

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 137**

101ST GENERAL ASSEMBLY

0081S.04C

ADRIANE D. CROUSE, Secretary

**AN ACT**

To repeal section 160.415, RSMo, and to enact in lieu thereof one new section relating to funding for charter schools.

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

Section A. Section 160.415, RSMo, is repealed and one new  
2 section enacted in lieu thereof, to be known as section 160.415,  
3 to read as follows:

160.415. 1. For the purposes of calculation and  
2 distribution of state school aid under section 163.031,  
3 pupils enrolled in a charter school shall be included in the  
4 pupil enrollment of the school district within which each  
5 pupil resides. Each charter school shall report the [names,  
6 addresses, and] eligibility for free and reduced price  
7 lunch, special education, or limited English proficiency  
8 status, as well as eligibility for categorical aid, of  
9 pupils resident in a school district who are enrolled in the  
10 charter school to the school district in which those pupils  
11 reside. The charter school shall report the average daily  
12 attendance data, free and reduced price lunch count, special  
13 education pupil count, and limited English proficiency pupil  
14 count to the state department of elementary and secondary  
15 education. Each charter school shall promptly notify the  
16 state department of elementary and secondary education and

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

17 the pupil's school district when a student discontinues  
18 enrollment at a charter school.

19       2. **In all school districts except a metropolitan**  
20 **school district, this subsection shall apply to all school**  
21 **years ending on or before June 30, 2022. In all**  
22 **metropolitan school districts, this subsection shall apply**  
23 **to all school years ending on or before June 30, 2024.**

24 Except as provided in subsections 3 and 4 of this section,  
25 the aid payments for charter schools shall be as described  
26 in this subsection.

27       (1) A school district having one or more resident  
28 pupils attending a charter school shall pay to the charter  
29 school an annual amount equal to the product of the charter  
30 school's weighted average daily attendance and the state  
31 adequacy target, multiplied by the dollar value modifier for  
32 the district, plus local tax revenues per weighted average  
33 daily attendance from the incidental and teachers' funds in  
34 excess of the performance levy as defined in section 163.011  
35 plus all other state aid attributable to such pupils.

36       (2) The district of residence of a pupil attending a  
37 charter school shall also pay to the charter school any  
38 other federal or state aid that the district receives on  
39 account of such **[child] pupil**.

40       (3) If the department overpays or underpays the amount  
41 due to the charter school, such overpayment or underpayment  
42 shall be repaid by the **[public]** charter school or credited  
43 to the **[public]** charter school in twelve equal payments in  
44 the next fiscal year.

45       (4) The amounts provided pursuant to this subsection  
46 shall be prorated for partial year enrollment for a pupil.

47       (5) A school district shall pay the amounts due  
48 pursuant to this subsection as the disbursal agent and no

49 later than twenty days following the receipt of any such  
50 funds. The department of elementary and secondary education  
51 shall pay the amounts due when it acts as the disbursal  
52 agent within five days of the required due date.

53 **3. In all school districts except a metropolitan**  
54 **school district, this subsection shall apply to all school**  
55 **years ending on or before June 30, 2022. In all**  
56 **metropolitan school districts, this subsection shall apply**  
57 **to all school years ending on or before June 30, 2024.** A  
58 workplace charter school shall receive payment for each  
59 eligible pupil as provided under subsection 2 of this  
60 section, except that if the student is not a resident of the  
61 district and is participating in a voluntary interdistrict  
62 transfer program, the payment for such pupils shall be the  
63 same as provided under section 162.1060.

