

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 253**  
**96TH GENERAL ASSEMBLY**

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Reported from the Committee on Education, April 14, 2011, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

1323S.03C

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**AN ACT**

To repeal sections 163.036 and 163.037, RSMo, and to enact in lieu thereof one new section relating to summer school, with an emergency clause.

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

Section A. Sections 163.036 and 163.037, RSMo, are repealed and one new  
2 section enacted in lieu thereof, to be known as section 163.036, to read as follows:  
163.036. 1. In computing the amount of state aid a school district is  
2 entitled to receive for the minimum school term only under section 163.031, a  
3 school district may use an estimate of the weighted average daily attendance for  
4 the current year, or the weighted average daily attendance for the immediately  
5 preceding year or the weighted average daily attendance for the second preceding  
6 school year, whichever is greater. Beginning with the 2006-07 school year, the  
7 summer school attendance included in the average daily attendance as defined  
8 in subdivision (2) of section 163.011 shall include only the attendance hours of  
9 pupils that attend summer school in the current year. **Beginning with the**  
10 **2011-2012 school year, the summer school attendance included in**  
11 **average daily attendance shall include only the attendance hours of**  
12 **pupils based exclusively on academic areas of study or hours as**  
13 **required by the student's individualized education program. The**  
14 **curriculum shall be based on core subject areas of the regular**  
15 **instruction program for the relevant grade levels. In order for summer**  
16 **school attendance to be included in the average daily attendance**  
17 **definition, each school district shall verify to the department of**  
18 **elementary and secondary education that the district's summer school**  
19 **program conforms to this subsection. This subsection shall not be**

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 **construed to disallow a school district from providing a summer school**  
21 **program that offers nonacademic or enrichment activities at such**  
22 **district's expense.** Beginning with the 2004-05 school year, when a district's  
23 official calendar for the current year contributes to a more than ten percent  
24 reduction in the average daily attendance for kindergarten compared to the  
25 immediately preceding year, the payment attributable to kindergarten shall  
26 include only the current year kindergarten average daily attendance. Any error  
27 made in the apportionment of state aid because of a difference between the actual  
28 weighted average daily attendance and the estimated weighted average daily  
29 attendance shall be corrected as provided in section 163.091, except that if the  
30 amount paid to a district estimating weighted average daily attendance exceeds  
31 the amount to which the district was actually entitled by more than five percent,  
32 interest at the rate of six percent shall be charged on the excess and shall be  
33 added to the amount to be deducted from the district's apportionment the next  
34 succeeding year.

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

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

49         4. For the purposes of distribution of state school aid pursuant to section  
50 163.031, a school district with ten percent or more of its assessed valuation that  
51 is owned by one person or corporation as commercial or personal property who is  
52 delinquent in a property tax payment may elect, after receiving notice from the  
53 county clerk on or before March fifteenth that more than ten percent of its  
54 current taxes due the preceding December thirty-first by a single property owner  
55 are delinquent, to use in the local effort calculation of the state aid formula the

56 district's equalized assessed valuation for the preceding year or the actual  
57 assessed valuation of the year for which the taxes are delinquent less the  
58 assessed valuation of property for which the current year's property tax is  
59 delinquent. To qualify for use of the actual assessed valuation of the year for  
60 which the taxes are delinquent less the assessed valuation of property for which  
61 the current year's property tax is delinquent, a district must notify the  
62 department of elementary and secondary education on or before April first, except  
63 in the year enacted, of the current year amount of delinquent taxes, the assessed  
64 valuation of such property for which delinquent taxes are owed and the total  
65 assessed valuation of the district for the year in which the taxes were due but not  
66 paid. Any district giving such notice to the department of elementary and  
67 secondary education shall present verification of the accuracy of such notice  
68 obtained from the clerk of the county levying delinquent taxes. When any of the  
69 delinquent taxes identified by such notice are paid during a four-year period  
70 following the due date, the county clerk shall give notice to the district and the  
71 department of elementary and secondary education, and state aid paid to the  
72 district shall be reduced by an amount equal to the delinquent taxes received plus  
73 interest. The reduction in state aid shall occur over a period not to exceed five  
74 years and the interest rate on excess state aid not refunded shall be six percent  
75 annually.

76         5. If a district receives state aid based on equalized assessed valuation as  
77 determined by subsection 4 of this section and if prior to such notice the district  
78 was paid state aid pursuant to section 163.031, the amount of state aid paid  
79 during the year of such notice and the first year following shall equal the sum of  
80 state aid paid pursuant to section 163.031 plus the difference between the state  
81 aid amount being paid after such notice minus the amount of state aid the district  
82 would have received pursuant to section 163.031 before such notice. To be  
83 eligible to receive state aid based on this provision the district must levy during  
84 the first year following such notice at least the maximum levy permitted school  
85 districts by article X, section 11(b) of the Missouri Constitution and have a  
86 voluntary rollback of its tax rate which is no greater than one cent per one  
87 hundred dollars assessed valuation.

          [163.037. In any school year after the 2009-10 school year,  
2         if there is a twenty-five percent decrease in the statewide  
3         percentage of average daily attendance attributable to summer  
4         school compared to the percentage of average daily attendance

5           attributable to summer school in the 2005-06 school year, then for  
6           the subsequent school year, weighted average daily attendance, as  
7           such term is defined in section 163.011, shall include the addition  
8           of the product of twenty-five hundredth times the average daily  
9           attendance for summer school.]

          Section B. Because immediate action is necessary to address state funding  
2 for summer school, section A of this act is deemed necessary for the immediate  
3 preservation of the public health, welfare, peace and safety, and is hereby  
4 declared to be an emergency act within the meaning of the constitution, and  
5 section A of this act shall be in full force and effect upon its passage and  
6 approval.

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Bill

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