

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
**SENATE BILL NO. 943**  
**95TH GENERAL ASSEMBLY**

5090L.07C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal sections 160.011, 160.041, 160.545, 161.209, 163.021, 163.031, 163.036, 163.037, 163.044, 165.011, 168.221, 168.500, 168.515, 171.029, 171.031, 171.033, and 178.697, RSMo, and to enact in lieu thereof seventeen new sections relating to elementary and secondary education funding and planning processes, with an emergency clause for certain sections.

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

Section A. Sections 160.011, 160.041, 160.545, 161.209, 163.021, 163.031, 163.036, 2 163.037, 163.044, 168.500, 168.515, 165.011, 168.221, 171.029, 171.031, 171.033, and 178.697, 3 RSMo, are repealed and seventeen new sections enacted in lieu thereof, to be known as sections 4 160.011, 160.041, 160.545, 161.209, 163.021, 163.031, 163.036, 163.044, 163.410, 163.500, 5 165.011, 168.221, 168.500, 168.515, 171.031, 171.033, and 178.697, to read as follows:

160.011. As used in chapters 160, 161, 162, 163, 164, 165, 167, 168, 170, 171, 177 and 2 178, RSMo, the following terms mean:

3 (1) "District" or "school district", when used alone, may include seven-director, urban, 4 and metropolitan school districts;

5 (2) "Elementary school", a public school giving instruction in a grade or grades not 6 higher than the eighth grade;

7 (3) "Family literacy programs", services of sufficient intensity in terms of hours, and of 8 sufficient duration, to make sustainable changes in families that include:

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

10 (b) Training of parents regarding how to be the primary teacher of their children and full 11 partners in the education of their children;

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.

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

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

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

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

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

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

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

28 (9) "School term", a minimum of [one hundred seventy-four school days, as that term  
29 is defined in section 160.041, for schools with a five-day school week or a minimum of one  
30 hundred forty-two school days, as that term is defined in section 160.041, for schools with a  
31 four-day school week, and] one thousand forty-four hours of actual pupil attendance as scheduled  
32 by the board pursuant to section 171.031, RSMo, during a twelve-month period in which the  
33 academic instruction of pupils is actually and regularly carried on for a group of students in the  
34 public schools of any school district. **Beginning with school year 2012-2013, the required**  
35 **number of hours shall be one thousand seventy-three.** A school term may be within a school  
36 year or may consist of parts of two consecutive school years, but does not include summer  
37 school. A district may choose to operate two or more terms for different groups of children. A  
38 school term for students participating in a school flex program as established in section 160.539  
39 may consist of a combination of actual pupil attendance and attendance at college or technical  
40 career education or approved employment aligned with the student's career academic plan for a  
41 total of one thousand forty-four hours;

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

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

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

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

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

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

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

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

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

160.545. 1. There is hereby established within the department of elementary and  
2 secondary education the "A+ Schools Program" to be administered by the commissioner of  
3 education. The program shall consist of grant awards made to public secondary schools that  
4 demonstrate a commitment to ensure that:

5 (1) All students be graduated from school;

6 (2) All students complete a selection of high school studies that is challenging and for  
7 which there are identified learning expectations; and

8 (3) All students proceed from high school graduation to a college or postsecondary  
9 vocational or technical school or high-wage job with work place skill development opportunities.

10 2. The state board of education shall promulgate rules and regulations for the approval  
11 of grants made under the program to schools that:

12 (1) Establish measurable districtwide performance standards for the goals of the program  
13 outlined in subsection 1 of this section; and

14 (2) Specify the knowledge, skills and competencies, in measurable terms, that students  
15 must demonstrate to successfully complete any individual course offered by the school, and any  
16 course of studies which will qualify a student for graduation from the school; and

17 (3) Do not offer a general track of courses that, upon completion, can lead to a high  
18 school diploma; and

19 (4) Require rigorous coursework with standards of competency in basic academic  
20 subjects for students pursuing vocational and technical education as prescribed by rule and  
21 regulation of the state board of education; and

22 (5) Have a partnership plan developed in cooperation and with the advice of local  
23 business persons, labor leaders, parents, and representatives of college and postsecondary  
24 vocational and technical school representatives, with the plan then approved by the local board  
25 of education. The plan shall specify a mechanism to receive information on an annual basis from  
26 those who developed the plan in addition to senior citizens, community leaders, and teachers to  
27 update the plan in order to best meet the goals of the program as provided in subsection 1 of this  
28 section. Further, the plan shall detail the procedures used in the school to identify students that  
29 may drop out of school and the intervention services to be used to meet the needs of such  
30 students. The plan shall outline counseling and mentoring services provided to students who will  
31 enter the work force upon graduation from high school, address apprenticeship and intern  
32 programs, and shall contain procedures for the recruitment of volunteers from the community  
33 of the school to serve in schools receiving program grants.

34 3. A school district may participate in the program irrespective of its accreditation  
35 classification by the state board of education, provided it meets all other requirements.

36 4. By rule and regulation, the state board of education may determine a local school  
37 district variable fund match requirement in order for a school or schools in the district to receive  
38 a grant under the program. However, no school in any district shall receive a grant under the  
39 program unless the district designates a salaried employee to serve as the program coordinator,  
40 [with the district assuming a minimum of one-half the cost of the salary and other benefits  
41 provided to the coordinator] **but no minimum percentage of time shall be required for the**  
42 **A+ coordination.** Further, no school in any district shall receive a grant under the program  
43 unless the district makes available facilities and services for adult literacy training as specified  
44 by rule of the state board of education.

45 5. For any school that meets the requirements for the approval of the grants authorized  
46 by this section and specified in subsection 2 of this section for three successive school years, by  
47 August first following the third such school year, the commissioner of education shall present  
48 a plan to the superintendent of the school district in which such school is located for the waiver  
49 of rules and regulations to promote flexibility in the operations of the school and to enhance and  
50 encourage efficiency in the delivery of instructional services in the school. The provisions of  
51 other law to the contrary notwithstanding, the plan presented to the superintendent shall provide  
52 a summary waiver, with no conditions, for the pupil testing requirements pursuant to section

53 160.257 in the school. Further, the provisions of other law to the contrary notwithstanding, the  
54 plan shall detail a means for the waiver of requirements otherwise imposed on the school related  
55 to the authority of the state board of education to classify school districts pursuant to subdivision  
56 (9) of section 161.092, RSMo, and such other rules and regulations as determined by the  
57 commissioner of education, except such waivers shall be confined to the school and not other  
58 schools in the school district unless such other schools meet the requirements of this subsection.  
59 However, any waiver provided to any school as outlined in this subsection shall be void on June  
60 thirtieth of any school year in which the school fails to meet the requirements for the approval  
61 of the grants authorized by this section as specified in subsection 2 of this section.

62 6. For any school year, grants authorized by subsections 1 to 3 of this section shall be  
63 funded with the amount appropriated for this program, less those funds necessary to reimburse  
64 eligible students pursuant to subsection 7 of this section.

65 7. The commissioner of education shall, by rule and regulation of the state board of  
66 education and with the advice of the coordinating board for higher education, establish a  
67 procedure for the reimbursement of the cost of tuition, books and fees to any public community  
68 college or vocational or technical school or within the limits established in subsection 9 of this  
69 section for any two-year private vocational or technical school for any student:

70 (1) Who has attended a public high school in the state for at least three years immediately  
71 prior to graduation that meets the requirements of subsection 2 of this section, except that  
72 students who are active duty military dependents who, in the school year immediately preceding  
73 graduation, meet all other requirements of this subsection and are attending a school that meets  
74 the requirements of subsection 2 of this section shall be exempt from the three-year attendance  
75 requirement of this subdivision; and

76 (2) Who has made a good faith effort to first secure all available federal sources of  
77 funding that could be applied to the reimbursement described in this subsection; and

78 (3) Who has earned a minimal grade average while in high school as determined by rule  
79 of the state board of education, and other requirements for the reimbursement authorized by this  
80 subsection as determined by rule and regulation of said board.

