

SECOND REGULAR SESSION

# HOUSE BILL NO. 2146

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES BLAND (Sponsor), HUGHES, WRIGHT-JONES, JOHNSON(61), SANDERS BROOKS, HOSKINS, WALTON, LOWE (44), BOWMAN, KRATKY, CORCORAN, WALSH, LIESE, LOW (39), WAGNER, MEINERS, SKAGGS, JOLLY AND LeVOTA (Co-sponsors).

Read 1st time March 31, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5680L.011

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### AN ACT

To repeal section 163.021, RSMo, as enacted by conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 287, ninety-third general assembly, first regular session, and to enact in lieu thereof two new sections relating to alternative education programs, with an emergency clause.

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

Section A. Section 163.021, RSMo, as enacted by conference committee substitute for  
2 house committee substitute for senate substitute for senate committee substitute for senate bill  
3 no. 287, ninety-third general assembly, first regular session, is repealed and two new sections  
4 enacted in lieu thereof, to be known as sections 163.021 and 167.323, to read as follows:

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, RSMo, for each pupil or group of pupils, except that the board shall provide a  
5 minimum of one hundred seventy-four days and five hundred twenty-two hours of actual pupil  
6 attendance in a term for kindergarten pupils. If any school is dismissed because of inclement  
7 weather after school has been in session for three hours, that day shall count as a school day  
8 including afternoon session kindergarten students. When the aggregate hours lost in a term due  
9 to inclement weather decreases the total hours of the school term below the required minimum

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.

10 number of hours by more than twelve hours for all-day students or six hours for one-half-day  
11 kindergarten students, all such hours below the minimum must be made up in one-half day or  
12 full day additions to the term, except as provided in section 171.033, RSMo;

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

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. For the 2006-07 school year and thereafter, no school district shall receive more state  
27 aid, as calculated under subsections 1 and 2 of section 163.031, for its education program,  
28 exclusive of categorical add-ons, than it received per weighted average daily attendance for the  
29 school year 2005-06 from the foundation formula, line 14, gifted, remedial reading, exceptional  
30 pupil aid, fair share, and free textbook payment amounts, unless it has an operating levy for  
31 school purposes, as determined pursuant to section 163.011, of not less than two dollars and  
32 seventy-five cents after all adjustments and reductions. Any district which is required, pursuant  
33 to article X, section 22 of the Missouri Constitution, to reduce its operating levy below the  
34 minimum tax rate otherwise required under this subsection shall not be construed to be in  
35 violation of this subsection for making such tax rate reduction. Pursuant to section 10(c) of  
36 article X of the state constitution, a school district may levy the operating levy for school  
37 purposes required by this subsection less all adjustments required pursuant to article X, section  
38 22 of the Missouri Constitution if such rate does not exceed the highest tax rate in effect  
39 subsequent to the 1980 tax year. Nothing in this section shall be construed to mean that a school  
40 district is guaranteed to receive an amount not less than the amount the school district received  
41 per eligible pupil for the school year 1990-91. The provisions of this subsection shall not apply  
42 to any school district located in a county of the second classification which has a nuclear power  
43 plant located in such district or to any school district located in a county of the third classification  
44 which has an electric power generation unit with a rated generating capacity of more than one  
45 hundred fifty megawatts which is owned or operated or both by a rural electric cooperative

46 except that such school districts may levy for current school purposes and capital projects an  
47 operating levy not to exceed two dollars and seventy-five cents less all adjustments required  
48 pursuant to article X, section 22 of the Missouri Constitution.

49 3. No school district shall receive more state aid, as calculated in section 163.031, for  
50 its education program, exclusive of categorical add-ons, than it received per eligible pupil for the  
51 school year 1993-1994, if the state board of education determines that the district was not in  
52 compliance in the preceding school year with the requirements of section 163.172, until such  
53 time as the board determines that the district is again in compliance with the requirements of  
54 section 163.172.

55 4. No school district shall receive state aid, pursuant to section 163.031, if such district  
56 was not in compliance, during the preceding school year, with the requirement, established  
57 pursuant to section 160.530, RSMo, to allocate revenue to the professional development  
58 committee of the district.

59 5. No school district shall receive more state aid, as calculated in subsections 1 and 2 of  
60 section 163.031, for its education program, exclusive of categorical add-ons, than it received per  
61 weighted average daily attendance for the school year 2005-06 from the foundation formula, line  
62 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment  
63 amounts, if the district did not comply in the preceding school year with the requirements of  
64 subsection 6 of section 163.031.

65 **6. After July 1, 2007, no school district shall receive state aid under section 163.031**  
66 **if the district fails to offer an alternative education program under sections 167.320 to**  
67 **167.335, RSMo.**

68 **7. Beginning with fiscal year 2007 and for all fiscal years thereafter, one percent**  
69 **of the appropriation to the department of elementary and secondary education otherwise**  
70 **distributed to the public schools of the state under section 163.031, exclusive of categorical**  
71 **add-ons, shall be distributed by the department of elementary and secondary education to**  
72 **establish and fund alternative education programs under sections 167.320 to 167.335,**  
73 **RSMo.**

**167.323. Beginning with school year 2006-07, each school district shall form an**  
2 **alternative education committee to assess district needs relating to alternative education.**  
3 **The committee shall be composed of school administrators, teachers, parents, and at least**  
4 **one member shall be a higher education professional. The committee shall meet annually**  
5 **and publish an annual report assessing the district's need for an alternative education**  
6 **program. Such report shall be made available to the community, the state board of**  
7 **education, the department of higher education, and the joint committee on secondary**

8 **education for review. If the committee determines that an alternative education program**  
9 **is needed in the district, such a program shall be established.**

Section B. Because immediate action is necessary to ensure adequate funding for  
2 schools, section A of this act is deemed necessary for the immediate preservation of the public  
3 health, welfare, peace, and safety, and is hereby declared to be an emergency act within the  
4 meaning of the constitution, and section A of this act shall be in full force and effect on July 1,  
5 2006, or upon its passage and approval, whichever later occurs.

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