13 operating levy or sales tax equivalent pursuant to section  
14 162.1100 of any transitional school district containing the  
15 school district, in the payment year, not including any equalized  
16 operating levy for school purposes levied by a special school  
17 district in which the district is located;

18 (13) "Performance district", any district that has met  
19 performance standards and indicators as established by the  
20 department of elementary and secondary education for purposes of  
21 accreditation under section 161.092 and as reported on the final  
22 annual performance report for that district each year; for  
23 calculations to be utilized for payments in fiscal years  
24 subsequent to fiscal year 2018, the number of performance  
25 districts shall not exceed twenty-five percent of all public  
26 school districts;

27 (14) "Performance levy", three dollars and forty-three  
28 cents;

29 (15) "School purposes" pertains to teachers' and incidental

1 funds;

2 (16) "Special education pupil count", the number of public  
3 school students with a current individualized education program  
4 or services plan and receiving services from the resident  
5 district as of December first of the preceding school year,  
6 except for special education services provided through a school  
7 district established under sections 162.815 to 162.940 in a  
8 county with a charter form of government and with more than one  
9 million inhabitants, in which case the sum of the students in  
10 each district within the county exceeding the special education  
11 threshold of each respective district within the county shall be  
12 counted within the special district and not in the district of  
13 residence for purposes of distributing the state aid derived from  
14 the special education pupil count;

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

23 (18) "State adequacy target", the sum of the current  
24 operating expenditures of every performance district that falls  
25 entirely above the bottom five percent and entirely below the top  
26 five percent of average daily attendance, when such districts are  
27 rank-ordered based on their current operating expenditures per  
28 average daily attendance, divided by the total average daily  
29 attendance of all included performance districts. The department

1 of elementary and secondary education shall first calculate the  
2 state adequacy target for fiscal year 2007 and recalculate the  
3 state adequacy target every two years using the most current  
4 available data. The recalculation shall never result in a  
5 decrease from the previous state adequacy target amount. Should  
6 a recalculation result in an increase in the state adequacy  
7 target amount, fifty percent of that increase shall be included  
8 in the state adequacy target amount in the year of recalculation,  
9 and fifty percent of that increase shall be included in the state  
10 adequacy target amount in the subsequent year. The state  
11 adequacy target may be adjusted to accommodate available  
12 appropriations as provided in subsection 8 of section 163.031;

13 (19) "Teacher", any teacher, teacher-secretary, substitute  
14 teacher, supervisor, principal, supervising principal,  
15 superintendent or assistant superintendent, school nurse, social  
16 worker, counselor or librarian who shall, regularly, teach or be  
17 employed for no higher than grade twelve more than one-half time  
18 in the public schools and who is certified under the laws  
19 governing the certification of teachers in Missouri;

20 (20) "Weighted average daily attendance", the average daily  
21 attendance plus the product of twenty-five hundredths multiplied  
22 by the free and reduced lunch pupil count that exceeds the free  
23 and reduced lunch threshold, plus the product of seventy-five  
24 hundredths multiplied by the number of special education pupil  
25 count that exceeds the special education threshold, plus the  
26 product of six-tenths multiplied by the number of limited English  
27 proficiency pupil count that exceeds the limited English  
28 proficiency threshold. For special districts established under  
29 sections 162.815 to 162.940 in a county with a charter form of

1 government and with more than one million inhabitants, weighted  
2 average daily attendance shall be the average daily attendance  
3 plus the product of twenty-five hundredths multiplied by the free  
4 and reduced lunch pupil count that exceeds the free and reduced  
5 lunch threshold, plus the product of seventy-five hundredths  
6 multiplied by the sum of the special education pupil count that  
7 exceeds the threshold for each county district, plus the product  
8 of six-tenths multiplied by the limited English proficiency pupil  
9 count that exceeds the limited English proficiency threshold.  
10 None of the districts comprising a special district established  
11 under sections 162.815 to 162.940 in a county with a charter form  
12 of government and with more than one million inhabitants, shall  
13 use any special education pupil count in calculating their  
14 weighted average daily attendance.