81 8. The commissioner of education shall develop a procedure for evaluating the  
82 effectiveness of the program described in this section. Such evaluation shall be conducted  
83 annually with the results of the evaluation provided to the governor, speaker of the house, and  
84 president pro tempore of the senate.

85 9. For a two-year private vocational or technical school to obtain reimbursements under  
86 subsection 7 of this section, the following requirements shall be satisfied:

87 (1) Such two-year private vocational or technical school shall be a member of the North  
88 Central Association and be accredited by the Higher Learning Commission as of July 1, 2008,  
89 and maintain such accreditation;

90 (2) Such two-year private vocational or technical school shall be designated as a  
91 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as amended;

92 (3) No two-year private vocational or technical school shall receive tuition  
93 reimbursements in excess of the tuition rate charged by a public community college for course  
94 work offered by the private vocational or technical school within the service area of such college;  
95 and

96 (4) The reimbursements provided to any two-year private vocational or technical school  
97 shall not violate the provisions of article IX, section 8, or article I, section 7, of the Missouri  
98 Constitution or the first amendment of the United States Constitution.

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

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

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

2 (1) Provides for a minimum of [one hundred seventy-four days and one thousand  
3 forty-four hours of] actual pupil attendance in a term scheduled by the board pursuant to section  
4 [160.041] **160.011**, RSMo, for each pupil or group of pupils, except that the board shall provide  
5 a minimum of [one hundred seventy-four days and five hundred twenty-two] **one-half the**

6 **number of required** hours of actual pupil attendance in a term for kindergarten pupils[. If any  
7 school is dismissed because of inclement weather after school has been in session for three  
8 hours, that day shall count as a school day including afternoon session kindergarten students.  
9 When the aggregate hours lost in a term due to inclement weather decreases the total hours of  
10 the school term below the required minimum number of hours by more than twelve hours for  
11 all-day students or six hours for one-half-day kindergarten students, all such hours below the  
12 minimum must be made up in one-half day or full day additions to the term, except as provided  
13 in section 171.033, RSMo];

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

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

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

27 2. For the 2006-07 school year and thereafter, no school district shall receive more state  
28 aid, as calculated under subsections 1 and 2 of section 163.031, for its education program,  
29 exclusive of categorical add-ons, than it received per weighted average daily attendance for the  
30 school year 2005-06 from the foundation formula, line 14, gifted, remedial reading, exceptional  
31 pupil aid, fair share, and free textbook payment amounts, unless it has an operating levy for  
32 school purposes, as determined pursuant to section 163.011, of not less than two dollars and  
33 seventy-five cents after all adjustments and reductions. Any district which is required, pursuant  
34 to article X, section 22 of the Missouri Constitution, to reduce its operating levy below the  
35 minimum tax rate otherwise required under this subsection shall not be construed to be in  
36 violation of this subsection for making such tax rate reduction. Pursuant to section 10(c) of  
37 article X of the state constitution, a school district may levy the operating levy for school  
38 purposes required by this subsection less all adjustments required pursuant to article X, section  
39 22 of the Missouri Constitution if such rate does not exceed the highest tax rate in effect  
40 subsequent to the 1980 tax year. Nothing in this section shall be construed to mean that a school  
41 district is guaranteed to receive an amount not less than the amount the school district received

42 per eligible pupil for the school year 1990-91. The provisions of this subsection shall not apply  
43 to any school district located in a county of the second classification which has a nuclear power  
44 plant located in such district or to any school district located in a county of the third classification  
45 which has an electric power generation unit with a rated generating capacity of more than one  
46 hundred fifty megawatts which is owned or operated or both by a rural electric cooperative  
47 except that such school districts may levy for current school purposes and capital projects an  
48 operating levy not to exceed two dollars and seventy-five cents less all adjustments required  
49 pursuant to article X, section 22 of the Missouri Constitution.

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

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

60 5. No school district shall receive more state aid, as calculated in subsections 1 and 2 of  
61 section 163.031, for its education program, exclusive of categorical add-ons, than it received per  
62 weighted average daily attendance for the school year 2005-06 from the foundation formula, line  
63 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment  
64 amounts, if the district did not comply in the preceding school year with the requirements of  
65 subsection 6 of section 163.031.

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

163.031. 1. The department of elementary and secondary education shall calculate and  
2 distribute to each school district qualified to receive state aid under section 163.021 an amount  
3 determined by multiplying the district's weighted average daily attendance by the state adequacy  
4 target, multiplying this product by the dollar value modifier for the district, and subtracting from

5 this product the district's local effort and, in years not governed under subsection 4 of this  
6 section, subtracting payments from the classroom trust fund under section 163.043.

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

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

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

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

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

33 (d) **Except as provided in paragraphs (e) and (f) of this subdivision**, for each year  
34 subsequent to the 2008-09 school year, the amount shall be no less than that computed in  
35 paragraph (c) of this subdivision, multiplied by the weighted average daily attendance pursuant  
36 to section 163.036, less any increase in revenue received from the classroom trust fund under  
37 section 163.043;

38 (e) **In any school year in which the foundation formula appropriation under**  
39 **subsections 1, 2, and 4 of this section is equal to or less than the fiscal year 2010 foundation**  
40 **formula expenditure under subsections 1, 2, and 4 of this section; less than the previous**

41 **fiscal year's foundation formula expenditure under subsections 1, 2, and 4 of this section;**  
42 **or reduced by the governor as provided in section 27 of article IV of the Missouri**  
43 **Constitution and as a result of said reduction the reduced appropriation is less than the**  
44 **foundation formula fiscal year 2010 expenditure or less than the previous fiscal year's**  
45 **foundation formula expenditure, the department of elementary and secondary education**  
46 **shall reduce the payment amounts awarded to all districts under paragraph (d) of this**  
47 **subdivision in an amount equal to the percentage reduction calculated in subdivision (10)**  
48 **of subsection 4 of this section;**

49 (f) **In any school year in which a proportional reduction occurred during the**  
50 **previous school year as provided in subdivision (10) of subsection 4 of this section, and in**  
51 **the current school year the foundation formula appropriation under subsections 1, 2, and**  
52 **4 of this section is greater than the fiscal year 2010 foundation formula expenditure under**  
53 **subsections 1, 2, and 4 of this section and the previous fiscal year's foundation formula**  
54 **expenditure under subsections 1, 2, and 4 of this section but the current year appropriation**  
55 **would result in a decrease from the previous year's phase-in percentage attributable to**  
56 **subsection 1 of this section without a proportional reduction as provided in subdivision**  
57 **(10) of subsection 4 of this subsection, then the department of elementary and secondary**  
58 **education shall reduce the payment amounts awarded to all districts under paragraph (d)**  
59 **of this subdivision in an amount equal to the percentage reduction calculated in**  
60 **subdivision (10) of subsection 4 of this section;**

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

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

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

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

83 (d) **Except as provided in paragraphs (e) and (f) of this subdivision**, for each year  
84 subsequent to the 2008-09 school year, the amount shall be no less than that computed in  
85 paragraph (c) of this subdivision;