64 **4. In all school districts except a metropolitan**  
65 **school district, this subsection shall apply to all school**  
66 **years ending on or before June 30, 2022. In all**  
67 **metropolitan school districts, this subsection shall apply**  
68 **to all school years ending on or before June 30, 2024.** A  
69 charter school that has declared itself as a local  
70 educational agency shall receive from the department of  
71 elementary and secondary education an annual amount equal to  
72 the product of the charter school's weighted average daily  
73 attendance and the state adequacy target, multiplied by the  
74 dollar value modifier for the district, plus local tax  
75 revenues per weighted average daily attendance from the  
76 incidental and teachers funds in excess of the performance  
77 levy as defined in section 163.011 plus all other state aid  
78 attributable to such pupils. If a charter school declares  
79 itself as a local educational agency, the department of  
80 elementary and secondary education shall, upon notice of the

81 declaration, reduce the payment made to the school district  
82 by the amount specified in this subsection and pay directly  
83 to the charter school the annual amount reduced from the  
84 school district's payment.

85       **5. In all school districts except a metropolitan**  
86 **school district, this subsection shall apply to all school**  
87 **years ending on or before June 30, 2022. In all**  
88 **metropolitan school districts, this subsection shall apply**  
89 **to all school years ending on or before June 30, 2024.** If a  
90 school district fails to make timely payments of any amount  
91 for which it is the disbursal agent, the state department of  
92 elementary and secondary education shall authorize payment  
93 to the charter school of the amount due pursuant to  
94 subsection 2 of this section and shall deduct the same  
95 amount from the next state school aid apportionment to the  
96 owing school district. If a charter school is paid more or  
97 less than the amounts due pursuant to this section, the  
98 amount of overpayment or underpayment shall be adjusted  
99 equally in the next twelve payments by the school district  
100 or the department of elementary and secondary education, as  
101 appropriate. Any dispute between the school district and a  
102 charter school as to the amount owing to the charter school  
103 shall be resolved by the department of elementary and  
104 secondary education, and the department's decision shall be  
105 the final administrative action for the purposes of review  
106 pursuant to chapter 536. During the period of dispute, the  
107 department of elementary and secondary education shall make  
108 every administrative and statutory effort to allow the  
109 continued education of children in their current [public]  
110 charter school setting.

111       **6. The charter school and a local school board may**  
112 agree by contract for services to be provided by the school

113 district to the charter school. The charter school may  
114 contract with any other entity for services. Such services  
115 may include but are not limited to food service, custodial  
116 service, maintenance, management assistance, curriculum  
117 assistance, media services, and libraries and shall be  
118 subject to negotiation between the charter school and the  
119 local school board or other entity. Documented actual costs  
120 of such services shall be paid for by the charter school.

121 7. In the case of a proposed charter school that  
122 intends to contract with an education service provider for  
123 substantial educational services or management services, the  
124 request for proposals shall additionally require the charter  
125 school applicant to:

126 (1) Provide evidence of the education service  
127 provider's success in serving student populations similar to  
128 the targeted population, including demonstrated academic  
129 achievement as well as successful management of nonacademic  
130 school functions, if applicable;

131 (2) Provide a term sheet setting forth the proposed  
132 duration of the service contract; roles and responsibilities  
133 of the governing board, the school staff, and the service  
134 provider; scope of services and resources to be provided by  
135 the service provider; performance evaluation measures and  
136 time lines; compensation structure, including clear  
137 identification of all fees to be paid to the service  
138 provider; methods of contract oversight and enforcement;  
139 investment disclosure; and conditions for renewal and  
140 termination of the contract;

141 (3) Disclose any known conflicts of interest between  
142 the school governing board and proposed service provider or  
143 any affiliated business entities;

144           (4) Disclose and explain any termination or nonrenewal  
145 of contracts for equivalent services for any other charter  
146 school in the United States within the past five years;

147           (5) Ensure that the legal counsel for the charter  
148 school shall report directly to the charter school's  
149 governing board; and

150           (6) Provide a process to ensure that the expenditures  
151 that the education service provider intends to bill to the  
152 charter school shall receive prior approval of the governing  
153 board or its designee.

154           8. A charter school may enter into contracts with  
155 community partnerships and state agencies acting in  
156 collaboration with such partnerships that provide services  
157 to children and their families linked to the school.

