

FIRST REGULAR SESSION

# HOUSE BILL NO. 658

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE HAGAN-HARRELL.

Read 1<sup>st</sup> time February 6, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1556L.011

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### AN ACT

To repeal sections 163.011 and 171.031, RSMo 2000, relating to the school calendar, and to enact in lieu thereof two new sections relating to the same subject.

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

Section A. Sections 163.011 and 171.031, RSMo 2000, are repealed and two new sections enacted in lieu thereof, to be known as sections 163.011 and 171.031, to read as follows:  
163.011. As used in this chapter unless the context requires otherwise:

(1) "Adjusted gross income":

(a) "District adjusted gross income per return" shall be the total Missouri individual adjusted gross income in a school district divided by the total number of Missouri income tax returns filed from the school district as reported by the state department of revenue for the second preceding year;

(b) "State adjusted gross income per return" shall be the total Missouri individual adjusted gross income divided by the total number of Missouri individual income tax returns, of those returns designating school districts, as reported by the state department of revenue for the second preceding year;

(c) "District income factor" shall be one plus thirty percent of the difference of the district income ratio minus one, except that the district income factor applied to the portion of the assessed valuation corresponding to any increase in assessed valuation above the assessed valuation of a district as of December 31, 1994, shall not exceed a value of one;

(d) "District income ratio" shall be the ratio of the district adjusted gross income per return divided by the state adjusted gross income per return;

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

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

20 (3) "Average daily attendance" means the quotient or the sum of the quotients obtained  
21 by dividing the total number of hours attended in a term by resident pupils between the ages of  
22 five and twenty-one by the actual number of hours school was in session in that term[. To the  
23 average daily attendance of the following school term shall be added the full-time equivalent  
24 average daily attendance of summer school students. "Full-time equivalent average daily  
25 attendance of summer school students" shall be computed by dividing the total number of hours  
26 attended by all summer school pupils by the number of hours required in section 160.011,  
27 RSMo, in the school term] **multiplied by the hours of actual attendance divided by one**  
28 **thousand forty-four**. For purposes of determining average daily attendance [under] **pursuant**  
29 **to** this subdivision, the term "resident pupil" shall include all children between the ages of five  
30 and twenty-one who are residents of the school district and who are attending kindergarten  
31 through grade twelve in such district. If a child is attending school in a district other than the  
32 district of residence and the child's parent is teaching in the school district or is a regular  
33 employee of the school district which the child is attending, then such child shall be considered  
34 a resident pupil of the school district which the child is attending for such period of time when  
35 the district of residence is not otherwise liable for tuition. Average daily attendance for students  
36 below the age of five years for which a school district may receive state aid based on such  
37 attendance shall be computed as regular school term attendance unless otherwise provided by  
38 law;

39 (4) "Current operating costs", all expenditures for instruction and support services  
40 excluding capital outlay and debt service expenditures less the revenue from federal categorical  
41 sources, food service, student activities and payments from other districts;

42 (5) "District's target rate", the district's average percentage of pupils from fiscal years  
43 2000 to 2005 scoring at or above the proficiency level on the statewide assessment system on  
44 either mathematics or reading/communication arts plus one percentage point for each year after  
45 fiscal year 2005 except that the district's target rate shall not exceed the statewide average  
46 percentage from fiscal year 2000 to fiscal year 2005 scoring at or above the proficiency level on  
47 the statewide assessment system on either mathematics or reading/communication arts;

48 (6) "District's tax rate ceiling", the highest tax rate ceiling in effect subsequent to the  
49 1980 tax year or any subsequent year. Such tax rate ceiling shall not contain any tax levy for  
50 debt service;

51 (7) "Eligible pupils" shall be the sum of the average daily attendance of the school term  
52 plus the product of two times the average daily attendance for summer school;

53 (8) "Equalized assessed valuation of the property of a school district" shall be determined  
54 by multiplying the assessed valuation of the real property subclasses specified in section 137.115,  
55 RSMo, times the percent of true value as adjusted by the department of elementary and  
56 secondary education to an equivalent sales ratio of thirty-three and one-third percent and dividing  
57 by either the percent of true value as determined by the state tax commission on or before March  
58 fifteenth preceding the fiscal year in which the valuation will be effective as adjusted by the  
59 department of elementary and secondary education to an equivalent sales ratio of thirty-three and  
60 one-third percent or the average percent of true value for the highest three of the last four years  
61 as determined and certified by the state tax commission, whichever is greater. To the equalized  
62 locally assessed valuation of each district shall be added the assessed valuation of tangible  
63 personal property. The assessed valuation of property which has previously been excluded from  
64 the tax rolls, which is being contested as not being taxable and which increases the total assessed  
65 valuation of the school district by fifty percent or more, shall not be included in the calculation  
66 of equalized assessed valuation [under] **pursuant to** this subdivision;

