

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

**Offered By**

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1 AMEND House Committee Substitute for Senate Bill No. 134, Page 2, Section 67.405, Line 17, by  
2 inserting immediately after said section and line the following:

3  
4 "67.1790. 1. The provisions of this section shall be known as the "Local Workforce  
5 Development Act of 2017".

6 2. The governing body of any county of the first classification with more than two hundred  
7 sixty thousand but fewer than three hundred thousand inhabitants, or any city within such county,  
8 may impose by order or ordinance a sales tax on all retail sales made within the county or city that  
9 are subject to sales tax under chapter 144 for the purpose of funding early childhood education  
10 programs in the county or city. The tax shall not exceed one quarter of one percent and shall be  
11 imposed solely for the purpose of funding early childhood education programs in the county or city.  
12 The tax authorized in this section shall be in addition to all other sales taxes imposed by law and  
13 shall be stated separately from all other charges and taxes. The order or ordinance imposing a sales  
14 tax under this section shall not become effective unless the governing body of the county or city  
15 submits to the voters residing within the county or city, at a general election, a proposal to authorize  
16 the governing body of the county or city to impose a tax under this section.

17 3. The question of whether the tax authorized by this section shall be imposed shall be  
18 submitted in substantially the following form:

19  
20 OFFICIAL BALLOT

21 Shall ..... (name of county/city) impose a (countywide/citywide) sales tax at a rate of  
22 ..... (insert rate) percent for the purpose of funding early childhood education in the county or city?

23 \_\_\_\_\_  YES \_\_\_\_\_  NO

24  
25 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to  
26 the question, place an "X" in the box opposite "NO".

27  
28 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of  
29 the question, the order or ordinance shall become effective on the first day of the second calendar  
30 quarter after the director of revenue receives notice of adoption of the tax. If a majority of the votes  
31 cast on the question by the qualified voters voting thereon are opposed to the question, the county or  
32 city shall not impose the sales tax authorized under this section unless and until the question is  
33 resubmitted under this section to the qualified voters and such question is approved by a majority of  
34 the qualified voters voting on the question.

35 4. On or after the effective date of any tax authorized under this section, the county or city  
36 that imposed the tax shall enter into an agreement with the director of the department of revenue for

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 the purpose of collecting the tax authorized in this section. On or after the effective date of the tax  
2 the director of revenue shall be responsible for the administration, collection, enforcement, and  
3 operation of the tax, and sections 32.085 and 32.087 shall apply. All revenue collected under this  
4 section by the director of the department of revenue on behalf of any county or city, except for one  
5 percent for the cost of collection, which shall be deposited in the state's general revenue fund, shall  
6 be deposited in a special trust fund, which is hereby created and shall be known as the "Early  
7 Childhood Education Sales Tax Trust Fund" and shall be used solely for the designated purposes.  
8 Moneys in the fund shall not be deemed to be state funds and shall not be commingled with any  
9 funds of the state. The director may make refunds from the amounts in the trust fund and credited  
10 to the county or city for erroneous payments and overpayments made and may redeem dishonored  
11 checks and drafts deposited to the credit of such county or city. Any funds in the special trust fund  
12 that are not needed for current expenditures shall be invested in the same manner as other funds are  
13 invested. Any interest and moneys earned on such investments shall be credited to the fund.

14 5. In order to permit sellers required to collect and report the sales tax to collect the amount  
15 required to be reported and remitted, but not to change the requirements of reporting or remitting  
16 the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing  
17 body of the county or city may authorize the use of a bracket system similar to that authorized in  
18 section 144.285, and, notwithstanding the provisions of that section, this new bracket system shall  
19 be used where this tax is imposed and shall apply to all taxable transactions. Beginning with the  
20 effective date of the tax, every retailer in the county or city shall add the sales tax to the sale price,  
21 and this tax shall be a debt of the purchaser to the retailer until paid and shall be recoverable at law  
22 in the same manner as the purchase price. For purposes of this section, all retail sales shall be  
23 deemed to be consummated at the place of business of the retailer.

24 6. All applicable provisions in sections 144.010 to 144.525 governing the state sales tax and  
25 section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax, and all  
26 exemptions granted to agencies of government, organizations, and persons under sections 144.010  
27 to 144.525 are hereby made applicable to the imposition and collection of the tax. The same sales  
28 tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525 for  
29 the administration and collection of the state sales tax shall satisfy the requirements of this section,  
30 and no additional permit or exemption certificate or retail certificate shall be required, except that  
31 the director of revenue may prescribe a form of exemption certificate for an exemption from the tax.  
32 All discounts allowed the retailer under the state sales tax for the collection of and for payment of  
33 taxes are hereby allowed and made applicable to the tax. The penalties for violations provided in  
34 section 32.057 and sections 144.010 to 144.525 are hereby made applicable to violations of this  
35 section. If any person is delinquent in the payment of the amount required to be paid under this  
36 section, or in the event a determination has been made against the person for taxes and penalty  
37 under this section, the limitation for bringing suit for the collection of the delinquent tax and penalty  
38 shall be the same as that provided in sections 144.010 to 144.525.

