

SECOND REGULAR SESSION

SENATE BILL NO. 651

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KEAVENY.

Pre-filed December 1, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4665S.03I

AN ACT

To repeal sections 163.011 and 163.018, RSMo, and to enact in lieu thereof two new sections relating to elementary and secondary education, with an emergency clause.

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

Section A. Sections 163.011 and 163.018, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 163.011 and 163.018, to
3 read as follows:

163.011. As used in this chapter unless the context requires otherwise:

2 (1) "Adjusted operating levy", the sum of tax rates for the current year for
3 teachers' and incidental funds for a school district as reported to the proper
4 officer of each county pursuant to section 164.011;

5 (2) "Average daily attendance", the quotient or the sum of the quotients
6 obtained by dividing the total number of hours attended in a term by resident
7 pupils between the ages of five and twenty-one by the actual number of hours
8 school was in session in that term. To the average daily attendance of the
9 following school term shall be added the full-time equivalent average daily
10 attendance of summer school students. "Full-time equivalent average daily
11 attendance of summer school students" shall be computed by dividing the total
12 number of hours, except for physical education hours that do not count as credit
13 toward graduation for students in grades nine, ten, eleven, and twelve, attended
14 by all summer school pupils by the number of hours required in section 160.011
15 in the school term. For purposes of determining average daily attendance under
16 this subdivision, the term "resident pupil" shall include all children between the
17 ages of five and twenty-one who are residents of the school district and who are

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

18 attending kindergarten through grade twelve in such district. If a child is
19 attending school in a district other than the district of residence and the child's
20 parent is teaching in the school district or is a regular employee of the school
21 district which the child is attending, then such child shall be considered a
22 resident pupil of the school district which the child is attending for such period
23 of time when the district of residence is not otherwise liable for tuition. Average
24 daily attendance for students below the age of five years for which a school
25 district may receive state aid based on such attendance shall be computed as
26 regular school term attendance unless otherwise provided by law;

27 (3) "Current operating expenditures":

28 (a) For the fiscal year 2007 calculation, "current operating expenditures"
29 shall be calculated using data from fiscal year 2004 and shall be calculated as all
30 expenditures for instruction and support services except capital outlay and debt
31 service expenditures minus the revenue from federal categorical sources; food
32 service; student activities; categorical payments for transportation costs pursuant
33 to section 163.161; state reimbursements for early childhood special education;
34 the career ladder entitlement for the district, as provided for in sections 168.500
35 to 168.515; the vocational education entitlement for the district, as provided for
36 in section 167.332; and payments from other districts;

37 (b) In every fiscal year subsequent to fiscal year 2007, current operating
38 expenditures shall be the amount in paragraph (a) of this subdivision plus any
39 increases in state funding pursuant to sections 163.031 and 163.043 subsequent
40 to fiscal year 2005, not to exceed five percent, per recalculation, of the state
41 revenue received by a district in the 2004-05 school year from the foundation
42 formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and
43 free textbook payments for any district from the first preceding calculation of the
44 state adequacy target. Beginning on July 1, 2010, current operating expenditures
45 shall be the amount in paragraph (a) of this subdivision plus any increases in
46 state funding pursuant to sections 163.031 and 163.043 subsequent to fiscal year
47 2005 received by a district in the 2004-05 school year from the foundation
48 formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and
49 free textbook payments for any district from the first preceding calculation of the
50 state adequacy target; **provided that, when used to recalculate the state**
51 **adequacy target as provided in subdivision (18) of this section, any**
52 **increase in state funding attributable to an individual district shall be**
53 **limited to two hundred percent of the aggregate percentage increase**

54 **in state funding for all of the performance districts used in the same**
55 **recalculation;**

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

59 (5) "Dollar-value modifier", an index of the relative purchasing power of
60 a dollar, calculated as one plus fifteen percent of the difference of the regional
61 wage ratio minus one, provided that the dollar value modifier shall not be applied
62 at a rate less than 1.0:

63 (a) "County wage per job", the total county wage and salary disbursements
64 divided by the total county wage and salary employment for each county and the
65 City of St. Louis as reported by the Bureau of Economic Analysis of the United
66 States Department of Commerce for the fourth year preceding the payment year;

67 (b) "Regional wage per job":