86 (e) **In any school year in which the foundation formula appropriation under**  
87 **subsections 1, 2, and 4 of this section is: equal to or less than the fiscal year 2010**  
88 **foundation formula expenditure under subsections 1, 2, and 4 of this section; less than the**  
89 **previous fiscal year's foundation formula expenditure under subsections 1, 2, and 4 of this**  
90 **section; or reduced by the governor as provided in section 27 of article IV of the Missouri**  
91 **Constitution and as a result of said reduction the reduced appropriation is less than the**  
92 **foundation formula fiscal year 2010 expenditure or less than the previous fiscal year's**  
93 **foundation formula expenditure, the department of elementary and secondary education**  
94 **shall reduce the payment amounts awarded to all districts under paragraph (d) of this**  
95 **subdivision in an amount equal to the percentage reduction calculated in subdivision (10)**  
96 **of subsection 4 of this section;**

97 (f) **In any school year in which a proportional reduction occurred during the**  
98 **previous school year as provided in subdivision (10) of subsection 4 of this section, and in**  
99 **the current school year the foundation formula appropriation under subsections 1, 2, and**  
100 **4 of this section is greater than the fiscal year 2010 foundation formula expenditure under**  
101 **subsections 1, 2, and 4 of this section and the previous fiscal year's foundation formula**  
102 **expenditure under subsections 1, 2, and 4 of this section but the current year appropriation**  
103 **would result in a decrease from the previous year's phase-in percentage attributable to**  
104 **subsection 1 of this section without a proportional reduction as provided in subdivision**  
105 **(10) of subsection 4 of this subsection, then the department of elementary and secondary**  
106 **education shall reduce the payment amounts awarded to all districts under paragraph (d)**  
107 **of this subdivision in an amount equal to the percentage reduction calculated in**  
108 **subdivision (10) of subsection 4 of this section;**

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

112           3. School districts that meet the requirements of section 163.021 shall receive categorical  
113 add-on revenue as provided in this subsection. The categorical add-on for the district shall be  
114 the sum of: seventy-five percent of the district allowable transportation costs under section  
115 163.161; the career ladder entitlement for the district, as provided for in sections 168.500 to  
116 168.515, RSMo; the vocational education entitlement for the district, as provided for in section  
117 167.332, RSMo; and the district educational and screening program entitlements as provided for  
118 in sections 178.691 to 178.699, RSMo. The categorical add-on revenue amounts may be  
119 adjusted to accommodate available appropriations.

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

123           (1) For the 2006-07 school year, the amount shall be fifteen percent of the amount of  
124 state aid calculated for the district for the 2006-07 school year under the provisions of subsection  
125 1 of this section, plus eighty-five percent of the total amount of state revenue received by the  
126 district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial  
127 reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received  
128 under section 163.043.

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

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

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

147 (5) For the 2010-11 school year, the amount of state aid shall be [seventy-two] **fifty-**  
148 **eight** percent of the amount of state aid calculated for the district for the 2010-11 school year  
149 under the provisions of subsection 1 of this section plus [twenty-eight] **forty-two** percent of the  
150 total amount of state revenue received by the district for the 2005-06 school year from the  
151 foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free  
152 textbook payments less any amounts received under section 163.043.

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

159 (7) **For the 2012-13 school year, the amount of state aid shall be seventy-two percent**  
160 **of the amount of state aid calculated for the district for the 2012-13 school year under the**  
161 **provisions of subsection 1 of this section plus twenty-eight percent of the total amount of**  
162 **state revenue received by the district for the 2005-06 school year from the foundation**  
163 **formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free**  
164 **textbook payments less any amounts received under section 163.043.**

165 (8) **For the 2013-14 school year, the amount of state aid shall be eighty-six percent**  
166 **of the amount of state aid calculated for the district for the 2013-14 school year under the**  
167 **provisions of subsection 1 of this section plus fourteen percent of the total amount of state**  
168 **revenue received by the district for the 2005-06 school year from the foundation formula,**  
169 **line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook**  
170 **payments less any amounts received under section 163.043.**

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

177 (10) **In any school year in which the foundation formula appropriation under**  
178 **subsections 1, 2, and 4 of this section is: equal to or less than the fiscal year 2010**  
179 **foundation formula expenditure under subsections 1, 2, and 4 of this section; less than the**  
180 **previous fiscal year's foundation formula expenditure under subsections 1, 2, and 4 of this**  
181 **section; or reduced from the current year appropriation by the governor as provided in**  
182 **section 27 of article IV of the Missouri Constitution and as a result of said reduction the**

183 **reduced appropriation is less than the foundation formula fiscal year 2010 expenditure or**  
184 **less than the previous fiscal year's foundation formula expenditure, the department of**  
185 **elementary and secondary education shall reduce the payment amounts awarded to all**  
186 **districts, including those districts that qualify under subsection 2 of this section. The**  
187 **department shall calculate a uniform proportional reduction percentage based on all**  
188 **available foundation formula state aid for the given school year to be applied to the**  
189 **payment amount to which all districts would otherwise be entitled under the applicable**  
190 **phase-in percentage for the applicable school year as provided in this subsection.**

191 **(11) In any school year in which a proportional reduction occurred during the**  
192 **previous school year as provided in subdivision (10) of this subsection, and in the current**  
193 **school year the foundation formula appropriation under subsections 1, 2, and 4 of this**  
194 **section is greater than the fiscal year 2010 foundation formula expenditure under**  
195 **subsection 1, 2, and 4 of this section and the previous fiscal year's foundation formula**  
196 **expenditure under subsections 1, 2, and 4 of this section but the current year appropriation**  
197 **would result in a decrease from the previous year's phase-in percentage attributable to**  
198 **subsection 1 of this section without a proportional reduction as provided in subdivision**  
199 **(10) of this subsection, then the department shall calculate and apply a uniform**  
200 **proportional reduction percentage as provided in subdivision (10) of this subsection.**

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

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

210 **b. For the 2007-08 school year, if a school district experiences a decrease in summer**  
211 **school average daily attendance of more than thirty percent from the district's 2005-06 summer**  
212 **school average daily attendance, an amount equal to the product of the percent reduction that is**  
213 **in excess of thirty percent of the district's summer school average daily attendance multiplied by**  
214 **the funds generated by the district's summer school program in the 2005-06 school year shall be**  
215 **subtracted from the district's payment amount.**

216 **c. For the 2008-09 school year, if a school district experiences a decrease in summer**  
217 **school average daily attendance of more than thirty-five percent from the district's 2005-06**  
218 **summer school average daily attendance, an amount equal to the product of the percent reduction**

219 that is in excess of thirty-five percent of the district's summer school average daily attendance  
220 multiplied by the funds generated by the district's summer school program in the 2005-06 school  
221 year shall be subtracted from the district's payment amount.

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

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

229 (c)] If a school district experiences a decrease in its gifted program enrollment of more  
230 than twenty percent from its 2005-06 gifted program enrollment in any year governed by this  
231 subsection, an amount equal to the product of the percent reduction in the district's gifted  
232 program enrollment multiplied by the funds generated by the district's gifted program in the  
233 2005-06 school year shall be subtracted from the district's current year payment amount.

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

240 6. (1) No less than seventy-five percent of the state revenue received under the  
241 provisions of subsections 1, 2, and 4 of this section shall be placed in the teachers' fund, and the  
242 remaining percent of such moneys shall be placed in the incidental fund. No less than  
243 seventy-five percent of one-half of the funds received from the school district trust fund  
244 distributed under section 163.087 shall be placed in the teachers' fund. One hundred percent of  
245 revenue received under the provisions of section 163.161 shall be placed in the incidental fund.  
246 One hundred percent of revenue received under the provisions of sections 168.500 to 168.515,  
247 RSMo, shall be placed in the teachers' fund.