39 7. The governing body of any county or city that has adopted the sales tax authorized in this  
40 section may submit the question of repeal of the tax to the voters at a general election. The ballot of  
41 submission shall be in substantially the following form:

42  
43 Shall ..... (insert the name of the county or city) repeal the sales tax imposed at a rate of .....  
44 (insert rate) percent for the purpose of funding early childhood education in the county or city?

45                                    YES                                   NO

46  
47 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to  
48 the question, place an "X" in the box opposite "NO".

1  
2 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of  
3 repeal, that repeal shall become effective on December thirty-first of the calendar year in which  
4 such repeal was approved. If a majority of the votes cast on the question by the qualified voters  
5 voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain  
6 effective until the question is resubmitted under this section to the qualified voters and the repeal is  
7 approved by a majority of the qualified voters voting on the question.

8 8. Whenever the governing body of any county or city that has adopted the sales tax  
9 authorized in this section receives a petition, signed by ten percent of the registered voters of the  
10 county or city voting in the last gubernatorial election, calling for an election to repeal the sales tax  
11 imposed under this section, the governing body shall submit to the voters of the county or city a  
12 proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters  
13 voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first  
14 of the calendar year in which such repeal was approved. If a majority of the votes cast on the  
15 question by the qualified voters voting thereon are opposed to the repeal, then the sales tax  
16 authorized in this section shall remain effective until the question is resubmitted under this section  
17 to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the  
18 question.

19 9. If the tax is repealed or terminated by any means, all funds remaining in the special trust  
20 fund shall continue to be used solely for the designated purposes, the county or city shall notify the  
21 director of the department of revenue of the action at least thirty days before the effective date of the  
22 repeal, and the director may order retention in the trust fund, for a period of one year, of two percent  
23 of the amount collected after receipt of such notice to cover possible refunds or overpayment of the  
24 tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one  
25 year has elapsed after the effective date of abolition of the tax in such county or city, the director  
26 shall remit the balance in the account to the county or city and close the account of that county or  
27 city. The director shall notify each county or city of each instance of any amount refunded or any  
28 check redeemed from receipts due the county or city.

29 10. The governing body of each county or city imposing the tax authorized under this  
30 section shall select an existing community task force to administer the revenue from the tax received  
31 by the county or city. Such revenue shall be expended only upon approval of an existing  
32 community task force selected by the governing body of the county or city to administer the funds  
33 and only in accordance with a budget approved by the county or city governing body."; and  
34

35 Further amend said bill, Page 23, Section 115.352, Line 5, by inserting immediately after said  
36 section and line the following:  
37

38 "160.415. 1. For the purposes of calculation and distribution of state school aid under  
39 section 163.031, pupils enrolled in a charter school shall be included in the pupil enrollment of the  
40 school district within which each pupil resides. Each charter school shall report the names,  
41 addresses, and eligibility for free and reduced price lunch, special education, or limited English  
42 proficiency status, as well as eligibility for categorical aid, of pupils resident in a school district who  
43 are enrolled in the charter school to the school district in which those pupils reside. The charter  
44 school shall report the average daily attendance data, free and reduced price lunch count, special  
45 education pupil count, and limited English proficiency pupil count to the state department of  
46 elementary and secondary education. Each charter school shall promptly notify the state department  
47 of elementary and secondary education and the pupil's school district when a student discontinues  
48 enrollment at a charter school.

1           2. Except as provided in subsections 3 and 4 of this section, the aid payments for charter  
2 schools shall be as described in this subsection.

3           (1) A school district having one or more resident pupils attending a charter school shall pay  
4 to the charter school an annual amount equal to the product of the charter school's weighted average  
5 daily attendance and the state adequacy target, multiplied by the dollar value modifier for the  
6 district, plus local tax revenues per weighted average daily attendance from the incidental and  
7 teachers' funds in excess of the performance levy as defined in section 163.011 plus all other state  
8 aid attributable to such pupils.

9           (2) The district of residence of a pupil attending a charter school shall also pay to the charter  
10 school any other federal or state aid that the district receives on account of such child.

11           (3) If the department overpays or underpays the amount due to the charter school, such  
12 overpayment or underpayment shall be repaid by the public charter school or credited to the public  
13 charter school in twelve equal payments in the next fiscal year.

14           (4) The amounts provided pursuant to this subsection shall be prorated for partial year  
15 enrollment for a pupil.