68 a. The total Missouri wage and salary disbursements of the metropolitan
69 area as defined by the Office of Management and Budget divided by the total
70 Missouri metropolitan wage and salary employment for the metropolitan area for
71 the county signified in the school district number or the City of St. Louis, as
72 reported by the Bureau of Economic Analysis of the United States Department
73 of Commerce for the fourth year preceding the payment year and recalculated
74 upon every decennial census to incorporate counties that are newly added to the
75 description of metropolitan areas; or if no such metropolitan area is established,
76 then:

77 b. The total Missouri wage and salary disbursements of the micropolitan
78 area as defined by the Office of Management and Budget divided by the total
79 Missouri micropolitan wage and salary employment for the micropolitan area for
80 the county signified in the school district number, as reported by the Bureau of
81 Economic Analysis of the United States Department of Commerce for the fourth
82 year preceding the payment year, if a micropolitan area for such county has been
83 established and recalculated upon every decennial census to incorporate counties
84 that are newly added to the description of micropolitan areas; or

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

89 (c) "Regional wage ratio", the ratio of the regional wage per job divided by

90 the state median wage per job;

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

93 (6) "Free and reduced **price** lunch pupil count", for school districts not
94 eligible for and those that do not choose the USDA Community Eligibility Option,
95 the number of pupils eligible for free and reduced **price** lunch on the last
96 Wednesday in January for the preceding school year who were enrolled as
97 students of the district, as approved by the department in accordance with
98 applicable federal regulations. For eligible school districts that choose the USDA
99 Community Eligibility Option, the free and reduced **price** lunch pupil count shall
100 be the percentage of free and reduced **price** lunch students calculated as eligible
101 on the last Wednesday in January of the most recent school year that included
102 household applications to determine free and reduced **price** lunch count
103 multiplied by the district's average daily attendance figure;

104 (7) "Free and reduced **price** lunch threshold" shall be calculated by
105 dividing the total free and reduced **price** lunch pupil count of every performance
106 district that falls entirely above the bottom five percent and entirely below the
107 top five percent of average daily attendance, when such districts are rank-ordered
108 based on their current operating expenditures per average daily attendance, by
109 the total average daily attendance of all included performance districts;

110 (8) "Limited English proficiency pupil count", the number in the preceding
111 school year of pupils aged three through twenty-one enrolled or preparing to
112 enroll in an elementary school or secondary school who were not born in the
113 United States or whose native language is a language other than English or are
114 Native American or Alaskan native, or a native resident of the outlying areas,
115 and come from an environment where a language other than English has had a
116 significant impact on such individuals' level of English language proficiency, or
117 are migratory, whose native language is a language other than English, and who
118 come from an environment where a language other than English is dominant; and
119 have difficulties in speaking, reading, writing, or understanding the English
120 language sufficient to deny such individuals the ability to meet the state's
121 proficient level of achievement on state assessments described in Public Law
122 107-10, the ability to achieve successfully in classrooms where the language of
123 instruction is English, or the opportunity to participate fully in society;

124 (9) "Limited English proficiency threshold" shall be calculated by dividing
125 the total limited English proficiency pupil count of every performance district that

126 falls entirely above the bottom five percent and entirely below the top five percent
127 of average daily attendance, when such districts are rank-ordered based on their
128 current operating expenditures per average daily attendance, by the total average
129 daily attendance of all included performance districts;

130 (10) "Local effort":

131 (a) For the fiscal year 2007 calculation, "local effort" shall be computed as
132 the equalized assessed valuation of the property of a school district in calendar
133 year 2004 divided by one hundred and multiplied by the performance levy less the
134 percentage retained by the county assessor and collector plus one hundred
135 percent of the amount received in fiscal year 2005 for school purposes from
136 intangible taxes, fines, escheats, payments in lieu of taxes and receipts from
137 state-assessed railroad and utility tax, one hundred percent of the amount
138 received for school purposes pursuant to the merchants' and manufacturers' taxes
139 under sections 150.010 to 150.370, one hundred percent of the amounts received
140 for school purposes from federal properties under sections 12.070 and 12.080
141 except when such amounts are used in the calculation of federal impact aid
142 pursuant to P.L. 81-874, fifty percent of Proposition C revenues received for
143 school purposes from the school district trust fund under section 163.087, and one
144 hundred percent of any local earnings or income taxes received by the district for
145 school purposes. Under this paragraph, for a special district established under
146 sections 162.815 to 162.940 in a county with a charter form of government and
147 with more than one million inhabitants, a tax levy of zero shall be utilized in lieu
148 of the performance levy for the special school district;

