

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

5090L.07C

D. ADAM CRUMBLISS, Chief Clerk

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.

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163.036, 2 163.037, 163.044, 168.500, 168.515, 165.011, 168.221, 171.029, 171.031, 171.033, and 178.697, 3 RSMo, are repealed and seventeen new sections enacted in lieu thereof, to be known as sections 4 160.011, 160.041, 160.545, 161.209, 163.021, 163.031, 163.036, 163.044, 163.410,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 **subsections 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:

	Percentage	Percentage	Percentage
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.

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