67 (9) "Fiscal instructional ratio of efficiency", the quotient of the sum of the district's  
68 current operating costs for all kindergarten through grade twelve direct instructional and direct  
69 pupil support service functions plus the costs of improvement of instruction and the cost of  
70 purchased services and supplies for operation of the facilities housing those programs, excluding  
71 student activities, divided by the sum of the district's current operating cost for kindergarten  
72 through grade twelve, plus all tuition revenue received from other districts minus all noncapital  
73 transportation costs;

74 (10) "Free and reduced lunch eligible pupil count", the number of pupils eligible for free  
75 and reduced lunch on the last Wednesday in January for the preceding school year who were  
76 enrolled as students of the district, as approved by the department in accordance with applicable  
77 federal regulations;

78 (11) "Guaranteed tax base" means the amount of equalized assessed valuation per  
79 eligible pupil guaranteed each school district by the state in the computation of state aid. To  
80 compute the guaranteed tax base, school districts shall be ranked annually from lowest to highest  
81 according to the amount of equalized assessed valuation per pupil. The guaranteed tax base shall  
82 be based upon the amount of equalized assessed valuation per pupil of the school district in  
83 which the ninety-fifth percentile of the state aggregate number of pupils falls during the third  
84 preceding year and shall be equal to the state average equalized assessed valuation per eligible  
85 pupil for the third preceding year times two and one hundred and sixty-seven thousandths; except  
86 that, for the purposes of line 14(b) the guaranteed tax base shall be no greater than the guaranteed  
87 tax base used for the 1998-99 payment year. The average equalized assessed valuation per pupil  
88 shall be the quotient of the total equalized assessed valuation of the state divided by the number

89 of eligible pupils;

90 (12) "Membership" shall be the average of (1) the number of resident full-time students  
91 and the full-time equivalent number of part-time students who were enrolled in the public  
92 schools of the district on the last Wednesday in September of the previous year and who were  
93 in attendance one day or more during the preceding ten school days and (2) the number of  
94 resident full-time students and the full-time equivalent number of part-time students who were  
95 enrolled in the public schools of the district on the last Wednesday in January of the previous  
96 year and who were in attendance one day or more during the preceding ten school days, plus the  
97 full-time equivalent number of summer school pupils. "Full-time equivalent number of part-time  
98 students" is determined by dividing the total number of hours for which all part-time students  
99 are enrolled by the number of hours in the school term. "Full-time equivalent number of summer  
100 school pupils" is determined by dividing the total number of hours for which all summer school  
101 pupils were enrolled by the number of hours required pursuant to section 160.011, RSMo, in the  
102 school term. Only students eligible to be counted for average daily attendance shall be counted  
103 for membership;

104 (13) "Operating levy for school purposes" for districts making transfers pursuant to  
105 subsection 4 of section 165.011, RSMo, based upon amounts multiplied by the guaranteed tax  
106 base, or making payments or expenditures related to obligations made pursuant to section  
107 177.088, RSMo, or any combination of such transfers, payments or expenditures, means the sum  
108 of tax rates levied for teachers' and incidental funds plus the operating levy or sales tax  
109 equivalent pursuant to section 162.1100, RSMo, of any transitional school district containing the  
110 school district, in the payment year, and, for other districts, means the sum of tax rates levied for  
111 incidental, teachers', debt service and capital projects funds plus the operating levy or sales tax  
112 equivalent pursuant to section 162.1100, RSMo, of any transitional school district containing the  
113 school district, with no more than eighteen cents of the sum levied in the debt service and capital  
114 projects funds. Any portion of the operating levy for school purposes levied in the debt service  
115 and capital projects funds in excess of a sum of ten cents must be authorized by a vote of the  
116 people, after August 28, 1998, approving an increase in the operating levy, or a full waiver of the  
117 rollback pursuant to section 164.013, RSMo, with a tax rate ceiling in excess of the minimum  
118 tax rate or an issuance of general obligation bond. The operating levy shall be, after all  
119 adjustments and equalization of the operating levy, no greater than a maximum value of four  
120 dollars and ninety-five cents per one hundred dollars assessed valuation, except that the operating  
121 levy shall be no greater than a maximum value of four dollars and seventy cents per one hundred  
122 dollars assessed valuation for the purposes of line 2 of subsection 6 of section 163.031. To  
123 equalize the operating levy, multiply the aggregate tax rates for teachers' and incidental funds by  
124 either the percent of true value, as determined by the state tax commission on or before March