158           9. A charter school shall be eligible for  
159 transportation state aid pursuant to section 163.161 and  
160 shall be free to contract with the local district, or any  
161 other entity, for the provision of transportation to the  
162 students of the charter school.

163           10. (1) The proportionate share of state and federal  
164 resources generated by students with disabilities or staff  
165 serving them shall be paid in full to charter schools  
166 enrolling those students by their school district where such  
167 enrollment is through a contract for services described in  
168 this section. The proportionate share of money generated  
169 under other federal or state categorical aid programs shall  
170 be directed to charter schools serving such students  
171 eligible for that aid.

172           (2) A charter school shall provide the special  
173 services provided pursuant to section 162.705 and may  
174 provide the special services pursuant to a contract with a  
175 school district or any provider of such services.

176           11. A charter school [may] **shall** not charge tuition or  
177 impose fees that a school district is prohibited from  
178 charging or imposing, except that a charter school may  
179 receive tuition payments from districts in the same or an  
180 adjoining county for nonresident students who transfer to an  
181 approved charter school, as defined in section 167.895, from  
182 an unaccredited district.

183           12. A charter school is authorized to incur debt in  
184 anticipation of receipt of funds. A charter school may also  
185 borrow to finance facilities and other capital items. A  
186 school district may incur bonded indebtedness or take other  
187 measures to provide for physical facilities and other  
188 capital items for charter schools that it sponsors or  
189 contracts with. Except as otherwise specifically provided  
190 in sections 160.400 to 160.425, upon the dissolution of a  
191 charter school, any liabilities of the corporation will be  
192 satisfied through the procedures of chapter 355. A charter  
193 school shall satisfy all its financial obligations within  
194 twelve months of notice from the sponsor of the charter  
195 school's closure under subsection 8 of section 160.405.  
196 After satisfaction of all its financial obligations, a  
197 charter school shall return any remaining state and federal  
198 funds to the department of elementary and secondary  
199 education for disposition as stated in subdivision (17) of  
200 subsection 1 of section 160.405. The department of  
201 elementary and secondary education may withhold funding at a  
202 level the department determines to be adequate during a  
203 school's last year of operation until the department  
204 determines that school records, liabilities, and reporting  
205 requirements, including a full audit, are satisfied.

206           13. Charter schools shall not have the power to  
207 acquire property by eminent domain.

208           14. The governing [body] **board** of a charter school is  
209 authorized to accept grants, gifts, or donations of any kind  
210 and to expend or use such grants, gifts, or donations. A  
211 grant, gift, or donation [may] **shall** not be accepted by the  
212 governing [body] **board** if it is subject to any condition  
213 contrary to law applicable to the charter school or other  
214 public schools, or contrary to the terms of the charter.

215           15. (1) **As used in this section, the following terms**  
216 **mean:**

217           (a) "Department", the department of elementary and  
218 **secondary education;**

219           (b) "Local aid", all local and county revenue received  
220 by the school district and charter schools within the school  
221 district. The term "local aid":

222           a. Includes, but is not limited to, the following:

223           (i) Property taxes and delinquent taxes;

224           (ii) Merchants' and manufacturers' tax revenues,  
225 except that an urban school district containing most or all  
226 of a city with a population greater than three hundred fifty  
227 thousand inhabitants may annually withhold merchants' and  
228 manufacturers' tax revenues required for repayment of Series  
229 2009, Series 2010, Series 2015, and Series 2016 bonds. Such  
230 school district shall not withhold merchants' and  
231 manufacturers' tax revenues after the fiscal year ending  
232 June 30, 2036;

233           (iii) Financial institutions' tax revenues;

234           (iv) City sales tax revenue, including city sales tax  
235 collected in any city not within a county;

236           (v) Payments in lieu of taxes;

