

FIRST REGULAR SESSION

HOUSE BILL NO. 821

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES MONTECILLO (Sponsor), HINSON, ROWLAND, WEBB, FITZWATER, MCCANN BEATTY, HUMMEL, RIZZO, KELLY (45), MCCAHERTY, BARNES, LAIR, CIERPIOT, REDMON, STREAM AND THOMSON (Co-sponsors).

0624L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 160.011, 160.041, 160.530, 163.021, 163.031, 167.031, 168.133, 171.029, 171.031, and 171.033, RSMo, and to enact in lieu thereof ten new sections relating to elementary and secondary education.

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

Section A. Sections 160.011, 160.041, 160.530, 163.021, 163.031, 167.031, 168.133, 2 171.029, 171.031, and 171.033, RSMo, are repealed and ten new sections enacted in lieu thereof, 3 to be known as sections 160.011, 160.041, 160.047, 160.530, 163.021, 163.031, 167.031, 4 168.133, 171.031, and 171.033, to read as follows:

160.011. As used in chapters 160, 161, 162, 163, 164, 165, 167, 168, 170, 171, 177 and 2 178, the following terms mean:

3 (1) "District" or "school district", when used alone, may include seven-director, urban, 4 and metropolitan school districts;

5 (2) "Elementary school", a public school giving instruction in a grade or grades not 6 higher than the eighth grade;

7 (3) "Family literacy programs", services of sufficient intensity in terms of hours, and of 8 sufficient duration, to make sustainable changes in families that include:

9 (a) Interactive literacy activities between parents and their children;

10 (b) Training of parents regarding how to be the primary teacher of their children and full 11 partners in the education of their children;

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.

12 (c) Parent literacy training that leads to high school completion and economic self
13 sufficiency; and

14 (d) An age-appropriate education to prepare children of all ages for success in school;

15 (4) "Graduation rate", the quotient of the number of graduates in the current year as of
16 June thirtieth divided by the sum of the number of graduates in the current year as of June
17 thirtieth plus the number of twelfth graders who dropped out in the current year plus the number
18 of eleventh graders who dropped out in the preceding year plus the number of tenth graders who
19 dropped out in the second preceding year plus the number of ninth graders who dropped out in
20 the third preceding year;

21 (5) "High school", a public school giving instruction in a grade or grades not lower than
22 the ninth nor higher than the twelfth grade;

23 (6) "Metropolitan school district", any school district the boundaries of which are
24 coterminous with the limits of any city which is not within a county;

25 (7) "Public school" includes all elementary and high schools operated at public expense;

26 (8) "School board", the board of education having general control of the property and
27 affairs of any school district;

28 (9) "School term", a minimum of one [hundred seventy-four school days, as that term
29 is defined in section 160.041, for schools with a five-day school week or a minimum of one
30 hundred forty-two school days, as that term is defined in section 160.041, for schools with a
31 four-day school week, and one thousand forty-four hours of actual pupil attendance as scheduled
32 by the board pursuant to section 171.031 during a twelve-month period in which the academic
33 instruction of pupils is actually and regularly carried on for a group of students in the public
34 schools of any school district] **thousand eighty hours of actual pupil attendance**. A school
35 term may be within a school year or may consist of parts of two consecutive school years, but
36 does not include summer school. A district may choose to operate two or more terms for
37 different groups of children. A school term for students participating in a school flex program
38 as established in section 160.539 may consist of a combination of actual pupil attendance and
39 attendance at college or technical career education or approved employment aligned with the
40 student's career academic plan for a total of one thousand [forty-four] **eighty** hours;

41 (10) "Secretary", the secretary of the board of a school district;

42 (11) "Seven-director district", any school district which has seven directors and includes
43 urban districts regardless of the number of directors an urban district may have unless otherwise
44 provided by law;

45 (12) "Taxpayer", any individual who has paid taxes to the state or any subdivision
46 thereof within the immediately preceding twelve-month period or the spouse of such individual;

47 (13) "Town", any town or village, whether or not incorporated, the plat of which has
48 been filed in the office of the recorder of deeds of the county in which it is situated;

49 (14) "Urban school district", any district which includes more than half of the population
50 or land area of any city which has not less than seventy thousand inhabitants, other than a city
51 which is not within a county.

