

SECOND REGULAR SESSION

# HOUSE BILL NO. 2476

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE LEWIS.

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JOSEPH ENGLER, Chief Clerk

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### AN ACT

To repeal section 160.265, RSMo, and section 163.021 as enacted by senate bill no. 727, one hundred second general assembly, second regular session, and to enact in lieu thereof two new sections relating to state aid for schools.

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

Section A. Section 160.265, RSMo, and section 163.021 as enacted by senate bill no. 727, one hundred second general assembly, second regular session, are repealed and two new sections enacted in lieu thereof, to be known as sections 160.265 and 163.021, to read as follows:

160.265. **1.** A student who is subject to a suspension or expulsion as provided under this chapter or chapter 167 shall be counted as being in attendance for **up to one hundred eighty days for** the following purposes:

(1) Calculating the attendance rate under the Missouri school improvement plan or any other similar school accountability system utilized by the department that utilizes student attendance as a metric of school performance; and

(2) Calculating a local education agency's weighted average daily attendance under section 163.031.

**2. A suspension or expulsion issued to a student shall not remove the responsibility to educate the student as required by state law.**

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

(1) Provides for at least a minimum school term as provided in section 171.031[-  
When the aggregate hours lost in a term due to inclement weather decreases the total hours of

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

5 ~~the school term below the required minimum number of hours by more than twelve hours for~~  
6 ~~all-day students or six hours for one-half day kindergarten students, all such hours below the~~  
7 ~~minimum must be made up as provided in section 171.033];~~

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

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

15 (4) Computes average daily attendance as defined in subdivision (2) of section  
16 163.011 as modified by section 171.031. Whenever there has existed within the district an  
17 infectious disease, contagion, epidemic, plague or similar condition whereby the school  
18 attendance is substantially reduced for an extended period in any school year, the  
19 apportionment of school funds and all other distribution of school moneys shall be made  
20 on the basis of the school year next preceding the year in which such condition existed.

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

42 current school purposes and capital projects an operating levy not to exceed two dollars and  
43 seventy-five cents less all adjustments required pursuant to Article X, Section 22 of the  
44 Missouri Constitution.

45         3. No school district shall receive more state aid, as calculated in section 163.031, for  
46 its education program, exclusive of categorical add-ons, than it received per eligible pupil for  
47 the school year 1993-94, if the state board of education determines that the district was not in  
48 compliance in the preceding school year with the requirements of section 163.172, until such  
49 time as the board determines that the district is again in compliance with the requirements of  
50 section 163.172.

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

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

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

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