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

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

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

255 (c) Beginning in fiscal year 2008, as much as was spent per the second preceding year's  
256 weighted average daily attendance for certificated compensation and tuition expenditures the  
257 previous year from revenue produced by local and county tax sources in the teachers' fund, plus  
258 the amount of the incidental fund to teachers' fund transfer calculated to be local and county tax  
259 sources by dividing local and county tax sources in the incidental fund by total revenue in the  
260 incidental fund. In the event a district fails to comply with this provision, the amount by which  
261 the district fails to spend funds as provided herein shall be deducted from the district's state  
262 revenue received under the provisions of subsections 1, 2, and 4 of this section for the following  
263 year, provided that the state board of education may exempt a school district from this provision  
264 if the state board of education determines that circumstances warrant such exemption.

265 7. If a school district's annual audit discloses that students were inappropriately identified  
266 as eligible for free and reduced lunch, special education, or limited English proficiency and the  
267 district does not resolve the audit finding, the department of elementary and secondary education  
268 shall require that the amount of aid paid pursuant to the weighting for free and reduced lunch,  
269 special education, or limited English proficiency in the weighted average daily attendance on the  
270 inappropriately identified pupils be repaid by the district in the next school year and shall  
271 additionally impose a penalty of one hundred percent of such aid paid on such pupils, which  
272 penalty shall also be paid within the next school year. Such amounts may be repaid by the  
273 district through the withholding of the amount of state aid.

163.036. 1. In computing the amount of state aid a school district is entitled to receive  
2 for the minimum school term only under section 163.031, a school district may use an estimate  
3 of the weighted average daily attendance for the current year, or the weighted average daily  
4 attendance for the immediately preceding year or the weighted average daily attendance for the  
5 second preceding school year, whichever is greater. Beginning with the 2006-07 school year,  
6 the summer school attendance included in the average daily attendance as defined in subdivision  
7 (2) of section 163.011 shall include only the attendance hours of pupils that attend summer  
8 school in the current year. Beginning with the 2004-05 school year, when a district's official  
9 calendar for the current year contributes to a more than ten percent reduction in the average daily  
10 attendance for kindergarten compared to the immediately preceding year, the payment  
11 attributable to kindergarten shall include only the current year kindergarten average daily  
12 attendance. Any error made in the apportionment of state aid because of a difference between  
13 the actual weighted average daily attendance and the estimated weighted average daily  
14 attendance shall be corrected as provided in section 163.091, except that if the amount paid to  
15 a district estimating weighted average daily attendance exceeds the amount to which the district  
16 was actually entitled by more than five percent, interest at the rate of six percent shall be charged

17 on the excess and shall be added to the amount to be deducted from the district's apportionment  
18 the next succeeding year.

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

24           3. Any error made in the apportionment of state aid because of a difference between the  
25 actual equalized assessed valuation for the current year and the estimated equalized assessed  
26 valuation for the current year shall be corrected as provided in section 163.091, except that if the  
27 amount paid to a district estimating current equalized assessed valuation exceeds the amount to  
28 which the district was actually entitled, interest at the rate of six percent shall be charged on the  
29 excess and shall be added to the amount to be deducted from the district's apportionment the next  
30 succeeding year.

31           4. For the purposes of distribution of state school aid pursuant to section 163.031, a  
32 school district with ten percent or more of its assessed valuation that is owned by one person or  
33 corporation as commercial or personal property who is delinquent in a property tax payment may  
34 elect, after receiving notice from the county clerk on or before March fifteenth that more than  
35 ten percent of its current taxes due the preceding December thirty-first by a single property owner  
36 are delinquent, to use in the local effort calculation of the state aid formula the district's  
37 equalized assessed valuation for the preceding year or the actual assessed valuation of the year  
38 for which the taxes are delinquent less the assessed valuation of property for which the current  
39 year's property tax is delinquent. To qualify for use of the actual assessed valuation of the year  
40 for which the taxes are delinquent less the assessed valuation of property for which the current  
41 year's property tax is delinquent, a district must notify the department of elementary and  
42 secondary education on or before April first, except in the year enacted, of the current year  
43 amount of delinquent taxes, the assessed valuation of such property for which delinquent taxes  
44 are owed and the total assessed valuation of the district for the year in which the taxes were due  
45 but not paid. Any district giving such notice to the department of elementary and secondary  
46 education shall present verification of the accuracy of such notice obtained from the clerk of the  
47 county levying delinquent taxes. When any of the delinquent taxes identified by such notice are  
48 paid during a four-year period following the due date, the county clerk shall give notice to the  
49 district and the department of elementary and secondary education, and state aid paid to the  
50 district shall be reduced by an amount equal to the delinquent taxes received plus interest. The  
51 reduction in state aid shall occur over a period not to exceed five years and the interest rate on  
52 excess state aid not refunded shall be six percent annually.

53           5. If a district receives state aid based on equalized assessed valuation as determined by  
54 subsection 4 of this section and if prior to such notice the district was paid state aid pursuant to  
55 section 163.031, the amount of state aid paid during the year of such notice and the first year  
56 following shall equal the sum of state aid paid pursuant to section 163.031 plus the difference  
57 between the state aid amount being paid after such notice minus the amount of state aid the  
58 district would have received pursuant to section 163.031 before such notice. To be eligible to  
59 receive state aid based on this provision the district must levy during the first year following such  
60 notice at least the maximum levy permitted school districts by article X, section 11(b) of the  
61 Missouri Constitution and have a voluntary rollback of its tax rate which is no greater than one  
62 cent per one hundred dollars assessed valuation.

63           **6. In any school year in which the foundation formula appropriation under**  
64 **subsections 1, 2, and 4 of section 163.031 is insufficient to fully fund the applicable**  
65 **percentages for the school year as provided in subsection 4 of section 163.031, the summer**  
66 **school attendance included in average daily attendance shall include only the attendance**  
67 **hours of pupils based exclusively on academic areas of study. The curriculum shall be**  
68 **based on core subject areas of the regular instruction program for the relevant grade**  
69 **levels, provided that any specifically named course that is required for high school**  
70 **graduation, such as but not limited to personal finance, shall also be included. In order for**  
71 **summer school attendance to be included in the average daily attendance definition, each**  
72 **school district shall verify to the department of elementary and secondary education that**  
73 **the district's summer school program conforms to this subsection. This subsection shall**  
74 **not be construed to disallow a school district from providing a summer school program**  
75 **that offers nonacademic or enrichment activities at such district's or parents' expense. For**  
76 **any district with a "free and reduced lunch count", as such term is defined in subdivision**  
77 **(6) of section 163.011, that is less than sixty percent of the district's total enrollment, no**  
78 **more than three percent of the district's total weighted average daily attendance of the**  
79 **previous regular term shall be attributable to summer school attendance. For any district**  
80 **with a "free and reduced lunch count", as such term is defined in subdivision (6) of section**  
81 **163.011, that is greater than or equal to sixty percent of the district's total enrollment, no**  
82 **more than seven percent of the district's total weighted average daily attendance of the**  
83 **previous regular term shall be attributable to summer school attendance. Students with**  
84 **individualized education programs that require extended school year services shall be**  
85 **exempt from any summer school payment cap calculated under this subsection, regardless**  
86 **of the free and reduced pupil count of the district in which they reside.**

163.044. 1. (1) Beginning with the 2007 fiscal year and each subsequent fiscal year, the  
2 general assembly shall appropriate fifteen million dollars to be directed in the following manner

3 to school districts with an average daily attendance **for the regular school year** of three hundred  
4 fifty students or less in the school year preceding the payment year:

5       [(1)] **(a)** Ten million dollars shall be distributed to the eligible districts in proportion to  
6 their average daily attendance **for the regular school year**; and

7       [(2)] **(b)** Five million dollars shall be directed to the eligible districts that have an  
8 operating levy for school purposes in the current year equal to or greater than the performance  
9 levy and any school districts which have an operating levy for school purposes in the current year  
10 less than the performance levy solely due to a modification of such district's levy required under  
11 subdivision (4) of subsection 5 of section 137.073, RSMo. A tax-rate-weighted average daily  
12 attendance shall be calculated for each eligible district in proportion to its operating levy for  
13 school purposes for the current year divided by the performance levy with that result multiplied  
14 by the district's average daily attendance in the school year preceding the payment year. The total  
15 appropriation pursuant to this subdivision shall then be divided by the sum of the  
16 tax-rate-weighted average daily attendance of the eligible districts, and the resulting amount per  
17 tax-rate-weighted average daily attendance shall be multiplied by each eligible district's  
18 tax-rate-weighted average daily attendance to determine the amount to be paid to each eligible  
19 district.