16           (5) A school district shall pay the amounts due pursuant to this subsection as the disbursal  
17 agent and no later than twenty days following the receipt of any such funds. The department of  
18 elementary and secondary education shall pay the amounts due when it acts as the disbursal agent  
19 within five days of the required due date.

20           3. A workplace charter school shall receive payment for each eligible pupil as provided  
21 under subsection 2 of this section, except that if the student is not a resident of the district and is  
22 participating in a voluntary interdistrict transfer program, the payment for such pupils shall be the  
23 same as provided under section 162.1060.

24           4. A charter school that has declared itself as a local educational agency shall receive from  
25 the department of elementary and secondary education an annual amount equal to the product of the  
26 charter school's weighted average daily attendance and the state adequacy target, multiplied by the  
27 dollar value modifier for the district, plus local tax revenues per weighted average daily attendance  
28 from the incidental and teachers funds in excess of the performance levy as defined in section  
29 163.011 except those funds designated by taxpayers in an urban district as early childhood education  
30 funds, plus all other state aid attributable to such pupils. If a charter school declares itself as a local  
31 educational agency, the department of elementary and secondary education shall, upon notice of the  
32 declaration, reduce the payment made to the school district by the amount specified in this  
33 subsection and pay directly to the charter school the annual amount reduced from the school  
34 district's payment.

35           5. If a school district fails to make timely payments of any amount for which it is the  
36 disbursal agent, the state department of elementary and secondary education shall authorize payment  
37 to the charter school of the amount due pursuant to subsection 2 of this section and shall deduct the  
38 same amount from the next state school aid apportionment to the owing school district. If a charter  
39 school is paid more or less than the amounts due pursuant to this section, the amount of  
40 overpayment or underpayment shall be adjusted equally in the next twelve payments by the school  
41 district or the department of elementary and secondary education, as appropriate. Any dispute  
42 between the school district and a charter school as to the amount owing to the charter school shall be  
43 resolved by the department of elementary and secondary education, and the department's decision  
44 shall be the final administrative action for the purposes of review pursuant to chapter 536. During  
45 the period of dispute, the department of elementary and secondary education shall make every  
46 administrative and statutory effort to allow the continued education of children in their current  
47 public charter school setting.

48           6. The charter school and a local school board may agree by contract for services to be

1 provided by the school district to the charter school. The charter school may contract with any other  
2 entity for services. Such services may include but are not limited to food service, custodial service,  
3 maintenance, management assistance, curriculum assistance, media services and libraries and shall  
4 be subject to negotiation between the charter school and the local school board or other entity.  
5 Documented actual costs of such services shall be paid for by the charter school.

6 7. In the case of a proposed charter school that intends to contract with an education service  
7 provider for substantial educational services or management services, the request for proposals shall  
8 additionally require the charter school applicant to:

9 (1) Provide evidence of the education service provider's success in serving student  
10 populations similar to the targeted population, including demonstrated academic achievement as  
11 well as successful management of nonacademic school functions, if applicable;

12 (2) Provide a term sheet setting forth the proposed duration of the service contract; roles and  
13 responsibilities of the governing board, the school staff, and the service provider; scope of services  
14 and resources to be provided by the service provider; performance evaluation measures and time  
15 lines; compensation structure, including clear identification of all fees to be paid to the service  
16 provider; methods of contract oversight and enforcement; investment disclosure; and conditions for  
17 renewal and termination of the contract;

18 (3) Disclose any known conflicts of interest between the school governing board and  
19 proposed service provider or any affiliated business entities;

20 (4) Disclose and explain any termination or nonrenewal of contracts for equivalent services  
21 for any other charter school in the United States within the past five years;

22 (5) Ensure that the legal counsel for the charter school shall report directly to the charter  
23 school's governing board; and

24 (6) Provide a process to ensure that the expenditures that the education service provider  
25 intends to bill to the charter school shall receive prior approval of the governing board or its  
26 designee.

27 8. A charter school may enter into contracts with community partnerships and state agencies  
28 acting in collaboration with such partnerships that provide services to children and their families  
29 linked to the school.

30 9. A charter school shall be eligible for transportation state aid pursuant to section 163.161  
31 and shall be free to contract with the local district, or any other entity, for the provision of  
32 transportation to the students of the charter school.

33 10. (1) The proportionate share of state and federal resources generated by students with  
34 disabilities or staff serving them shall be paid in full to charter schools enrolling those students by  
35 their school district where such enrollment is through a contract for services described in this  
36 section. The proportionate share of money generated under other federal or state categorical aid  
37 programs shall be directed to charter schools serving such students eligible for that aid.

38 (2) A charter school shall provide the special services provided pursuant to section 162.705  
39 and may provide the special services pursuant to a contract with a school district or any provider of  
40 such services.

