

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Committee Substitute for Senate Bill No. 638, Page 1, In the Title, Line 3, by
2 deleting the phrase "civics education" and inserting in lieu thereof the phrase "elementary and
3 secondary education"; and
4

5 Further amend said bill and page, Section A, Line 3, by inserting after all of said section and line
6 the following:
7

8 "161.217. 1. The department of elementary and secondary education, in collaboration with
9 the Missouri Head Start State Collaboration Office and the departments of health and senior
10 services, mental health, and social services, shall develop, as a three-year pilot program, a voluntary
11 early learning quality assurance report. The early learning quality assurance report shall be
12 developed based on evidence-based practices.

13 2. Participation in the early learning quality assurance report pilot program shall be
14 voluntary for any licensed or license-exempt early learning providers that are center-based or home-
15 based and are providing services for children from any ages from birth up to kindergarten.

16 3. The early learning quality assurance report may include, but is not limited to, information
17 regarding staff qualifications, instructional quality, professional development, health and safety
18 standards, parent engagement, and community engagement.

19 4. The early learning quality assurance report shall not be used for enforcement of
20 compliance with any law or for any punitive purposes.

21 5. The department of elementary and secondary education shall promulgate all necessary
22 rules and regulations for the administration of this section. Any rule or portion of a rule, as that
23 term is defined in section 536.010, that is created under the authority delegated in this section shall
24 become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
25 applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the
26 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective
27 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
28 rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and
29 void.

30 6. Under section 23.253 of the Missouri sunset act:

31 (1) The provisions of the new program authorized under this section shall automatically
32 sunset three years after the effective date of this section unless reauthorized by an act of the general
33 assembly; and

34 (2) If such program is reauthorized, the program authorized under this section shall
35 automatically sunset three years after the effective date of the reauthorization of this section; and

36 (3) This section shall terminate on September first of the calendar year immediately

Standing Action Taken _____ Date _____

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1 following the calendar year in which the program authorized under this section is sunset.

2 162.720. 1. Where a sufficient number of children are determined to be gifted and their
3 development requires programs or services beyond the level of those ordinarily provided in regular
4 public school programs, districts may establish special programs for such gifted children.

5 2. The state board of education shall determine standards for such programs. Approval of
6 such programs shall be made by the state department of elementary and secondary education based
7 upon project applications submitted by July fifteenth of each year.

8 3. No district shall make a determination as to whether a child is gifted based on the child's
9 participation in an advanced placement course or international baccalaureate course. Districts shall
10 determine a child is gifted only if the child meets the definition of "gifted children" as provided in
11 section 162.675.

12 163.031. 1. The department of elementary and secondary education shall calculate and
13 distribute to each school district qualified to receive state aid under section 163.021 an amount
14 determined by multiplying the district's weighted average daily attendance by the state adequacy
15 target, multiplying this product by the dollar value modifier for the district, and subtracting from
16 this product the district's local effort and subtracting payments from the classroom trust fund under
17 section 163.043.

18 2. Other provisions of law to the contrary notwithstanding:

19 (1) For districts with an average daily attendance of more than three hundred fifty in the
20 school year preceding the payment year:

21 (a) For the 2008-09 school year, the state revenue per weighted average daily attendance
22 received by a district from the state aid calculation under subsections 1 and 4 of [this] section
23 163.031 as such section existed on July 1, 2008, as applicable, and the classroom trust fund under
24 section 163.043 shall not be less than the state revenue received by a district in the 2005-06 school
25 year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share,
26 and free textbook payment amounts multiplied by the dollar value modifier, and dividing this
27 product by the weighted average daily attendance computed for the 2005-06 school year;

28 (b) For each year subsequent to the 2008-09 school year, the amount shall be no less than
29 that computed in paragraph (a) of this subdivision, multiplied by the weighted average daily
30 attendance pursuant to section 163.036, less any increase in revenue received from the classroom
31 trust fund under section 163.043;

32 (2) For districts with an average daily attendance of three hundred fifty or less in the school
33 year preceding the payment year:

34 (a) For the 2008-09 school year, the state revenue received by a district from the state aid
35 calculation under subsections 1 and 4 of [this] section 163.031 as such section existed on July 1,
36 2008, as applicable, and the classroom trust fund under section 163.043 shall not be less than the
37 greater of state revenue received by a district in the 2004-05 or 2005-06 school year from the
38 foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free
39 textbook payment amounts multiplied by the dollar value modifier;

40 (b) For each year subsequent to the 2008-09 school year, the amount shall be no less than
41 that computed in paragraph (a) of this subdivision;

42 (3) The department of elementary and secondary education shall make an addition in the
43 payment amount specified in subsection 1 of this section to assure compliance with the provisions
44 contained in this subsection.

45 3. School districts that meet the requirements of section 163.021 shall receive categorical
46 add-on revenue as provided in this subsection. The categorical add-on for the district shall be the
47 sum of: seventy-five percent of the district allowable transportation costs under section 163.161;
48 the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515; the

1 vocational education entitlement for the district, as provided for in section 167.332; and the district
 2 educational and screening program entitlements as provided for in sections 178.691 to 178.699.

3 The categorical add-on revenue amounts may be adjusted to accommodate available appropriations.

4 4. For any school district meeting the eligibility criteria for state aid as established in section
 5 163.021, but which is considered an option district under section 163.042 and therefore receives no
 6 state aid, the commissioner of education shall present a plan to the superintendent of the school
 7 district for the waiver of rules and the duration of said waivers, in order to promote flexibility in the
 8 operations of the district and to enhance and encourage efficiency in the delivery of instructional
 9 services as provided in section 163.042.

10 5. (1) No less than seventy-five percent of the state revenue received under the provisions
 11 of subsections 1 and 2 of this section shall be placed in the teachers' fund, and the remaining percent
 12 of such moneys shall be placed in the incidental fund. No less than seventy-five percent of one-half
 13 of the funds received from the school district trust fund distributed under section 163.087 shall be
 14 placed in the teachers' fund. One hundred percent of revenue received under the provisions of
 15 section 163.161 shall be placed in the incidental fund. One hundred percent of revenue received
 16 under the provisions of sections 168.500 to 168.515 shall be placed in the teachers' fund.

17 (2) A school district shall spend for certificated compensation and tuition expenditures each
 18 year:

19 (a) An amount equal to at least seventy-five percent of the state revenue received under the
 20 provisions of subsections 1 and 2 of this section;

21 (b) An amount equal to at least seventy-five percent of one-half of the funds received from
 22 the school district trust fund distributed under section 163.087 during the preceding school year; and

23 (c) Beginning in fiscal year 2008, as much as was spent per the second preceding year's
 24 weighted average daily attendance for certificated compensation and tuition expenditures the
 25 previous year from revenue produced by local and county tax sources in the teachers' fund, plus the
 26 amount of the incidental fund to teachers' fund transfer calculated to be local and county tax sources
 27 by dividing local and county tax sources in the incidental fund by total revenue in the incidental
 28 fund.

29
 30 In the event a district fails to comply with this provision, the amount by which the district fails to
 31 spend funds as provided herein shall be deducted from the district's state revenue received under the
 32 provisions of subsections 1 and 2 of this section for the following year, provided that the state board
 33 of education may exempt a school district from this provision if the state board of education
 34 determines that circumstances warrant such exemption.

35 6. (1) If a school district's annual audit discloses that students were inappropriately
 36 identified as eligible for free and reduced price lunch, special education, or limited English
 37 proficiency and the district does not resolve the audit finding, the department of elementary and
 38 secondary education shall require that the amount of aid paid pursuant to the weighting for free and
 39 reduced price lunch, special education, or limited English proficiency in the weighted average daily
 40 attendance on the inappropriately identified pupils be repaid by the district in the next school year
 41 and shall additionally impose a penalty of one hundred percent of such aid paid on such pupils,
 42 which penalty shall also be paid within the next school year. Such amounts may be repaid by the
 43 district through the withholding of the amount of state aid.