15 163.018. 1. Notwithstanding the definition of average  
16 daily attendance in subdivision (2) of section 163.011 to the  
17 contrary, pupils between the ages of three and five who are  
18 eligible for free and reduced lunch and attend an early childhood  
19 education program that is operated by and in a district or by a  
20 charter school that has declared itself as a local educational  
21 agency providing full-day kindergarten and that meets standards  
22 established by the state board of education shall be included in  
23 the district's or charter school's calculation of average daily  
24 attendance. The total number of such pupils included in the  
25 district's or charter school's calculation of average daily  
26 attendance shall not exceed four percent of the total number of  
27 pupils who are eligible for free and reduced lunch between the  
28 ages of [three] five and eighteen who are included in the  
29 district's or charter school's calculation of average daily

1 attendance.

2 2. (1) For any district that has been declared  
3 unaccredited by the state board of education and remains  
4 unaccredited as of July 1, 2015, and for any charter school  
5 located in said district, the provisions of subsection 1 of this  
6 section shall become applicable during the 2015-16 school year.

7 (2) For any district that is declared unaccredited by the  
8 state board of education after July 1, 2015, and for any charter  
9 school located in said district, the provisions of subsection 1  
10 of this section shall become applicable immediately upon such  
11 declaration.

12 (3) For any district that has been declared provisionally  
13 accredited by the state board of education and remains  
14 provisionally accredited as of July 1, 2016, and for any charter  
15 school located in said district, the provisions of subsection 1  
16 of this section shall become applicable beginning in the 2016-17  
17 school year.

18 (4) For any district that is declared provisionally  
19 accredited by the state board of education after July 1, 2016,  
20 and for any charter school located in said district, the  
21 provisions of this section shall become applicable beginning in  
22 the 2016-17 school year or immediately upon such declaration,  
23 whichever is later.

24 (5) For all other districts and charter schools, the  
25 provisions of subsection 1 of this section shall become effective  
26 in any school year subsequent to a school year in which the  
27 amount appropriated for subsections 1 and 2 of section 163.031 is  
28 equal to or exceeds the amount necessary to fund the entire  
29 entitlement calculation determined by subsections 1 and 2 of

1 section 163.031, and shall remain effective in all school years  
2 thereafter, irrespective of the amount appropriated for  
3 subsections 1 and 2 of section 163.031 in any succeeding year.

4 3. This section shall not require school attendance beyond  
5 that mandated under section 167.031 and shall not change or amend  
6 the provisions of sections 160.051, 160.053, 160.054, and 160.055  
7 relating to kindergarten attendance.

8 163.031. 1. The department of elementary and secondary  
9 education shall calculate and distribute to each school district  
10 qualified to receive state aid under section 163.021 an amount  
11 determined by multiplying the district's weighted average daily  
12 attendance by the state adequacy target, multiplying this product  
13 by the dollar value modifier for the district, and subtracting  
14 from this product the district's local effort and, in years not  
15 governed under subsection 4 of this section, subtracting payments  
16 from the classroom trust fund under section 163.043.

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

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

21 (a) For the 2006-07 school year, the state revenue per  
22 weighted average daily attendance received by a district from the  
23 state aid calculation under subsections 1 and 4 of this section,  
24 as applicable, and the classroom trust fund under section 163.043  
25 shall not be less than the state revenue received by a district  
26 in the 2005-06 school year from the foundation formula, line 14,  
27 gifted, remedial reading, exceptional pupil aid, fair share, and  
28 free textbook payment amounts multiplied by the sum of one plus  
29 the product of one-third multiplied by the remainder of the

1 dollar value modifier minus one, and dividing this product by the  
2 weighted average daily attendance computed for the 2005-06 school  
3 year;

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

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

26 (d) For each year subsequent to the 2008-09 school year,  
27 the amount shall be no less than that computed in paragraph (c)  
28 of this subdivision, multiplied by the weighted average daily  
29 attendance pursuant to section 163.036, less any increase in

1 revenue received from the classroom trust fund under section  
2 163.043;

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

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

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

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

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

5 (d) 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;

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

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

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

28 (1) For the 2006-07 school year, the amount shall be  
29 fifteen percent of the amount of state aid calculated for the

1 district for the 2006-07 school year under the provisions of  
2 subsection 1 of this section, plus eighty-five percent of the  
3 total amount of state revenue received by the district for the  
4 2005-06 school year from the foundation formula, line 14, gifted,  
5 remedial reading, exceptional pupil aid, fair share, and free  
6 textbook payments less any amounts received under section  
7 163.043.