20       **(2) Beginning with the earlier of the completion of the phase-in under subsection**  
21 **4 of section 163.031 or the fiscal year after the first fiscal year in which the amount**  
22 **appropriated for subsections 1 and 2 of section 163.031 is sufficient to accommodate the**  
23 **full amount of the annualized calculation required under such subsections after fiscal year**  
24 **2010, as certified by the commissioner of education in a letter to the house budget chair and**  
25 **senate appropriations chair, and each subsequent fiscal year, the general assembly shall**  
26 **appropriate twenty million dollars to be directed in the following manner to school districts**  
27 **with an average daily attendance for the regular school year of three hundred fifty students**  
28 **or less in the school year preceding the payment year:**

29       **(a) Fifteen million dollars shall be distributed to the eligible districts in proportion**  
30 **to their average daily attendance for the regular school year; and**

31       **(b) Five million dollars shall be directed to the eligible districts that have an**  
32 **operating levy for school purposes in the current year equal to or greater than the**  
33 **performance levy and any school districts which have an operating levy for school**  
34 **purposes in the current year less than the performance levy solely due to a modification of**  
35 **such district's levy required under subdivision (4) of subsection 5 of section 137.073,**  
36 **RSMo. A tax-rate-weighted average daily attendance shall be calculated for each eligible**  
37 **district in proportion to its operating levy for school purposes for the current year divided**  
38 **by the performance levy with that result multiplied by the district's average daily**

39 attendance in the school year preceding the payment year. The total appropriation  
40 pursuant to this subdivision shall then be divided by the sum of the tax-rate-weighted  
41 average daily attendance of the eligible districts, and the resulting amount per  
42 tax-rate-weighted average daily attendance shall be multiplied by each eligible district's  
43 tax-rate-weighted average daily attendance to determine the amount to be paid to each  
44 eligible district.

45 2. Upon the occurrence of the earlier of the two conditions outlined in subdivision  
46 (2) of subsection 1 of this section, and each subsequent fiscal year, the general assembly  
47 shall appropriate an amount to be directed in the following manner to school districts with  
48 an average daily attendance for the regular school year of three hundred fifty-one to and  
49 including four hundred forty-nine students in the school year preceding the payment year,  
50 so that a school district with an average daily attendance for the regular school year of  
51 three hundred fifty-one shall receive ninety-nine percent of the amount per average daily  
52 attendance distributed under subdivision (1) of subsection 1 of this section and the  
53 percentage factor shall decrease by one per each additional student in average daily  
54 attendance as average daily attendance for the regular school year increases to and  
55 including four hundred forty-nine.

56 3. The payment under this section shall not be transferred to the capital projects fund.

57 [3.]4. Except as provided in subsection [2] 3 of this section, districts receiving payments  
58 under this section may use the moneys for, including but not limited to, the following:

- 59 (1) Distance learning;  
60 (2) Extraordinary transportation costs;  
61 (3) Rural teacher recruitment; and  
62 (4) Student learning opportunities not available within the district.

163.410. 1. Notwithstanding the provisions of section 163.021 and subsection 6 of  
2 section 163.031, in fiscal years 2011, 2012, and 2013, if the appropriation for subsections  
3 1 and 2 of section 163.031 is less than the annualized calculation of the amount needed for  
4 the phase-in required under subsection 4 for that fiscal year or the appropriation for  
5 transportation as provided in subsection 3 of section 163.031 is funded at a level that  
6 provides less than seventy-five percent of allowable costs school districts shall be excused  
7 from compliance with:

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

10 (2) The fund placement and expenditure requirements of subsection 6 of section  
11 163.031.

12           **2. If the governor withholds funds for the school funding formula basic**  
13 **apportionment under section 163.031 in fiscal years 2011, 2012, and 2013, school districts**  
14 **shall be excused from compliance with the sections listed in subsection 1 of this section in**  
15 **the following fiscal year.**

16           **3. Notwithstanding any other provisions of law applicable to categorical funds**  
17 **awarded under subsection 3 of section 163.031, for the fiscal years 2011, 2012, and 2013,**  
18 **school districts may expend up to ten percent of the amount of their categorical payments**  
19 **for expenses not attributable to the specific categorical except that such expenditures shall**  
20 **not affect federal funds.**

**163.500. During the legislative interim between the second regular session of the**  
2 **ninety-fifth general assembly and the first regular session of the ninety-sixth general**  
3 **assembly, the joint committee on education shall conduct a study on the issue of the timing**  
4 **of the delivery of state funding for elementary and secondary education to school districts.**  
5 **The joint committee shall prepare a final report, together with any recommendations for**  
6 **legislative action deemed necessary, for submission to the general assembly by December**  
7 **31, 2010.**

          165.011. 1. The following funds are created for the accounting of all school moneys:  
2 teachers' fund, incidental fund, capital projects fund and debt service fund. The treasurer of the  
3 school district shall open an account for each fund specified in this section, and all moneys  
4 received from the county school fund and all moneys derived from taxation for teachers' wages  
5 shall be placed to the credit of the teachers' fund. All tuition fees, state moneys received under  
6 section 163.031, RSMo, and all other moneys received from the state except as herein provided  
7 shall be placed to the credit of the teachers' and incidental funds at the discretion of the district  
8 board of education, except as provided in subsection 6 of section 163.031, RSMo. Money  
9 received from other districts for transportation and money derived from taxation for incidental  
10 expenses shall be credited to the incidental fund. All money derived from taxation or received  
11 from any other source for the erection of buildings or additions thereto and the remodeling or  
12 reconstruction of buildings and the furnishing thereof, for the payment of lease-purchase  
13 obligations, for the purchase of real estate, or from sale of real estate, schoolhouses or other  
14 buildings of any kind, or school furniture, from insurance, from sale of bonds other than  
15 refunding bonds shall be placed to the credit of the capital projects fund. All moneys derived  
16 from the sale or lease of sites, buildings, facilities, furnishings, and equipment by a school  
17 district as authorized under section 177.088, RSMo, shall be credited to the capital projects fund.  
18 Money derived from taxation for the retirement of bonds and the payment of interest thereon  
19 shall be credited to the debt service fund, which shall be maintained as a separate bank account.  
20 Receipts from delinquent taxes shall be allocated to the several funds on the same basis as

21 receipts from current taxes, except that where the previous years' obligations of the district would  
22 be affected by such distribution, the delinquent taxes shall be distributed according to the tax  
23 levies made for the years in which the obligations were incurred. All refunds received shall be  
24 placed to the credit of the fund from which the original expenditures were made. Money donated  
25 to the school districts shall be placed to the credit of the fund where it can be expended to meet  
26 the purpose for which it was donated and accepted. Money received from any other source  
27 whatsoever shall be placed to the credit of the fund or funds designated by the board.

