

FIRST REGULAR SESSION

HOUSE BILL NO. 73

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BLAND.

Pre-filed December 8, 2004 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0355L.011

AN ACT

To repeal section 163.021, RSMo, and to enact in lieu thereof one new section relating to alternative education programs.

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

Section A. Section 163.021, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 163.021, to read as follows:

163.021. 1. A school district shall receive state aid for its education program only if it:

(1) Provides for a minimum of one hundred seventy-four days and one thousand forty-four hours of actual pupil attendance in a term scheduled by the board pursuant to section 160.041, RSMo, for each pupil or group of pupils, except that the board shall provide a minimum of one hundred seventy-four days and five hundred twenty-two hours of actual pupil attendance in a term for kindergarten pupils. If any school is dismissed because of inclement weather after school has been in session for three hours, that day shall count as a school day including afternoon session kindergarten students. When the aggregate hours lost in a term due to inclement weather decreases the total hours of the school term below the required minimum number of hours by more than twelve hours for all-day students or six hours for one-half-day kindergarten students, all such hours below the minimum must be made up in one-half day or full day additions to the term, except as provided in section 171.033, RSMo;

(2) Maintains adequate and accurate records of attendance, personnel and finances, as required by the state board of education, which shall include the preparation of a financial statement which shall be submitted to the state board of education the same as required by the provisions of section 165.111, RSMo, for districts;

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.

17 (3) Levies an operating levy for school purposes of not less than one dollar and
18 twenty-five cents after all adjustments and reductions on each one hundred dollars assessed
19 valuation of the district;

20 (4) Computes average daily attendance as defined in subdivision (2) of section 163.011
21 as modified by section 171.031, RSMo. Whenever there has existed within the district an
22 infectious disease, contagion, epidemic, plague or similar condition whereby the school
23 attendance is substantially reduced for an extended period in any school year, the apportionment
24 of school funds and all other distribution of school moneys shall be made on the basis of the
25 school year next preceding the year in which such condition existed.

26 2. Beginning with the tax year which commences January 1, 1998, and for the 1998-99
27 school year and subsequent tax and school years, no school district shall receive more state aid,
28 as calculated under section 163.031 for its education program, exclusive of categorical add-ons,
29 than it received per eligible pupil for the school year 1993-94, unless it has an operating levy for
30 school purposes, as determined pursuant to section 163.011, of not less than two dollars and
31 seventy-five cents after all adjustments and reductions, with no more than ten cents of this tax
32 rate levied in the debt service and capital projects funds and eligible for entry on line 1 of the
33 state school aid formula contained in subsection 6 of section 163.031; except that, beginning in
34 the 1997-98 school year, any district which is required, pursuant to article X, section 22 of the
35 Missouri Constitution, to reduce its operating levy below the minimum tax rate otherwise
36 required under this subsection shall not be construed to be in violation of this subsection for
37 making such tax rate reduction. Pursuant to section 10(c) of article X of the state constitution,
38 a school district may levy the operating levy for school purposes required by this subsection less
39 all adjustments required pursuant to article X, section 22 of the Missouri Constitution if such rate
40 does not exceed the highest tax rate in effect subsequent to the 1980 tax year. Nothing in this
41 section shall be construed to mean that a school district is guaranteed to receive an amount not
42 less than the amount the school district received per eligible pupil for the school year 1990-91.
43 The provisions of this subsection shall not apply to any school district located in a county of the
44 second classification which has a nuclear power plant located in such district or to any school
45 district located in a county of the third classification which has an electric power generation unit
46 with a rated generating capacity of more than one hundred fifty megawatts which is owned or
47 operated or both by a rural electric cooperative except that such school districts may levy for
48 current school purposes and capital projects an operating levy not to exceed two dollars and
49 seventy-five cents less all adjustments required pursuant to article X, section 22 of the Missouri
50 Constitution.

51 3. No school district shall receive more state aid, as calculated in section 163.031, for
52 its education program, exclusive of categorical add-ons, than it received per eligible pupil for the

53 school year 1993-1994, if the state board of education determines that the district was not in
54 compliance in the preceding school year with the requirements of section 163.172, until such
55 time as the board determines that the district is again in compliance with the requirements of
56 section 163.172.

57 4. The department of elementary and secondary education shall evaluate the correlation
58 between district tax rates and district assessed valuation per pupil following each biennial
59 property tax reassessment and shall report its findings to the governor and the general assembly
60 by December first of the year following each reassessment. The findings shall include a
61 calculation of the minimum required property tax rate necessary to maintain a correlation of zero
62 or less between district property tax rate and district assessed valuation per pupil and a report of
63 assessed valuation per pupil and district property tax rate for all districts.

64 5. No school district shall receive state aid, pursuant to section 163.031, if such district
65 was not in compliance, during the preceding school year, with the requirement, established
66 pursuant to section 160.530, RSMo, to allocate revenue to the professional development
67 committee of the district.

68 6. No school district shall receive more state aid, as calculated in section 163.031, for
69 its education program, exclusive of categorical add-ons, than it received per eligible pupil for the
70 school year 1993-1994, if the district did not comply in the preceding school year with the
71 requirements of subsection 7 of section 163.031.

72 7. No school district shall receive state aid, pursuant to section 163.031, if the district
73 failed to make a required payment in the preceding year to the school building revolving fund
74 pursuant to section 166.300, RSMo.

75 **8. After July 1, 2006, no school district shall receive state aid pursuant to section**
76 **163.031 if the district fails to offer an alternative education program under sections 167.320**
77 **to 167.335, RSMo.**

78 **9. Beginning with fiscal year 2006 and for all fiscal years thereafter, one percent**
79 **of the appropriation to the department of elementary and secondary education otherwise**
80 **distributed to the public schools of the state under section 163.031, exclusive of categorical**
81 **add-ons, shall be distributed by the department of elementary and secondary education to**
82 **establish and fund alternative education programs under sections 167.320 to 167.335,**
83 **RSMo.**