160.041. 1. [The "minimum school day" consists of three hours for schools with a
2 five-day school week or four hours for schools with a four-day school week in which the pupils
3 are under the guidance and direction of teachers in the teaching process. A "school month"
4 consists of four weeks of five days each for schools with a five-day school week or four weeks
5 of four days each for schools with a four-day school week.] The "school year" commences on
6 the first day of July and ends on the thirtieth day of June following.

7 2. Notwithstanding the provisions of subsection 1 of this section, the commissioner of
8 education is authorized to reduce the required number of hours and days in which the pupils are
9 under the guidance and direction of teachers in the teaching process if:

10 (1) There is damage to or destruction of a public school facility which requires the dual
11 utilization of another school facility; or

12 (2) Flooding or other inclement weather as defined in subsection 1 of section 171.033
13 prevents students from attending the public school facility.

14 Such reduction shall not extend beyond two calendar years in duration.

**160.047. 1. The department of elementary and secondary education shall adopt
2 criteria for the recognition of district community involvement programs that recognize
3 current best practices and are demonstrated to address specific community needs and
4 improve student academic success. Districts meeting the criteria shall be considered to
5 have met the governance process requirement for mobilizing community resources under
6 the school improvement program.**

7 **2. The department of elementary and secondary education shall develop a process
8 and scoring guide that rewards districts by providing additional performance points on the
9 school improvement program for providing:**

10 **(1) Long-term focused training to teacher evaluators; and**

11 **(2) Full-day kindergarten to students who qualify for free or reduced price lunch,
12 students who are receiving special educational services under an individualized education
13 program, and students who are identified by school staff as at-risk through attendance
14 patterns, disciplinary incidents, or academic screening.**

160.530. 1. Beginning with fiscal year 1994 and for all fiscal years thereafter, in order
2 to be eligible for state aid distributed pursuant to section 163.031, a school district shall allocate
3 one percent of moneys received pursuant to section 163.031, exclusive of categorical add-ons,

4 to the professional development committee of the district as established in subdivision (1) of
5 subsection 4 of section 168.400. Of the moneys allocated to the professional development
6 committee in any fiscal year as specified by this subsection, seventy-five percent of such funds
7 shall be spent in the same fiscal year for purposes determined by the professional development
8 committee after consultation with the administrators of the school district and approved by the
9 local board of education as meeting the objectives of a school improvement plan of the district
10 that has been developed by the local board. Moneys expended for staff training pursuant to any
11 provisions of [this] **the outstanding schools** act shall not be considered in determining the
12 requirements for school districts imposed by this subsection.

13 2. Beginning with fiscal year 1994 and for all fiscal years thereafter, eighteen million
14 dollars shall be distributed by the commissioner of education to address statewide areas of
15 critical need for learning and development, [provided that such disbursements are approved by
16 the joint committee on education as provided in subsection 5 of this section,] and as determined
17 by rule and regulation of the state board of education with the advice of the commission
18 established by section 160.510 and the advisory council provided by subsection 1 of section
19 168.015. The moneys described in this subsection may be distributed by the commissioner of
20 education to colleges, universities, private associations, professional education associations,
21 statewide associations organized for the benefit of members of boards of education, public
22 elementary and secondary schools, and other associations and organizations that provide
23 professional development opportunities for teachers, administrators, family literacy personnel
24 and boards of education for the purpose of addressing statewide areas of critical need, provided
25 that subdivisions (1), (2) and (3) of this subsection shall constitute priority uses for such moneys.
26 "Statewide areas of critical need for learning and development" shall include:

27 (1) Funding the operation of state management teams in districts with academically
28 deficient schools and providing resources specified by the management team as needed in such
29 districts;

30 (2) Funding for grants to districts, upon application to the department of elementary and
31 secondary education, for resources identified as necessary by the district, for those districts which
32 are failing to achieve assessment standards;

33 (3) Funding for family literacy programs;

34 (4) Ensuring that all children, especially children at risk, children with special needs, and
35 gifted students are successful in school;

36 (5) Increasing parental involvement in the education of their children;

37 (6) Providing information which will assist public school administrators and teachers
38 in understanding the process of site-based decision making;

39 (7) Implementing recommended curriculum frameworks as outlined in section 160.514;

- 40 (8) Training in new assessment techniques for students;
- 41 (9) Cooperating with law enforcement authorities to expand successful antidrug
42 programs for students;
- 43 (10) Strengthening existing curricula of local school districts to stress drug and alcohol
44 prevention;
- 45 (11) Implementing and promoting programs to combat gang activity in urban areas of
46 the state;
- 47 (12) Establishing family schools, whereby such schools adopt proven models of one-stop
48 state services for children and families;
- 49 (13) Expanding adult literacy services; and
- 50 (14) Training of members of boards of education in the areas deemed important for the
51 training of effective board members as determined by the state board of education.