44 (2) In the 2017-18 school year and in each subsequent school year, if a district experiences a
 45 decrease in its gifted program enrollment of twenty percent or more from the previous school year,
 46 an amount equal to the product of the difference between the number of students enrolled in the
 47 gifted program in the current school year and the number of students enrolled in the gifted program
 48 in the previous school year multiplied by six hundred eighty dollars shall be subtracted from the

1 district's current year payment amount. The provisions of this subdivision shall apply to districts
 2 entitled to receive state aid payments under both subsections 1 and 2 of this section but shall not
 3 apply to any school district with an average daily attendance of three hundred fifty or less.

4 7. Notwithstanding any provision of law to the contrary, in any fiscal year during which the
 5 total formula appropriation is insufficient to fully fund the entitlement calculation of this section,
 6 the department of elementary and secondary education shall adjust the state adequacy target in order
 7 to accommodate the appropriation level for the given fiscal year. In no manner shall any payment
 8 modification be rendered for any district qualified to receive payments under subsection 2 of this
 9 section based on insufficient appropriations."; and

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 11
 12 Further amend said bill, Page 7, Section 633.420, Line 110, by inserting after all of said section and
 13 line the following:

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 15 "[161.216. 1. No public institution of higher education, political subdivision,
 16 governmental entity, or quasi-governmental entity receiving state funds shall operate,
 17 establish, or maintain, offer incentives to participate in, or mandate participation in a quality
 18 rating system for early childhood education, a training quality assurance system, any
 19 successor system, or any substantially similar system for early childhood education, unless
 20 the authority to operate, establish, or maintain such a system is enacted into law through:

21 (1) A bill as prescribed by Article III of the Missouri Constitution;

22 (2) An initiative petition as prescribed by Section 50 of Article III of the
 23 Missouri Constitution; or

24 (3) A referendum as prescribed by Section 52(a) of Article III of the
 25 Missouri Constitution.

26 2. No public institution of higher education, political subdivision,
 27 governmental entity or quasi-governmental entity receiving state funds shall
 28 promulgate any rule or establish any program, policy, guideline, or plan or change
 29 any rule, program, policy, guideline, or plan to operate, establish, or maintain a
 30 quality rating system for early childhood education, a training quality assurance
 31 system, any successor system, or any substantially similar system for early childhood
 32 education unless such public institution of higher education, political subdivision,
 33 governmental entity or quasi-governmental entity receiving state funds has received
 34 statutory authority to do so in a manner consistent with subsection 1 of this section.

35 3. Any taxpayer of this state or any member of the general assembly shall
 36 have standing to bring suit against any public institution of higher education, political
 37 subdivision, governmental entity or quasi-governmental entity which is in violation
 38 of this section in any court with jurisdiction to enforce the provisions of this section.

39 4. This section shall not be construed to limit the content of early childhood
 40 education courses, research, or training carried out by any public institution of higher
 41 education. A course on quality rating systems or training quality assurance systems
 42 shall not be a requirement for certification by the state as an individual child care
 43 provider or any licensing requirement that may be established for an individual child
 44 care provider.

45 5. For purposes of this section:

46 (1) "Early childhood education" shall mean education programs that are both
 47 centered and home-based and providing services for children from birth to
 48 kindergarten;

1 (2) "Quality rating system" or "training quality assurance system" shall
2 include the model from the Missouri quality rating system pilots developed by the
3 University of Missouri center for family policy and research, any successor model, or
4 substantially similar model. "Quality rating system" or "training quality assurance
5 system" shall also include but not be limited to a tiered rating system that provides a
6 number of tiers or levels to set benchmarks for quality that build upon each other,
7 leading to a top tier that includes program accreditation. "Quality rating system" or
8 "training quality assurance system" may also include a tiered reimbursement system
9 that may be tied to a tiered rating system;

10 (3) "Tiered reimbursement system" or "training quality assurance system" shall
11 include but not be limited to a system that links funding to a quality rating system, a system
12 to award higher child care subsidy payments to programs that attain higher quality levels, or
13 a system that offers other incentives through tax policy or professional development
14 opportunities for child care providers.]; and
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16

17 Further amend said bill by amending the title, enacting clause, and intersectional references
18 accordingly.