237           (vi) Revenues from state-assessed railroad and  
238 utilities tax; and

239           (vii) Any future aid; and



240           b. Shall not be construed to include:

241           (i) Charitable contributions, gifts, and grants made  
242 to school districts and charter schools;

243           (ii) Interest earnings of school districts and charter  
244 schools;

245           (iii) Student fees paid to school districts and  
246 charter schools;

247           (iv) Debt service authorized by a public vote for the  
248 purpose of making payments on a bond issuance of a school  
249 district;

250           (v) Proposition C revenues received for school  
251 purposes from the school district trust fund under section  
252 163.087; or

253           (vi) Any other funding solely intended for a  
254 particular school district or charter school and its  
255 respective employees, schools, foundations, or organizations.

256           (2) Notwithstanding any other provision of law to the  
257 contrary, the calculation in this subsection shall be used  
258 to calculate state and local aid only for charter schools  
259 operated in:

260           (a) A metropolitan school district;

261           (b) An urban school district containing part or all of  
262 a city with more than three hundred fifty thousand  
263 inhabitants;

264           (c) A school district that has been classified as  
265 unaccredited by the state board of education;

266           (d) A school district that has been accredited without  
267 provisions, sponsored only by the local school board. No  
268 board with a current school year enrollment of at least one  
269 thousand five hundred fifty students shall permit more than  
270 thirty-five percent of the school district's student  
271 enrollment to enroll in charter schools sponsored by the

272 local board under the authority of this subdivision, except  
273 that this restriction shall not apply to any school district  
274 that subsequently becomes eligible under paragraph (a) or  
275 (b) of this subdivision or to any district accredited  
276 without provisions that sponsors charter schools prior to  
277 having a current school year student enrollment of at least  
278 one thousand five hundred fifty students; or

279 (e) A school district that has been classified as  
280 provisionally accredited by the state board of education and  
281 has received scores on its annual performance report  
282 consistent with a classification of provisionally accredited  
283 or unaccredited for three consecutive school years beginning  
284 with the 2012-13 accreditation year under the following  
285 conditions:

286 a. The eligibility for charter schools of any school  
287 district whose provisional accreditation is based in whole  
288 or in part on financial stress, as defined in sections  
289 161.520 to 161.529, or on financial hardship, as defined by  
290 rule of the state board of education, shall be decided by a  
291 vote of the state board of education during the third  
292 consecutive school year after the designation of provisional  
293 accreditation; and

294 b. The sponsor is limited to the local school board or  
295 a sponsor who has met the standards of accountability and  
296 performance as determined by the department based on  
297 sections 160.400 to 160.425 and section 167.349 and properly  
298 promulgated rules of the department.

299 (3) Each charter school and each school district  
300 responsible for distributing local aid to charter schools  
301 under this subsection shall include as part of its annual  
302 independent audit an audit of pupil residency, enrollment,

303 and attendance in order to verify pupil residency in the  
304 school district or local education agency.

305 (4) A school district having one or more resident  
306 pupils attending a charter school shall pay to the charter  
307 school an annual amount equal to the product of the charter  
308 school's weighted average daily attendance and the state  
309 adequacy target, multiplied by the dollar value modifier for  
310 the district, less the charter school's share of local  
311 effort as defined in section 163.011 plus all other state  
312 aid attributable to such pupils plus local aid received by  
313 the school district divided by the total weighted average  
314 daily attendance of the school district and all charter  
315 schools within the school district per weighted average  
316 daily attendance of the charter school.

317 (5) A charter school that has declared itself a local  
318 educational agency shall receive all state aid calculated  
319 under this subsection from the department and all local aid  
320 calculated under this subsection from the school district.  
321 A charter school shall receive an annual amount equal to the  
322 product of the charter school's weighted average daily  
323 attendance and the state adequacy target, multiplied by the  
324 dollar value modifier for the district, less the charter  
325 school's share of local effort as defined in section 163.011  
326 plus all other state aid attributable to such pupils plus  
327 local aid received by the school district divided by the  
328 total weighted average daily attendance of the school  
329 district and all charter schools within the school district  
330 per weighted average daily attendance of the charter school.