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

16 (3) For the 2008-09 school year, the amount of state aid  
17 shall be forty-four percent of the amount of state aid calculated  
18 for the district for the 2008-09 school year under the provisions  
19 of subsection 1 of this section plus fifty-six percent of the  
20 total amount of state revenue received by the district for the  
21 2005-06 school year from the foundation formula, line 14, gifted,  
22 remedial reading, exceptional pupil aid, fair share, and free  
23 textbook payments less any amounts received under section  
24 163.043.

25 (4) For the 2009-10 school year, the amount of state aid  
26 shall be fifty-eight percent of the amount of state aid  
27 calculated for the district for the 2009-10 school year under the  
28 provisions of subsection 1 of this section plus forty-two percent  
29 of the total amount of state revenue received by the district for

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

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

14 (6) For the 2011-12 school year, the amount of state aid  
15 shall be eighty-six percent of the amount of state aid calculated  
16 for the district for the 2011-12 school year under the provisions  
17 of subsection 1 of this section plus fourteen percent of the  
18 total amount of state revenue received by the district for the  
19 2005-06 school year from the foundation formula, line 14, gifted,  
20 remedial reading, exceptional pupil aid, fair share, and free  
21 textbook payments less any amounts received under section  
22 163.043.

23 (7) (a) a. For the 2006-07 school year, if a school  
24 district experiences a decrease in summer school average daily  
25 attendance of more than twenty percent from the district's  
26 2005-06 summer school average daily attendance, an amount equal  
27 to the product of the percent reduction that is in excess of  
28 twenty percent of the district's summer school average daily  
29 attendance multiplied by the funds generated by the district's

1 summer school program in the 2005-06 school year shall be  
2 subtracted from the district's current year payment amount.

3 b. For the 2007-08 school year, if a school district  
4 experiences a decrease in summer school average daily attendance  
5 of more than thirty percent from the district's 2005-06 summer  
6 school average daily attendance, an amount equal to the product  
7 of the percent reduction that is in excess of thirty percent of  
8 the district's summer school average daily attendance multiplied  
9 by the funds generated by the district's summer school program in  
10 the 2005-06 school year shall be subtracted from the district's  
11 payment amount.

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

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

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

1 (b) If a school district experiences a decrease in its  
2 gifted program enrollment of more than twenty percent from its  
3 2005-06 gifted program enrollment in any year governed by this  
4 subsection, an amount equal to the product of the percent  
5 reduction in the district's gifted program enrollment multiplied  
6 by the funds generated by the district's gifted program in the  
7 2005-06 school year shall be subtracted from the district's  
8 current year payment amount.

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

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

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

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

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

10          (c) Beginning in fiscal year 2008, as much as was spent per  
11 the second preceding year's weighted average daily attendance for  
12 certificated compensation and tuition expenditures the previous  
13 year from revenue produced by local and county tax sources in the  
14 teachers' fund, plus the amount of the incidental fund to  
15 teachers' fund transfer calculated to be local and county tax  
16 sources by dividing local and county tax sources in the  
17 incidental fund by total revenue in the incidental fund.

18  
19 In the event a district fails to comply with this provision, the  
20 amount by which the district fails to spend funds as provided  
21 herein shall be deducted from the district's state revenue  
22 received under the provisions of subsections 1, 2, and 4 of this  
23 section for the following year, provided that the state board of  
24 education may exempt a school district from this provision if the  
25 state board of education determines that circumstances warrant  
26 such exemption.

27          7. If a school district's annual audit discloses that  
28 students were inappropriately identified as eligible for free and  
29 reduced lunch, special education, or limited English proficiency

1 and the district does not resolve the audit finding, the  
2 department of elementary and secondary education shall require  
3 that the amount of aid paid pursuant to the weighting for free  
4 and reduced lunch, special education, or limited English  
5 proficiency in the weighted average daily attendance on the  
6 inappropriately identified pupils be repaid by the district in  
7 the next school year and shall additionally impose a penalty of  
8 one hundred percent of such aid paid on such pupils, which  
9 penalty shall also be paid within the next school year. Such  
10 amounts may be repaid by the district through the withholding of  
11 the amount of state aid.