28         2. The school board may transfer any portion of the unrestricted balance remaining in  
29 the incidental fund to the teachers' fund. Any district that uses an incidental fund transfer to pay  
30 for more than twenty-five percent of the annual certificated compensation obligation of the  
31 district and has an incidental fund balance on June thirtieth in any year in excess of fifty percent  
32 of the combined incidental teachers' fund expenditures for the fiscal year just ended shall be  
33 required to transfer the excess from the incidental fund to the teachers' fund. If a balance remains  
34 in the debt service fund, after the total outstanding indebtedness for which the fund was levied  
35 is paid, the board may transfer the unexpended balance to the capital projects fund. If a balance  
36 remains in the bond proceeds after completion of the project for which the bonds were issued,  
37 the balance shall be transferred from the incidental or capital projects fund to the debt service  
38 fund. After making all placements of interest otherwise provided by law, a school district may  
39 transfer from the capital projects fund to the incidental fund the interest earned from  
40 undesignated balances in the capital projects fund. A school district may borrow from one of the  
41 following funds: teachers' fund, incidental fund, or capital projects fund, as necessary to meet  
42 obligations in another of those funds; provided that the full amount is repaid to the lending fund  
43 within the same fiscal year.

44         3. Tuition shall be paid from either the teachers' or incidental funds. Employee benefits  
45 for certificated staff shall be paid from the teachers' fund.

46         4. Other provisions of law to the contrary notwithstanding, the school board of a school  
47 district that meets the provisions of subsection 6 of section 163.031, RSMo, may transfer from  
48 the incidental fund to the capital projects fund the sum of:

49         (1) The amount to be expended for transportation equipment that is considered an  
50 allowable cost under state board of education rules for transportation reimbursements during the  
51 current year; plus

52         (2) Any amount necessary to satisfy obligations of the capital projects fund for  
53 state-approved area vocational-technical schools; plus

54         (3) Current year obligations for lease-purchase obligations entered into prior to January  
55 1, 1997; plus

56 (4) The amount necessary to repay costs of one or more guaranteed energy savings  
57 performance contracts to renovate buildings in the school district, provided that the contract is  
58 only for energy conservation measures as defined in section 640.651, RSMo, and provided that  
59 the contract specifies that no payment or total of payments shall be required from the school  
60 district until at least an equal total amount of energy and energy-related operating savings and  
61 payments from the vendor pursuant to the contract have been realized by the school district; plus

62 (5) An amount not to exceed the greater of:

63 (a) One hundred sixty-two thousand three hundred twenty-six dollars; or

64 (b) Seven percent of the state adequacy target multiplied by the district's weighted  
65 average daily attendance, provided that transfer amounts in excess of current year obligations of  
66 the capital projects fund authorized under this subdivision may be transferred only by a  
67 resolution of the school board approved by a majority of the board members in office when the  
68 resolution is voted on and identifying the specific capital projects to be funded directly by the  
69 district by the transferred funds and an estimated expenditure date.

70 5. Beginning in the 2006-07 school year, a district meeting the provisions of subsection  
71 6 of section 163.031, RSMo, and not making the transfer under subdivision (5) of subsection 4  
72 of this section, nor making payments or expenditures related to obligations made under section  
73 177.088, RSMo, may transfer from the incidental fund to the debt service fund or the capital  
74 projects fund the greater of:

75 (1) The state aid received in the 2005-06 school year as a result of no more than eighteen  
76 cents of the sum of the debt service and capital projects levy used in the foundation formula and  
77 placed in the respective debt service or capital projects fund, whichever fund had the designated  
78 tax levy; or

79 (2) Five percent of the state adequacy target multiplied by the district's weighted average  
80 daily attendance.

81 6. Beginning in the 2006-07 school year, the department of elementary and secondary  
82 education shall deduct from a school district's state aid calculated pursuant to section 163.031,  
83 RSMo, an amount equal to the amount of any transfer of funds from the incidental fund to the  
84 capital projects fund or debt service fund performed during the previous year in violation of this  
85 section; except that the state aid shall be deducted over no more than five school years following  
86 the school year of an unlawful transfer based on a plan from the district approved by the  
87 commissioner of elementary and secondary education.

88 7. A school district may transfer unrestricted funds from the capital projects fund to the  
89 incidental fund in any year in which that year's June thirtieth combined incidental and teachers'  
90 funds unrestricted balance compared to the combined incidental and teachers' funds expenditures  
91 would be less than ten percent without such transfer.

92           **8. During fiscal years 2011, 2012, and 2013, a school district having unobligated**  
93 **funds in its capital projects fund may make one transfer per fiscal year up to the amount**  
94 **of unobligated funds from its capital projects fund to its incidental fund upon adoption of**  
95 **a resolution by the board of education noting the financial condition of the district and the**  
96 **purposes of the transfer.**

          168.221. 1. The first five years of employment of all teachers entering the employment  
2 of the metropolitan school district shall be deemed a period of probation during which period all  
3 appointments of teachers shall expire at the end of each school year. During the probationary  
4 period any probationary teacher whose work is unsatisfactory shall be furnished by the  
5 superintendent of schools with a written statement setting forth the nature of his incompetency.  
6 If improvement satisfactory to the superintendent is not made within one semester after the  
7 receipt of the statement, the probationary teacher shall be dismissed. The semester granted the  
8 probationary teacher in which to improve shall not in any case be a means of prolonging the  
9 probationary period beyond five years and six months from the date on which the teacher entered  
10 the employ of the board of education. The superintendent of schools on or before the fifteenth  
11 day of April in each year shall notify probationary teachers who will not be retained by the  
12 school district of the termination of their services. Any probationary teacher who is not so  
13 notified shall be deemed to have been appointed for the next school year. Any principal who  
14 prior to becoming a principal had attained permanent employee status as a teacher shall upon  
15 ceasing to be a principal have a right to resume his or her permanent teacher position with the  
16 time served as a principal being treated as if such time had been served as a teacher for the  
17 purpose of calculating seniority and pay scale. The rights and duties and remuneration of a  
18 teacher who was formerly a principal shall be the same as any other teacher with the same level  
19 of qualifications and time of service.

20           2. After completion of satisfactory probationary services, appointments of teachers shall  
21 become permanent, subject to removal for any one or more causes herein described and to the  
22 right of the board to terminate the services of all who attain the age of compulsory retirement  
23 fixed by the retirement system. In determining the duration of the probationary period of  
24 employment in this section specified, the time of service rendered as a substitute teacher shall  
25 not be included.

26           3. No teacher whose appointment has become permanent may be removed except for one  
27 or more of the following causes: immorality, inefficiency in line of duty, violation of the  
28 published regulations of the school district, violation of the laws of Missouri governing the  
29 public schools of the state, or physical or mental condition which incapacitates him for  
30 instructing or associating with children, and then only by a vote of not less than a majority of all  
31 the members of the board, upon written charges presented by the superintendent of schools, to

32 be heard by the board after thirty days' notice, with copy of the charges served upon the person  
33 against whom they are preferred, who shall have the privilege of being present **at the hearing**,  
34 together with counsel, offering evidence and making defense thereto. Notifications received by  
35 an employee during a vacation period shall be considered as received on the first day of the  
36 school term following. At the request of any person so charged the hearing shall be public.  
37 **During anytime in which powers granted to the district's board of education are vested in**  
38 **a special administrative board, the special administrative board may appoint a hearing**  
39 **officer to conduct the hearing. The hearing officer shall conduct the hearing as a contested**  
40 **case under chapter 536 and shall issue a written recommendation to the board rendering**  
41 **the charges against the teacher. The board shall render a decision on the charges upon the**  
42 **review of the hearing officer's recommendations and the record from the hearing.** The  
43 action and decision of the board upon the charges shall be final. Pending the hearing of the  
44 charges, the person charged may be suspended if the rules of the board so prescribe, but in the  
45 event the board does not by a majority vote of all the members remove the teacher upon charges  
46 presented by the superintendent, the person shall not suffer any loss of salary by reason of the  
47 suspension. Inefficiency in line of duty is cause for dismissal only after the teacher has been  
48 notified in writing at least one semester prior to the presentment of charges against him by the  
49 superintendent. The notification shall specify the nature of the inefficiency with such  
50 particularity as to enable the teacher to be informed of the nature of his inefficiency.