331 (6) (a) The school district shall withhold, from the  
332 January local effort payment received by the school  
333 district, an annual administrative fee for the purpose of  
334 supporting administrative costs the school district incurs

335 for charter schools operating within the school district.  
336 The administrative fee shall be equal to one-fourth of one  
337 percent of the sum of the prior year's state aid received by  
338 the school district, the prior year's state aid received by  
339 the charter schools within the school district, and the  
340 prior year's local aid received by the school district and  
341 the charter schools within the school district. As used in  
342 this paragraph, "state aid" means the product of the school  
343 district or charter school's weighted average daily  
344 attendance and the state adequacy target, multiplied by the  
345 dollar value modifier for the district, less the school  
346 district or charter school's share of local effort as  
347 defined in section 163.011.

348 (b) On or before December thirty-first of each year,  
349 the school district shall transmit to the department the  
350 total annual local aid calculation described in subdivision  
351 (7) of this subsection. If the school district fails to  
352 transmit the annual local aid calculation to the department,  
353 the school district shall not withhold the administrative  
354 fee.

355 (c) The department shall calculate the administrative  
356 fee under the formula in this subdivision using data from  
357 the previous school year. On or before January fifteenth of  
358 the following year, the department shall transmit to the  
359 school district the calculation of the administrative fee  
360 and make such calculation publicly available on the  
361 department's website.

362 (7) Each month the school district shall calculate the  
363 amount of local aid received by the school district that is  
364 owed to the charter school by the school district under this  
365 subsection. The school district shall pay to the charter  
366 school the amount of local aid owed to the charter school,

367 as calculated by the school district using the previous  
368 month's weighted average daily attendance of the charter  
369 school. If any payment of local aid is due, the school  
370 district shall make monthly payments on the twenty-first day  
371 of each month or upon the closest business day beginning in  
372 July of each year.

373 (a) If the school district fails to make timely  
374 payment, the department shall impose any penalty the  
375 department deems appropriate.

376 (b) The school district shall, as part of its annual  
377 audit as required by section 165.111, include a report  
378 converting the local aid received from an accrual basis to a  
379 cash basis. Such report shall be made publicly available on  
380 its district website in a searchable format or as a  
381 downloadable and searchable document.

382 (8) The department shall conduct an annual review of  
383 any payments made in the previous fiscal year under  
384 subdivision (7) of this subsection to determine if there has  
385 been any underpayment or overpayment. The annual review, to  
386 be conducted in January of each year, shall include a  
387 calculation of the amount of local aid owed to charter  
388 schools using the first preceding year's annual audit  
389 required by section 165.111. The school district shall pay  
390 to the charter school the amount of local aid owed to the  
391 charter school as calculated by the department. In the  
392 event of an underpayment, the school district shall remit  
393 the underpayment amount to the charter school. In the event  
394 of an overpayment, the charter school shall remit the  
395 overpayment amount to the school district.

396 (a) If the school district fails to remit any  
397 underpayment amount to the charter school within thirty days

398 of notification of the underpayment amount, the department  
399 shall impose any penalty the department deems appropriate.

400 (b) If the charter school fails to remit any  
401 overpayment amount to the school district within thirty days  
402 of notification of the overpayment amount, the department  
403 shall impose any penalty the department deems appropriate.

404 (9) If a prior year correction of the amount of local  
405 aid is necessary, the school district shall recalculate the  
406 amount owed to a charter school and either remit any  
407 underpayment amount to the charter school or provide a bill  
408 to the charter school for any overpayment amount. Any  
409 underpayment or overpayment amount shall be remitted under  
410 the schedules in paragraphs (a) and (b) of subdivision (8)  
411 of this subsection.