41 11. A charter school may not charge tuition or impose fees that a school district is  
42 prohibited from charging or imposing, except that a charter school may receive tuition payments  
43 from districts in the same or an adjoining county for nonresident students who transfer to an  
44 approved charter school, as defined in section 167.131, from an unaccredited district.

45 12. A charter school is authorized to incur debt in anticipation of receipt of funds. A charter  
46 school may also borrow to finance facilities and other capital items. A school district may incur  
47 bonded indebtedness or take other measures to provide for physical facilities and other capital items  
48 for charter schools that it sponsors or contracts with. Except as otherwise specifically provided in

1 sections 160.400 to 160.425, upon the dissolution of a charter school, any liabilities of the  
 2 corporation will be satisfied through the procedures of chapter 355. A charter school shall satisfy  
 3 all its financial obligations within twelve months of notice from the sponsor of the charter school's  
 4 closure under subsection 8 of section 160.405. After satisfaction of all its financial obligations, a  
 5 charter school shall return any remaining state and federal funds to the department of elementary  
 6 and secondary education for disposition as stated in subdivision (17) of subsection 1 of section  
 7 160.405. The department of elementary and secondary education may withhold funding at a level  
 8 the department determines to be adequate during a school's last year of operation until the  
 9 department determines that school records, liabilities, and reporting requirements, including a full  
 10 audit, are satisfied.

11 13. Charter schools shall not have the power to acquire property by eminent domain.

12 14. The governing body of a charter school is authorized to accept grants, gifts or donations  
 13 of any kind and to expend or use such grants, gifts or donations. A grant, gift or donation may not  
 14 be accepted by the governing body if it is subject to any condition contrary to law applicable to the  
 15 charter school or other public schools, or contrary to the terms of the charter."; and 163.018. 1.  
 16 Notwithstanding the definition of "average daily attendance" in subdivision (2) of section 163.011 to  
 17 the contrary, pupils between the ages of three and five who are eligible for free and reduced price  
 18 lunch and attend an early childhood education program:

19 (1) That is operated by and in a district or by a charter school that has declared itself as a  
 20 local educational agency providing full-day kindergarten and that meets standards established by the  
 21 state board of education; or

22 (2) That is under contract with a district or charter school that has declared itself as a local  
 23 educational agency and that meets standards established by the state board of education  
 24

25 shall be included in the district's or charter school's calculation of average daily attendance. The  
 26 total number of such pupils included in the district's or charter school's calculation of average daily  
 27 attendance shall not exceed four percent of the total number of pupils who are eligible for free and  
 28 reduced price lunch between the ages of five and eighteen who are included in the district's or  
 29 charter school's calculation of average daily attendance.

30 2. (1) For any district that has been declared unaccredited by the state board of education  
 31 and remains unaccredited as of July 1, 2015, and for any charter school located in said district, the  
 32 provisions of subsection 1 of this section shall become applicable during the 2015-16 school year.

33 (2) For any district that is declared unaccredited by the state board of education after July 1,  
 34 2015, and for any charter school located in said district, the provisions of subsection 1 of this  
 35 section shall become applicable immediately upon such declaration.

36 (3) For any district that has been declared provisionally accredited by the state board of  
 37 education and remains provisionally accredited as of July 1, 2016, and for any charter school  
 38 located in said district, the provisions of subsection 1 of this section shall become applicable  
 39 beginning in the 2016-17 school year.

40 (4) For any district that is declared provisionally accredited by the state board of education  
 41 after July 1, 2016, and for any charter school located in said district, the provisions of this section  
 42 shall become applicable beginning in the 2016-17 school year or immediately upon such  
 43 declaration, whichever is later.

44 (5) For all other districts and charter schools, the provisions of subsection 1 of this section  
 45 shall become effective in any school year subsequent to a school year in which the amount  
 46 appropriated for subsections 1 and 2 of section 163.031 is equal to or exceeds the amount necessary  
 47 to fund the entire entitlement calculation determined by subsections 1 and 2 of section 163.031, and  
 48 shall remain effective in all school years thereafter, irrespective of the amount appropriated for

1 subsections 1 and 2 of section 163.031 in any succeeding year.

2 3. This section shall not require school attendance beyond that mandated under section  
3 167.031 and shall not change or amend the provisions of sections 160.051, 160.053, 160.054, and  
4 160.055 relating to kindergarten attendance."; and

5  
6 Further amend said bill, Page 30, Section 321.246, Line 70, by inserting immediately after said  
7 section and line the following:

8  
9 "\*Section B. Because of the importance of funding early childhood education programs,  
10 section 163.018 of section A of this act is deemed necessary for the immediate preservation of the  
11 public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the  
12 meaning of the constitution, and section 163.018 of section A of this act shall be in full force and  
13 effect on July 1, 2017, or upon its passage and approval, whichever occurs later."; and

14  
15 Further amend said bill by amending the title, enacting clause, and intersectional references  
16 accordingly.