149 (b) In every year subsequent to fiscal year 2007, "local effort" shall be the
150 amount calculated under paragraph (a) of this subdivision plus any increase in
151 the amount received for school purposes from fines. If a district's assessed
152 valuation has decreased subsequent to the calculation outlined in paragraph (a)
153 of this subdivision, the district's local effort shall be calculated using the district's
154 current assessed valuation in lieu of the assessed valuation utilized in the
155 calculation outlined in paragraph (a) of this subdivision. When a change in a
156 school district's boundary lines occurs because of a boundary line change,
157 annexation, attachment, consolidation, reorganization, or dissolution under
158 section 162.071, 162.081, sections 162.171 to 162.201, section 162.221, 162.223,
159 162.431, 162.441, or 162.451, or in the event that a school district assumes any
160 territory from a district that ceases to exist for any reason, the department of
161 elementary and secondary education shall make a proper adjustment to each

162 affected district's local effort, so that each district's local effort figure conforms
163 to the new boundary lines of the district. The department shall compute the local
164 effort figure by applying the calendar year 2004 assessed valuation data to the
165 new land areas resulting from the boundary line change, annexation, attachment,
166 consolidation, reorganization, or dissolution and otherwise follow the procedures
167 described in this subdivision;

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

169 (a) The number of resident full-time students and the full-time equivalent
170 number of part-time students who were enrolled in the public schools of the
171 district on the last Wednesday in September of the previous year and who were
172 in attendance one day or more during the preceding ten school days; and

173 (b) The number of resident full-time students and the full-time equivalent
174 number of part-time students who were enrolled in the public schools of the
175 district on the last Wednesday in January of the previous year and who were in
176 attendance one day or more during the preceding ten school days, plus the
177 full-time equivalent number of summer school pupils. "Full-time equivalent
178 number of part-time students" is determined by dividing the total number of
179 hours for which all part-time students are enrolled by the number of hours in the
180 school term. "Full-time equivalent number of summer school pupils" is
181 determined by dividing the total number of hours for which all summer school
182 pupils were enrolled by the number of hours required pursuant to section 160.011
183 in the school term. Only students eligible to be counted for average daily
184 attendance shall be counted for membership;

185 (12) "Operating levy for school purposes", the sum of tax rates levied for
186 teachers' and incidental funds plus the operating levy or sales tax equivalent
187 pursuant to section 162.1100 of any transitional school district containing the
188 school district, in the payment year, not including any equalized operating levy
189 for school purposes levied by a special school district in which the district is
190 located;

191 (13) "Performance district", any district that has met performance
192 standards and indicators as established by the department of elementary and
193 secondary education for purposes of accreditation under section 161.092 and as
194 reported on the final annual performance report for that district each year; for
195 calculations to be utilized for payments in fiscal years subsequent to fiscal year
196 2018, the number of performance districts shall not exceed twenty-five percent of
197 all public school districts;

198 (14) "Performance levy", three dollars and forty-three cents;
199 (15) "School purposes" pertains to teachers' and incidental funds;
200 (16) "Special education pupil count", the number of public school students
201 with a current individualized education program or services plan and receiving
202 services from the resident district as of December first of the preceding school
203 year, except for special education services provided through a school district
204 established under sections 162.815 to 162.940 in a county with a charter form of
205 government and with more than one million inhabitants, in which case the sum
206 of the students in each district within the county exceeding the special education
207 threshold of each respective district within the county shall be counted within the
208 special district and not in the district of residence for purposes of distributing the
209 state aid derived from the special education pupil count;
210 (17) "Special education threshold" shall be calculated by dividing the total
211 special education pupil count of every performance district that falls entirely
212 above the bottom five percent and entirely below the top five percent of average
213 daily attendance, when such districts are rank-ordered based on their current
214 operating expenditures per average daily attendance, by the total average daily
215 attendance of all included performance districts;
216 (18) "State adequacy target", the sum of the current operating
217 expenditures of every performance district that falls entirely above the bottom
218 five percent and entirely below the top five percent of average daily attendance,
219 when such districts are rank-ordered based on their current operating
220 expenditures per average daily attendance, divided by the total average daily
221 attendance of all included performance districts. The department of elementary
222 and secondary education shall first calculate the state adequacy target for fiscal
223 year 2007 and recalculate the state adequacy target every two years using the
224 most current available data. The recalculation shall never result in a decrease
225 from the previous state adequacy target amount. Should a recalculation result
226 in an increase in the state adequacy target amount, fifty percent of that increase
227 shall be included in the state adequacy target amount in the year of recalculation,
228 and fifty percent of that increase shall be included in the state adequacy target
229 amount in the subsequent year. The state adequacy target may be adjusted to
230 accommodate available appropriations as provided in subsection 7 of section
231 163.031;
232 (19) "Teacher", any teacher, teacher-secretary, substitute teacher,
233 supervisor, principal, supervising principal, superintendent or assistant