412 (10) (a) The annual review conducted pursuant to  
413 subdivision (8) of this subsection shall also assess whether  
414 public school and charter school recipients of state and  
415 local taxpayer dollars provide similar amounts and quality  
416 of services to schools and their pupils, including but not  
417 limited to:

418 a. Taxpayer accountability for use of public funds;

419 b. Transparency in accreditation standards and  
420 classifications;

421 c. Student transportation;

422 d. School calendar allowances and requirements;

423 e. Ability to enroll and accommodate new students;

424 f. Teacher certification; and

425 g. Teacher retention.

426 (b) The results of the annual assessment shall be a  
427 public record and distributed to the general assembly.

428 (11) (a) For the purposes of this subdivision, net  
429 cost for providing special educational services for the

430 school district and each charter school within the school  
431 district shall be calculated as the total special  
432 educational services costs minus the total special  
433 educational services funding.

434 (b) For the purposes of this subdivision, total  
435 special educational services costs shall be calculated as  
436 the sum of the total cost of the following as reported on  
437 the annual secretary of the board report for the school  
438 district and each charter school within the school district:

- 439 a. Department-defined special education instruction;
- 440 b. Tuition for special education programs;
- 441 c. Health services;
- 442 d. Psychology services;
- 443 e. Speech and language services;
- 444 f. Audiology services;
- 445 g. Occupational therapy;
- 446 h. Physical therapy;
- 447 i. Visually impaired services; and
- 448 j. Special education transportation services.

449 (c) For the purposes of this subdivision, total  
450 special educational services funding shall be calculated as  
451 the sum of the state aid and local effort per weighted  
452 average daily attendance for the school district and the sum  
453 of the state aid and local aid per weighted average daily  
454 attendance for the charter schools within the school  
455 district multiplied by the total number of students with an  
456 individualized educational plan as reported in December to  
457 the department, plus any funds received under 162.974, plus  
458 any funds received under the federal Individuals with  
459 Disabilities Education Act (IDEA) (20 U.S.C. Section 1400,  
460 et seq.), as amended, plus any additional weighted state aid  
461 funds received as a result of serving a percentage of

462 special education students that exceeds the special  
463 educational threshold as defined in 163.011. As used in  
464 this subdivision, "school district state aid" means the  
465 product of the school district's weighted average daily  
466 attendance and the state adequacy target, multiplied by the  
467 dollar value modifier for the district, less the school  
468 district's share of local effort as defined in section  
469 163.011. As used in this subdivision, "charter school state  
470 aid" means the product of the charter school's weighted  
471 average daily attendance and the state adequacy target,  
472 multiplied by the dollar value modifier for the district,  
473 less the charter school's share of local effort as defined  
474 in section 163.011.

475 (d) Each school district that has charter schools  
476 operating within the school district and each charter school  
477 shall, as part of the annual audit provided to the  
478 department, report the number of students with an  
479 individualized educational plan, the costs incurred for  
480 providing special educational services as described in  
481 paragraph (b) of this subdivision, the amount of funds drawn  
482 down under section 162.974, and the amount of funds drawn  
483 down under the federal Individuals with Disabilities  
484 Education Act (IDEA) (20 U.S.C. Section 1400, et seq.), as  
485 amended.

486 (e) On or before February fourteenth of each year, the  
487 department shall calculate for each school district that has  
488 charter schools operating within the school district and  
489 each charter school the net cost for providing special  
490 educational services. The department shall transmit such  
491 calculations to the charter school or school district and  
492 make such calculations publicly available on the  
493 department's website.



494           (f) The February local aid payment to charter schools  
495 within the school district shall be paid from the total  
496 local aid funds received in January by the school district.  
497 The February local aid payment per weighted average daily  
498 attendance to charter schools within the school district  
499 shall be calculated as follows:

500           a. The school district shall withhold the  
501 administrative fee described in paragraph (a) of subdivision  
502 (6) of this subsection from the total local aid funds  
503 received in January by the school district.