51 4. No teacher whose appointment has become permanent shall be demoted nor shall his  
52 salary be reduced unless the same procedure is followed as herein stated for the removal of the  
53 teacher because of inefficiency in line of duty, and any teacher whose salary is reduced or who  
54 is demoted may waive the presentment of charges against him by the superintendent and a  
55 hearing thereon by the board. The foregoing provision shall apply only to permanent teachers  
56 prior to the compulsory retirement age under the retirement system. Nothing herein contained  
57 shall in any way restrict or limit the power of the board of education to make reductions in the  
58 number of teachers or principals, or both, because of insufficient funds, decrease in pupil  
59 enrollment, or abolition of particular subjects or courses of instruction, except that the abolition  
60 of particular subjects or courses of instruction shall not cause those teachers who have been  
61 teaching the subjects or giving the courses of instruction to be placed on leave of absence as  
62 herein provided who are qualified to teach other subjects or courses of instruction, if positions  
63 are available for the teachers in the other subjects or courses of instruction.

64 5. Whenever it is necessary to decrease the number of teachers because of insufficient  
65 funds or a substantial decrease of pupil population within the school district, the board of  
66 education upon recommendation of the superintendent of schools may cause the necessary  
67 number of teachers beginning with those serving probationary periods to be placed on leave of

68 absence without pay, but only in the inverse order of their appointment. Nothing herein stated  
69 shall prevent a readjustment by the board of education of existing salary schedules. No teacher  
70 placed on a leave of absence shall be precluded from securing other employment during the  
71 period of the leave of absence. Each teacher placed on leave of absence shall be reinstated in  
72 inverse order of his placement on leave of absence. Such reemployment shall not result in a loss  
73 of status or credit for previous years of service. No new appointments shall be made while there  
74 are available teachers on leave of absence who are seventy years of age or less and who are  
75 adequately qualified to fill the vacancy unless the teachers fail to advise the superintendent of  
76 schools within thirty days from the date of notification by the superintendent of schools that  
77 positions are available to them that they will return to employment and will assume the duties  
78 of the position to which appointed not later than the beginning of the school year next following  
79 the date of the notice by the superintendent of schools.

80 6. If any regulation which deals with the promotion of teachers is amended by increasing  
81 the qualifications necessary to be met before a teacher is eligible for promotion, the amendment  
82 shall fix an effective date which shall allow a reasonable length of time within which teachers  
83 may become qualified for promotion under the regulations.

84 7. A teacher whose appointment has become permanent may give up the right to a  
85 permanent appointment to participate in the teacher choice compensation package under sections  
86 168.745 to 168.750.

168.500. 1. For the purpose of providing career pay, which shall be a salary supplement,  
2 for public school teachers, which for the purpose of sections 168.500 to 168.515 shall include  
3 classroom teachers, librarians, guidance counselors and certificated teachers who hold positions  
4 as school psychological examiners, parents as teachers educators, school psychologists, special  
5 education diagnosticians and speech pathologists, and are on the district salary schedule, there  
6 is hereby created and established a career advancement program which shall be known as the  
7 "Missouri Career Development and Teacher Excellence Plan", hereinafter known as the "career  
8 plan or program". Participation by local school districts in the career advancement program  
9 established under this section shall be voluntary. The career advancement program is a matching  
10 fund program [of variable match rates]. The general assembly [shall] **may** make an annual  
11 appropriation to the excellence in education fund established under section 160.268, RSMo, for  
12 the purpose of providing the state's portion for the career advancement program. The "Career  
13 Ladder Forward Funding Fund" is hereby established in the state treasury. Beginning with fiscal  
14 year 1998 and until the career ladder forward funding fund is terminated pursuant to this  
15 subsection, the general assembly [shall] **may** appropriate funds to the career ladder forward  
16 funding fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys  
17 in the fund shall not be transferred to the credit of the general revenue fund at the end of the

18 biennium. All interest or other gain received from investment of moneys in the fund shall be  
19 credited to the fund. All funds deposited in the fund shall be maintained in the fund until such  
20 time as the balance in the fund at the end of the fiscal year is equal to or greater than the  
21 appropriation for the career ladder program for the following year, at which time all such  
22 revenues shall be used to fund, in advance, the career ladder program for such following year and  
23 the career ladder forwarding funding fund shall thereafter be terminated.

24         2. The department of elementary and secondary education, at the direction of the  
25 commissioner of education, shall study and develop model career plans which shall be made  
26 available to the local school districts. These state model career plans shall:

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

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

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

33             (4) Be consistent with the teacher certification process recommended by the Missouri  
34 advisory council of certification for educators and adopted by the department of elementary and  
35 secondary education;

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

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

43         3. The commissioner of education shall cause the department of elementary and  
44 secondary education to establish guidelines for all career plans established under this section, and  
45 criteria that must be met by any school district which seeks funding for its career plan.

46         4. A participating local school district may have the option of implementing a career plan  
47 developed by the department of elementary and secondary education or a local plan which has  
48 been developed with advice from teachers employed by the district and which has met with the  
49 approval of the department of elementary and secondary education. In approving local career  
50 plans, the department of elementary and secondary education may consider provisions in the plan  
51 of the local district for recognition of teacher mobility from one district to another within this  
52 state.

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

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

62           7. The commissioner of education shall cause the department of elementary and  
63 secondary education to regard a speech pathologist who holds both a valid certificate of license  
64 to teach and a certificate of clinical competence to have fulfilled the standards required to be  
65 placed on stage III of the career program, provided that such speech pathologist has been  
66 employed by a public school in Missouri for at least five years and is approved for placement at  
67 such stage III by the local school district.

68           **8. Beginning in fiscal year 2012, the state portion of career ladder payments shall**  
69 **only be made available to local school districts if the general assembly makes an**  
70 **appropriation for such program. Payments authorized under sections 168.500 to 168.515**  
71 **shall only be made available in a year for which a state appropriation is made. Any state**  
72 **appropriation shall be made prospectively in relation to the year in which work under the**  
73 **program is performed.**

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

          168.515. 1. Each teacher selected to participate in a career plan established under  
2 sections 168.500 to 168.515, who meets the requirements of such plan, [shall] **may** receive a  
3 salary supplement, the state's share of which shall be distributed under section 163.031, RSMo,  
4 equal to the following amounts applied to the career ladder entitlement of section 163.031,  
5 RSMo:

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

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

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

13           2. The state [shall] **may** make payments pursuant to section 163.031, RSMo, to the local  
 14 school district for the purpose of [reimbursing] **providing funding to** the local school district  
 15 for the payment of any salary supplements provided for in this section, subject to the availability  
 16 of funds as appropriated each year and distributed on a [variable match formula which shall be  
 17 based on assessed valuation of the district for the second preceding school year.

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

31           4. The incremental groups are as follows:

32	Percentage	Percentage	Percentage
33 Group	of Districts	of State Funding	of Local Funding
34 1	25%	40%	60%
35 2	25%	50%	50%
36 3	50%	60%	40%

37           5. Beginning in the 1996-97 school year, any school district in any group which  
 38 participated in the career ladder program in 1995-96 and paid less than the local funding  
 39 percentage required by subsection 4 of this section shall increase its local share of career ladder  
 40 costs by five percentage points from the preceding year until the district pays the percentage  
 41 share of cost required by subsection 4 of this section, and in no case shall the local funding  
 42 percentage be increased by a greater amount for any year. For any district, the state payment  
 43 shall not exceed the local payment times the state percentage share divided by the local  
 44 percentage share. Except as provided in subsection 10 of this section, any district not  
 45 participating in the 1995-96 school year or any district which interrupts its career ladder program  
 46 for any subsequent year shall enter the program on the cost-sharing basis required by subsection  
 47 4 of this section.