234 superintendent, school nurse, social worker, counselor or librarian who shall,
235 regularly, teach or be employed for no higher than grade twelve more than
236 one-half time in the public schools and who is certified under the laws governing
237 the certification of teachers in Missouri;

238 (20) "Weighted average daily attendance", the average daily attendance
239 plus the product of twenty-five hundredths multiplied by the free and reduced
240 **price** lunch pupil count that exceeds the free and reduced **price** lunch threshold,
241 plus the product of seventy-five hundredths multiplied by the number of special
242 education pupil count that exceeds the special education threshold, plus the
243 product of six-tenths multiplied by the number of limited English proficiency
244 pupil count that exceeds the limited English proficiency threshold. For special
245 districts established under sections 162.815 to 162.940 in a county with a charter
246 form of government and with more than one million inhabitants, weighted
247 average daily attendance shall be the average daily attendance plus the product
248 of twenty-five hundredths multiplied by the free and reduced **price** lunch pupil
249 count that exceeds the free and reduced **price** lunch threshold, plus the product
250 of seventy-five hundredths multiplied by the sum of the special education pupil
251 count that exceeds the threshold for each county district, plus the product of
252 six-tenths multiplied by the limited English proficiency pupil count that exceeds
253 the limited English proficiency threshold. None of the districts comprising a
254 special district established under sections 162.815 to 162.940 in a county with a
255 charter form of government and with more than one million inhabitants, shall use
256 any special education pupil count in calculating their weighted average daily
257 attendance.

163.018. 1. Notwithstanding the definition of "average daily attendance"
2 in subdivision (2) of section 163.011 to the contrary, pupils between the ages of
3 three and five who are eligible for free and reduced **price** lunch and attend an
4 early childhood education program that is operated by and in a district or by a
5 charter school that has declared itself as a local educational agency providing
6 full-day kindergarten and that meets standards established by the state board of
7 education shall be included in the district's or charter school's calculation of
8 average daily attendance. The total number of such pupils included in the
9 district's or charter school's calculation of average daily attendance shall not
10 exceed four percent of the total number of pupils who are eligible for free and
11 reduced **price** lunch between the ages of [three] **five** and eighteen who are
12 included in the district's or charter school's calculation of average daily

13 attendance.

14 2. (1) For any district that has been declared unaccredited by the state
15 board of education and remains unaccredited as of July 1, 2015, **and for any**
16 **charter school located in said district**, the provisions of subsection 1 of this
17 section shall become applicable during the 2015-16 school year.

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

22 (3) For any district that has been declared provisionally accredited by the
23 state board of education and remains provisionally accredited as of July 1, 2016,
24 **and for any charter school located in said district**, the provisions of
25 subsection 1 of this section shall become applicable beginning in the 2016-17
26 school year.

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

31 (5) For all other districts **and charter schools**, the provisions of
32 subsection 1 of this section shall become effective in any school year subsequent
33 to a school year in which the amount appropriated for subsections 1 and 2 of
34 section 163.031 is equal to or exceeds the amount necessary to fund the entire
35 entitlement calculation determined by subsections 1 and 2 of section 163.031, and
36 shall remain effective in all school years thereafter, irrespective of the amount
37 appropriated for subsections 1 and 2 of section 163.031 in any succeeding year.

38 3. This section shall not require school attendance beyond that mandated
39 under section 167.031 and shall not change or amend the provisions of sections
40 160.051, 160.053, 160.054, and 160.055 relating to kindergarten attendance.

 Section B. Because of the importance of funding elementary and secondary
2 education, 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 on July 1, 2016.

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