12 8. Notwithstanding any provision of law to the contrary,  
13 beginning on July 1, 2017, in any fiscal year during which the  
14 total formula appropriation is insufficient to fully fund the  
15 entitlement calculation of this section, the department of  
16 elementary and secondary education shall adjust the state  
17 adequacy target in order to accommodate the appropriation level  
18 for the given fiscal year. Beginning on July 1, 2017, in no  
19 manner shall any payment modification be rendered for any  
20 district qualified to receive payments under subsection 2 of this  
21 section based on insufficient appropriations."; and

22 Further amend the title and enacting clause accordingly.  
23

SENATE AMENDMENT NO. 6

Offered by Sifton of 1

Amend SCS/HCS/House Bill No. 42, Page 38, Section 161.1000, Line 52,

by inserting after all of said line the following:

"161.1005. 1. By July 1, 2016, the department shall employ a dyslexia therapist, licensed psychometrist, licensed speech-language pathologist, certified academic language therapist, or certified training specialist to serve as the department's dyslexia specialist. Such dyslexia specialist shall have a minimum of three years of field experience in screening, identifying, and treating dyslexia and related disorders.

2. The department shall ensure that the dyslexia specialist has completed training and received certification from a program approved by the legislative task force on dyslexia and is able to provide necessary information and support to school district teachers.

3. The dyslexia specialist shall:

(1) Be highly trained in dyslexia and related disorders, including best practice interventions and treatment models;

(2) Be responsible for the implementation of professional development; and

(3) Serve as the primary source of information and support for districts addressing the needs of students with dyslexia and

*Offered 4/13/15  
Adopted "*

1 related disorders.

2 4. In addition to other duties assigned under subsection 3  
3 of this section, the dyslexia specialist shall also assist the  
4 department with developing and administering professional  
5 development programs to be made available to school districts no  
6 later than the 2016-17 school year. The programs shall focus on  
7 educating teachers regarding the indicators of dyslexia, the  
8 science surrounding teaching a student who is dyslexic, and  
9 classroom accommodations necessary for a student with dyslexia.";  
10 and

11 Further amend said bill, page 85, section 210.861, line 104,  
12 by inserting after all of said line the following:

13 "633.420. 1. For the purposes of this section, the term  
14 "dyslexia" means a disorder that is neurological in origin,  
15 characterized by difficulties with accurate and fluent word  
16 recognition, and poor spelling and decoding abilities that  
17 typically result from a deficit in the phonological component of  
18 language, often unexpected in relation to other cognitive  
19 abilities and the provision of effective classroom instruction,  
20 and of which secondary consequences may include problems in  
21 reading comprehension and reduced reading experience that can  
22 impede growth of vocabulary and background knowledge. Nothing in  
23 this section shall prohibit a district from assessing students  
24 for dyslexia and offering students specialized reading  
25 instruction if a determination is made that a student suffers  
26 from dyslexia. Unless required by federal law, nothing in this  
27 definition shall require a student with dyslexia to be  
28 automatically determined eligible as a student with a disability.

29 2. There is hereby created the "Legislative Task Force on

1 Dyslexia". The joint committee on education shall provide  
2 technical and administrative support as required by the task  
3 force to fulfill its duties. The task force shall meet at least  
4 quarterly and may hold meetings by telephone or video conference.  
5 The task force shall advise and make recommendations to the  
6 governor, general assembly, and relevant state agencies regarding  
7 matters concerning individuals with dyslexia including education  
8 and other adult and adolescent services.

9 3. The task force shall be comprised of eighteen members  
10 consisting of the following:

11 (1) Four members of the general assembly, with two members  
12 from the senate to be appointed by the president pro tempore and  
13 two members from the house of representatives to be appointed by  
14 the speaker of the house of representatives;

15 (2) The commissioner of education, or his or her designee;

16 (3) One representative from an institution of higher  
17 education located in this state with specialized expertise in  
18 dyslexia and reading instruction;

19 (4) A representative from a state teachers association or  
20 the Missouri National Education Association;

21 (5) A representative from the International Dyslexia  
22 Association of Missouri;

23 (6) A representative from Decoding Dyslexia of Missouri;

24 (7) A representative from the Missouri Association of  
25 Elementary School Principals;

26 (8) A representative from the Missouri Council of  
27 Administrators of Special Education;

28 (9) A professional licensed in the state of Missouri with  
29 experience diagnosing dyslexia including, but not limited to, a

1 licensed psychologist, school psychologist, or neuropsychologist;

2 (10) A speech-language pathologist with training and  
3 experience in early literacy development and effective research-  
4 based intervention techniques for dyslexia, including an Orton-  
5 Gillingham remediation program recommended by the Missouri  
6 Speech-Language Hearing Association, or a certified academic  
7 language therapist recommended by the Academic Language  
8 Therapists Association who is a resident of this state;

9 (11) A representative from an independent private provider  
10 or nonprofit organization serving individuals with dyslexia;

11 (12) An assistive technology specialist with expertise in  
12 accessible print materials and assistive technology used by  
13 individuals with dyslexia recommended by the Missouri assistive  
14 technology council;

15 (13) One private citizen who has a child who has been  
16 diagnosed with dyslexia;

17 (14) One private citizen who has been diagnosed with  
18 dyslexia; and

19 (15) A representative of the Missouri State Council of the  
20 International Reading Association.

