

FIRST REGULAR SESSION

SENATE BILL NO. 585

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR DOLAN.

Read 1st time February 25, 2003, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

1878S.011

AN ACT

To repeal section 163.036, RSMo, and to enact in lieu thereof two new sections relating to eligible pupil counts for the purpose of computing state aid to the public schools of this state.

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

Section A. Section 163.036, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as section 163.036 and 163.039, to read as follows:

163.036. 1. In computing the amount of state aid a school district is entitled to receive under section 163.031, a school district may use an estimate of the number of eligible pupils for the ensuing year, the number of eligible pupils for the immediately preceding year or the number of eligible pupils for the second preceding school year, whichever is greater, **except that if a school district uses the number of eligible pupils for the immediately preceding school year or the number of eligible pupils for the second preceding school year, the school district must remove from that count any eligible pupils generated by summer school in that school year and must substitute the number of eligible pupils estimated to be generated by summer school in the ensuing year.** Except as otherwise provided in subsection 3 of this section, any error made in the apportionment of state aid because of a difference between the actual number of eligible pupils and the estimated number of eligible pupils shall be corrected as provided in section 163.091, except that if the amount paid to a district estimating eligible pupils exceeds the amount to which the district was actually entitled by more than five percent, interest at the rate of six percent shall be charged on the excess and shall be added to the amount to be deducted from the district's apportionment the next succeeding year.

2. Notwithstanding the provisions of subsection 1 of this section or any other provision

of law, the state board of education shall make an adjustment for the immediately preceding year for any increase in the actual number of eligible pupils above the number on which the state aid in section 163.031 was calculated. Said adjustment shall be made in the manner providing for correction of errors under subsection 1 of this section.

3. (1) For any district which has, for at least five years immediately preceding the year in which the error is discovered, adopted a calendar for the school term in which elementary schools are in session for twelve months of each calendar year, any error made in the apportionment of state aid to such district because of a difference between the actual number of eligible pupils and the estimated number of eligible pupils shall be corrected as provided in section 163.091 and subsection 1 of this section, except that if the amount paid exceeds the amount to which the district was actually entitled by more than five percent and the district provides written application to the state board requesting that the deductions be made pursuant to subdivision (2) of this subsection, then the amounts shall be deducted pursuant to subdivision (2) of this subsection.

(2) For deductions made pursuant to this subdivision, interest at the rate of six percent shall be charged on the excess and shall be included in the amount deducted and the total amount of such excess plus accrued interest shall be deducted from the district's apportionment in equal monthly amounts beginning with the succeeding school year and extending for a period of months specified by the district in its written request and no longer than sixty months.

4. For the purposes of distribution of state school aid pursuant to section 163.031, a school district may elect to use the district's equalized assessed valuation for the preceding year, or an estimate of the current year's assessed valuation if the current year's equalized assessed valuation is estimated to be more than ten percent less than the district's equalized assessed valuation for the preceding year. A district shall give prior notice to the department of its intention to use the current year's assessed valuation pursuant to this subsection. Any error made in the apportionment of state aid because of a difference between the actual equalized assessed valuation for the current year and the estimated equalized assessed valuation for the current year shall be corrected as provided in section 163.091, except that if the amount paid to a district estimating current equalized assessed valuation exceeds the amount to which the district was actually entitled, interest at the rate of six percent shall be charged on the excess and shall be added to the amount to be deducted from the district's apportionment the next succeeding year.

5. For the purposes of distribution of state school aid pursuant to section 163.031, a school district with ten percent or more of its assessed valuation that is owned by one person or corporation as commercial or personal property who is delinquent in a property tax payment may elect, after receiving notice from the county clerk on or before March fifteenth, except in the year enacted, that more than ten percent of its current taxes due the preceding December thirty-first

by a single property owner are delinquent, to use on line 2 of the state aid formula the district's equalized assessed valuation for the preceding year or the actual assessed valuation of the year for which the taxes are delinquent less the assessed valuation of property for which the current year's property tax is delinquent. To qualify for use of the actual assessed valuation of the year for which the taxes are delinquent less the assessed valuation of property for which the current year's property tax is delinquent, a district must notify the department of elementary and secondary education on or before April first, except in the year enacted, of the current year amount of delinquent taxes, the assessed valuation of such property for which delinquent taxes are owed and the total assessed valuation of the district for the year in which the taxes were due but not paid. Any district giving such notice to the department of elementary and secondary education shall present verification of the accuracy of such notice obtained from the clerk of the county levying delinquent taxes. When any of the delinquent taxes identified by such notice are paid during a four- year period following the due date, the county clerk shall give notice to the district and the department of elementary and secondary education, and state aid paid to the district shall be reduced by an amount equal to the delinquent taxes received plus interest. The reduction in state aid shall occur over a period not to exceed five years and the interest rate on excess state aid not refunded shall be six percent annually.

6. If a district receives state aid based on equalized assessed valuation as determined by subsection 5 of this section and if prior to such notice the district was paid state aid pursuant to subdivision (2) of subsection 5 of section 163.031, the amount of state aid paid during the year of such notice and the first year following shall equal the sum of state aid paid pursuant to line 1 minus line 10 as defined in subsections 1, 2, 3 and 6 of section 163.031 plus the difference between the state aid amount being paid after such notice minus the amount of state aid the district would have received pursuant to line 1 minus line 10 as defined in subsections 1, 2, 3 and 6 of section 163.031 before such notice. To be eligible to receive state aid based on this provision the district must levy during the first year following such notice at least the maximum levy permitted school districts by article X, section 11(b) of the Missouri Constitution and have a voluntary rollback of its tax rate which is no greater than one cent per one hundred dollars assessed valuation.

163.039. 1. A school district may not include eligible pupil numbers generated by summer school in its eligible pupil counts unless the school district complies with subsection 2 of this section.

2. (1) To encourage measured improvements in academic achievement of pupils, each school districts' summer school program is required to address established Missouri academic standards and demonstrate quantifiable pupil assessment gains.

(2) Upon entering a summer school program, every pupil must undergo a quantifiable student assessment pretest. Upon finishing a summer school program,

every pupil must undergo the same student assessment posttest.

(3) The difference in score between the pretest and posttest must show an aggregate program improvement, averaging every individual pupil's percentage improvement, of at least ten percent.

(4) If a summer school program fails to meet the improvement standards of subdivision (3) of this subsection, the school district which sponsors the program must propose an improvement plan to the state board of education, outlining, in specific terms, how the program intends to meet said improvement standards by the end of the second summer term after failing to meet the improvement standards. The proposal may include, but is not limited to, the hiring of experts, evaluation of academic standards, and data collection.

(5) Achievement measures may include national assessments, state assessments, district tests, or criterion referenced tests, so long as the measures are quantifiable and the approach systematic.

(6) The commissioner of education shall require districts to report the calculations of improvements in their summer school program to the president pro tempore of the senate and the speaker of the house of representatives.

(7) Pupils who speak English as a second language are excluded from these achievement standards, and thus from improvement calculations, until they have attended three school terms in the summer school district, pursuant to section 160.518.

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