fifteenth preceding the fiscal year in which the evaluation will be effective as adjusted by the department of elementary and secondary education to an equivalent sales ratio of thirty-three and one-third percent, or the average percent of true value for the highest three of the last four years as determined and certified by the state tax commission, whichever is greater, and divide by the percent of true value as adjusted by the department of elementary and secondary education to an equivalent sales ratio of thirty-three and one-third percent, provided that for any district for which the equivalent sales ratio is equal to or greater than thirty-three and one-third percent, the equalized operating levy shall be the adjusted operating levy. For any county in which the equivalent sales ratio is less than thirty-one and two-thirds percent, the state tax commission shall conduct a second study in that county and shall use a sample consisting of the parcels used as a sample in the original study combined with an equal number of newly selected parcels. If the new ratio is higher than the original ratio provided by this subdivision, the new ratio shall be used for the purposes of this subdivision and for determining equalized assessed valuation pursuant to subdivision (8) of this section. For the purposes of calculating state aid pursuant to section 163.031, for any district which has not enacted a voluntary tax rate rollback nor increased the amount of a voluntary tax rate rollback from the previous year's amount, the tax rate used to determine a district's entitlement shall be adjusted so that any decrease in the entitlement due to a decrease in the tax rate resulting from the reassessment shall equal the decrease in the deduction for the assessed valuation of the district as a result of the change in the tax rate due to reassessment. The tax rate adjustments required [under] **pursuant to** this subdivision due to reassessment shall be cumulative and shall be applied each year to determine the tax rate used to calculate the entitlement; except that whenever the actual current operating levy equals or exceeds the tax rate calculated pursuant to this subdivision for the purpose of determining the district's entitlement, then the prior tax rate adjustments required [under] **pursuant to** this subdivision due to reassessment shall be eliminated and shall not be applied in determining the tax rate used to calculate the district entitlement, except that whenever the actual current operating levy is increased by school board action prior to January 1, 2000, or by district voter approval at any time, to a level which equals or exceeds the tax rate calculated pursuant to this subdivision for the purpose of determining the districts entitlement, then the prior tax rate adjustments required [under] **pursuant to** this subdivision due to reassessment shall be eliminated after five years and shall not thereafter be applied in determining the tax rate used to calculate the district entitlement;

(14) "School purposes" pertains to teachers' and incidental funds;

(15) "Teacher" means any teacher, teacher-secretary, substitute teacher, supervisor, principal, supervising principal, superintendent or assistant superintendent, school nurse, social worker, counselor or librarian who shall, regularly, teach or be employed for no higher than

161 grade twelve more than one-half time in the public schools and who is certified under the laws  
162 governing the certification of teachers in Missouri.

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 and one thousand forty-four hours of actual pupil attendance. The opening date shall not  
4 be earlier than the first day of September, except:

5 (1) If the first day of September falls on Labor Day or a Saturday or Sunday, the school  
6 board in any school district may move the starting day for that term to a subsequent school day;

7 (2) In school districts in which schools are in session for twelve months of each calendar  
8 year; and

9 (3) In school districts in which the school board determines students are needed for  
10 agricultural production purposes.

11 2. No school day shall be longer than seven hours except for vocational schools which  
12 may adopt an eight-hour day in a metropolitan school district and a school district in a first class  
13 county adjacent to a city not within a county.

14 **3. Notwithstanding the provisions of subsection 1 of this section, any school board**  
15 **may prepare annually a calendar for the school term specifying the opening date and**  
16 **providing a minimum term of at least two hundred days and one thousand two hundred**  
17 **hours of actual pupil attendance. The school year shall be divided into four ten-week**  
18 **quarters with two weeks between each quarter. The remaining twenty days shall be used**  
19 **to observe holidays as determined by the board.**

20 **4. The department of elementary and secondary education shall assist districts with**  
21 **year-round programs, pursuant to subsection 3 of this section, with funding for capital**  
22 **improvements and additional teachers' salaries.**