21 4. The members of the task force, other than the members  
22 from the general assembly and ex officio members, shall be  
23 appointed by the president pro tempore of the senate or the  
24 speaker of the house of representatives by September 1, 2015, by  
25 alternating appointments beginning with the president pro tempore  
26 of the senate. A chairperson shall be selected by the members of  
27 the task force. Any vacancy on the task force shall be filled  
28 in the same manner as the original appointment. Members shall  
29 serve on the task force without compensation.

1           5. The task force shall make recommendations for a  
2 statewide system for identification, intervention, and delivery  
3 of supports for students with dyslexia including the development  
4 of resource materials and professional development activities.  
5 These recommendations shall be included in a report to the  
6 governor and legislature and shall include findings and proposed  
7 legislation and shall be made available no longer than twelve  
8 months from the task force's first meeting.

9           6. The recommendations and resource materials developed by  
10 the task force shall:

11           (1) Identify valid and reliable screening and evaluation  
12 assessments and protocols that can be used and the appropriate  
13 personnel to administer such assessments in order to identify  
14 children with dyslexia or the characteristics of dyslexia as part  
15 of an ongoing reading progress monitoring system, multi-tiered  
16 system of supports, and special education eligibility  
17 determinations in schools;

18           (2) Recommend an evidence-based reading instruction, with  
19 consideration of the National Reading Panel Report and Orton-  
20 Gillingham methodology principles for use in all Missouri  
21 schools, and intervention system, including a list of effective  
22 dyslexia intervention programs, to address dyslexia or  
23 characteristics of dyslexia for use by schools in multi-tiered  
24 systems of support and for services as appropriate for special  
25 education eligible students;

26           (3) Develop and implement preservice and inservice  
27 professional development activities to address dyslexia  
28 identification and intervention, including utilization of  
29 accessible print materials and assistive technology, within

1 degree programs such as education, reading, special education,  
2 speech-language pathology, and psychology;

3 (4) Review teacher certification and professional  
4 development requirements as they relate to the needs of students  
5 with dyslexia;

6 (5) Examine the barriers to accurate information on the  
7 prevalence of students with dyslexia across the state and  
8 recommend a process for accurate reporting of demographic data;  
9 and

10 (6) Study and evaluate current practices for diagnosing,  
11 treating, and educating children in this state and examine how  
12 current laws and regulations affect students with dyslexia in  
13 order to present recommendations to the governor and general  
14 assembly.

15 7. The task force shall hire or contract for hire  
16 specialist services to support the work of the task force as  
17 necessary with appropriations made by the general assembly for  
18 that purpose or from other available funding.

19 8. The task force authorized under this section shall  
20 automatically sunset on August 31, 2017, unless reauthorized by  
21 an act of the general assembly."; and

2 Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 7

Offered by Cheryl Hall of 19A

Amend SCS/HCS/House Bill No. 42, Page 65, Section 167.826, Line 252,

2 by inserting after all of said line the following:

3 "(4) When determining transportation arrangements under this  
4 subsection, neither the department of elementary and secondary  
5 education nor any education authority shall contract with or  
6 collaborate with any established regional association or  
7 cooperative of school districts located in any city not within a  
8 county or any county with a charter form of government and with  
9 more than nine hundred fifty thousand inhabitants."; and

10 Further amend said bill, page 68, section 167.827, line 71,  
11 by inserting after all of said line the following:

12 "6. When performing the requirements of this section or  
13 sections 167.830 to 167.845, neither the department of elementary  
14 and secondary education nor any education authority shall  
15 contract with or collaborate with any established regional  
16 association or cooperative of school districts located in any  
17 city not within a county or any county with a charter form of  
18 government and with more than nine hundred fifty thousand  
19 inhabitants.".

Offered 4/13/15  
Adopted 1