504           b. After withholding the administrative fee, the  
505 school district shall withhold from the remaining local aid  
506 funds an amount equal to the school district's prior year  
507 positive net cost for providing special educational services  
508 only if the school district is determined to have a positive  
509 net cost by the department under paragraph (e) of this  
510 subdivision.

511           c. After withholding the administrative fee, the  
512 school district shall withhold from the remaining local aid  
513 funds an amount equal to the sum of the prior year positive  
514 net cost for providing special educational services for  
515 charter schools within the school district for charter  
516 schools determined to have a positive net cost by the  
517 department under paragraph (e) of this subdivision. No  
518 later than February twenty-eighth of each year the school  
519 district shall distribute such funds to each charter school  
520 determined to have a positive net cost an amount equal to  
521 each charter school's positive net cost as calculated under  
522 paragraph (e) of this subdivision.

523           d. After withholding the administrative fee and  
524 special education funds under subparagraphs a., b., and c.  
525 of this paragraph, the school district shall divide the

526 remaining local aid funds by the sum of the current year  
527 estimated weighted average daily attendance for January of  
528 the school district plus the sum of the current year  
529 estimated weighted average daily attendance for January of  
530 all charter schools within the school district.

531 e. To determine the amount of the February local aid  
532 payment to each charter school within the school district,  
533 the school district shall multiply the value calculated in  
534 subparagraph d. of this paragraph by the current year  
535 estimated weighted average daily attendance for January for  
536 each charter school within the school district. The school  
537 district shall distribute the February local aid payment to  
538 each charter school within the school district on or before  
539 February twenty-eighth.

540 (g) The department shall adjust the net cost for  
541 providing special educational services for each charter  
542 school and each school district that has charter schools  
543 operating within the school district based on the report  
544 required in paragraph (d) of this subdivision for reasons  
545 including, but not limited to, underreporting or  
546 overreporting the number of students with an individualized  
547 educational plan or the cost to provide services to students  
548 with an individualized educational plan, failure to draw  
549 down funds under section 162.974, failure to draw down or  
550 accrue for within the applicable fiscal year all funds to  
551 which the charter school or school district is entitled  
552 under the federal Individuals with Disabilities Education  
553 Act (IDEA) (20 U.S.C. Section 1400 et seq.), as amended, and  
554 costs determined by the department to be excessive relative  
555 to the special educational services provided.

556 (h) Any funds received by the school district or  
557 charter school under this subdivision shall not be

558 considered when calculating a withhold or payment in  
559 paragraph (f) of this subdivision in the following year.

560 (i) In all school districts except a metropolitan  
561 school district, this subdivision shall apply beginning on  
562 February 1, 2024. In all metropolitan school districts,  
563 this subdivision shall apply beginning on February 1, 2026.

564 (12) In all school districts except a metropolitan  
565 school district, this subsection shall apply to all school  
566 years beginning on or after July 1, 2022. In all  
567 metropolitan school districts, this subsection shall apply  
568 to all school years beginning on or after July 1, 2024.

569 16. The department may promulgate rules for the annual  
570 review of payments and any penalties to be assessed under  
571 subsection 15 of this section. Any rule or portion of a  
572 rule, as that term is defined in section 536.010, that is  
573 created under the authority delegated in this section shall  
574 become effective only if it complies with and is subject to  
575 all of the provisions of chapter 536 and, if applicable,  
576 section 536.028. This section and chapter 536 are  
577 nonseverable, and if any of the powers vested with the  
578 general assembly pursuant to chapter 536 to review, to delay  
579 the effective date, or to disapprove and annul a rule are  
580 subsequently held unconstitutional, then the grant of  
581 rulemaking authority and any rule proposed or adopted after  
582 August 28, 2021, shall be invalid and void.

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