48           **6.] matching basis where the percentage of state funding shall be forty percent and**  
49 **the percentage of local funding shall be sixty percent.**

50           **3.** Not less than every fourth year, beginning with calendar year 1988, the general  
51 assembly, through the joint committee established under section 160.254, RSMo, shall review  
52 the amount of the career pay provided for in this section to determine if any increases are  
53 necessary to reflect the increases in the cost of living which have occurred since the salary  
54 supplements were last reviewed or set.

55           **[7.] 4.** To participate in the salary supplement program established under this section,  
56 a school district may submit to the voters of the district a proposition to increase taxes for this  
57 purpose. If a school district's current tax rate ceiling is at or above the rate from which an  
58 increase would require a two-thirds majority, the school board may submit to the voters of the  
59 district a proposition to reduce or eliminate the amount of the levy reduction resulting from  
60 section 164.013, RSMo. If a majority of the voters voting thereon vote in favor of the  
61 proposition, the board may certify that seventy-five percent of the revenue generated from this  
62 source shall be used to implement the salary supplement program established under this section.

63           **[8.] 5.** In no case shall a school district use state funds received under this section nor  
64 local revenue generated from a tax established under subsection 7 of this section to comply with  
65 the minimum salary requirements for teachers established pursuant to section 163.172, RSMo.

66           **[9.** Beginning in the 1996-97 school year, for any teacher who participated in the career  
67 program in the 1995-96 school year, continues to participate in the program thereafter, and  
68 remains qualified to receive career pay pursuant to section 168.510, the state's share of the  
69 teacher's salary supplement shall continue to be the percentage paid by the state in the 1995-96  
70 school year, notwithstanding any provisions of subsection 4 of this section to the contrary, and  
71 the state shall continue to pay such percentage of the teacher's salary supplement until any of the  
72 following occurs:

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

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

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

          171.031. 1. Each school board shall prepare annually a calendar for the school term,  
2 specifying the opening date and providing a minimum term of [at least one hundred seventy-four

3 days for schools with a five-day school week or one hundred forty-two days for schools with a  
4 four-day school week, and one thousand forty-four hours of] **hours of** actual pupil attendance  
5 **as required under section 160.011.** [In addition, such calendar shall include six make-up days  
6 for possible loss of attendance due to inclement weather as defined in subsection 1 of section  
7 171.033.]

8           2. Each local school district may set its opening date each year, which date shall be no  
9 earlier than ten calendar days prior to the first Monday in September. No public school district  
10 shall select an earlier start date unless the district follows the procedure set forth in subsection  
11 3 of this section.

12           3. A district may set an opening date that is more than ten calendar days prior to the first  
13 Monday in September only if the local school board first gives public notice of a public meeting  
14 to discuss the proposal of opening school on a date more than ten days prior to the first Monday  
15 in September, and the local school board holds said meeting and, at the same public meeting, a  
16 majority of the board votes to allow an earlier opening date. If all of the previous conditions are  
17 met, the district may set its opening date more than ten calendar days prior to the first Monday  
18 in September. The condition provided in this subsection must be satisfied by the local school  
19 board each year that the board proposes an opening date more than ten days before the first  
20 Monday in September.

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

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

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

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

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

3           2. A district shall be required to make up the first [six days] **thirty-six hours** of school  
4 lost or canceled due to inclement weather and half the number of [days] **hours** lost or canceled

5 in excess of [six days] **thirty-six hours** if the makeup [of the days] is necessary to ensure that  
 6 the district's students will attend [a] **the** minimum [of one hundred forty-two days and a  
 7 minimum of one thousand forty-four] hours for the school year [except as otherwise provided  
 8 in this section. Schools with a four-day school week may schedule such make-up days on  
 9 Fridays] **as required in section 160.011.**

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

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

21 5. The commissioner of education may provide, for any school district in which schools  
 22 are in session for twelve months of each calendar year that cannot meet the minimum school  
 23 calendar requirement [of at least one hundred seventy-four days for schools with a five-day  
 24 school week or one hundred forty-two days for schools with a four-day school week and one  
 25 thousand forty-four hours of] **for hours of** actual pupil attendance **as required under section**  
 26 **160.011**, upon request, a waiver to be excused from such requirement. This waiver shall be  
 27 requested from the commissioner of education and may be granted if the school was closed due  
 28 to circumstances beyond school district control, including inclement weather, flooding or fire.

178.697. 1. Funding for sections 178.691 to 178.699 shall be made available pursuant  
 2 to section 163.031, RSMo, and shall be subject to appropriations made for this purpose.

3 2. Costs of contractual arrangements shall be the obligation of the school district of  
 4 residence of each preschool child. Costs of contractual arrangements shall not exceed an amount  
 5 equal to an amount reimbursable to the school districts under the provisions of sections 178.691  
 6 to 178.699. [No program shall be approved or contract entered into which requires any additional  
 7 payment by participants or their parents or guardians.]

8 3. Payments for participants for programs outlined in section 178.693 shall be uniform  
 9 for all districts or public agencies.

10 **4. Families with children under the age of kindergarten entry shall be eligible to**  
 11 **receive annual health and development screenings and parents shall be eligible to receive**  
 12 **prenatal visits under sections 178.691 to 178.699. Priority for Parents as Teachers service**

13 **delivery, which includes but is not limited to home visits, group meetings, screenings and**  
14 **service referrals, delivery shall be given to high needs families in accordance with criteria**  
15 **set forth by the department of elementary and secondary education. Local school districts**  
16 **may establish cost sharing strategies to supplement funding for Parents as Teachers**  
17 **program services. The provisions of this subsection shall expire on December 31, 2015**  
18 **unless reauthorized by an act of the general assembly.**

2 [163.037. In any school year after the 2009-10 school year, if there is a  
3 twenty-five percent decrease in the statewide percentage of average daily  
4 attendance attributable to summer school compared to the percentage of average  
5 daily attendance attributable to summer school in the 2005-06 school year, then  
6 for the subsequent school year, weighted average daily attendance, as such term  
7 is defined in section 163.011, shall include the addition of the product of  
8 twenty-five hundredth times the average daily attendance for summer school.]

2 [171.029. 1. The school board of any school district in the state, upon  
3 adoption of a resolution by the vote of a majority of all its members to authorize  
4 such action, may establish a four-day school week or other calendar consisting  
5 of less than one hundred seventy-four days in lieu of a five-day school week.  
6 Upon adoption of a four-day school week or other calendar consisting of less than  
7 one hundred seventy-four days, the school shall file a calendar with the  
8 department of elementary and secondary education in accordance with section  
9 171.031. Such calendar shall include, but not be limited to, a minimum term of  
10 one hundred forty-two days and one thousand forty-four hours of actual pupil  
11 attendance.

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

2 Section B. Because immediate action is necessary to synchronize the requirements of  
3 certain sections contained in section A of this act with the school calendar and state fiscal year,  
4 the repeal and reenactment of sections 163.031, 163.036, 163.044, and 168.221, of section A of  
5 this act are deemed necessary for the immediate preservation of the public health, welfare, peace,  
6 and safety, and is hereby declared to be an emergency act within the meaning of the constitution,  
7 and the repeal and reenactment of sections 163.031, 163.036, 163.044, and 168.221, of section

7 A of this act shall be in full force and effect upon its passage and approval or July 1, 2010,  
8 whichever occurs later.

✓