52 **3. Beginning with fiscal year 2014 and for all fiscal years thereafter, one million**
53 **dollars shall be distributed by the commissioner of education to fund evaluator training**
54 **to support the teacher evaluation process adopted by the state board of education in 2012.**

55 **4.** Beginning with fiscal year 1994 and for all fiscal years thereafter, two million dollars
56 of the moneys appropriated to the department of elementary and secondary education otherwise
57 distributed to the public schools of the state pursuant to the provisions of section 163.031,
58 exclusive of categorical add-ons, shall be distributed in grant awards by the state board of
59 education, by rule and regulation, for the "Success Leads to Success" grant program, which is
60 hereby created. The purpose of the success leads to success grant program shall be to recognize,
61 disseminate and exchange information about the best professional teaching practices and
62 programs in the state that address student needs, and to encourage the staffs of schools with these
63 practices and programs to develop school-to-school networks to share these practices and
64 programs.

65 [4.] **5.** The department shall include a listing of all expenditures under this section in the
66 annual budget documentation presented to the governor and general assembly.

67 [5. Prior to distributing any funds under subsection 2 of this section, the commissioner
68 of education shall appear before the joint committee on education and present a proposed
69 delineation of the programs to be funded under the provisions of subsection 2 of this section.
70 The joint committee shall review all proposed spending under subsection 2 of this section and
71 shall affirm, by a majority vote of all members serving on the committee, the spending proposal
72 of the commissioner prior to any disbursement of funds under subsection 2 of this section.

73 **6.** If any provision of subdivision (11) of subsection 4 of section 160.254 or any
74 provision of subsection 2 or 5 of this section regarding approval of disbursements by the joint

75 committee on education is held to be invalid for any reason, then such decision shall invalidate
76 subsection 2 of this section in its entirety.]

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] **thousand eighty hours** of actual pupil attendance in a term scheduled by the
4 board pursuant to section 160.041 for each pupil or group of pupils, except that the board shall
5 provide a minimum of [one hundred seventy-four days and five hundred twenty-two] **five**
6 **hundred forty** hours of actual pupil attendance in a term for kindergarten pupils[. If any school
7 is dismissed because of inclement weather after school has been in session for three hours, that
8 day shall count as a school day including afternoon session kindergarten students. When the
9 aggregate hours lost in a term due to inclement weather decreases the total hours of the school
10 term below the required minimum number of hours by more than twelve hours for all-day
11 students or six hours for one-half-day kindergarten students, all such hours below the minimum
12 must be made up in one-half day or full day additions to the term, except as provided in section
13 171.033];

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

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

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

27 2. For the 2006-07 school year and thereafter, no school district shall receive more state
28 aid, as calculated under subsections 1 and 2 of section 163.031, for its education program,
29 exclusive of categorical add-ons, than it received per weighted average daily attendance for the
30 school year 2005-06 from the foundation formula, line 14, gifted, remedial reading, exceptional
31 pupil aid, fair share, and free textbook payment amounts, unless it has an operating levy for
32 school purposes, as determined pursuant to section 163.011, of not less than two dollars and
33 seventy-five cents after all adjustments and reductions. Any district which is required, pursuant
34 to article X, section 22 of the Missouri Constitution, to reduce its operating levy below the

35 minimum tax rate otherwise required under this subsection shall not be construed to be in
36 violation of this subsection for making such tax rate reduction. Pursuant to section 10(c) of
37 article X of the state constitution, a school district may levy the operating levy for school
38 purposes required by this subsection less all adjustments required pursuant to article X, section
39 22 of the Missouri Constitution if such rate does not exceed the highest tax rate in effect
40 subsequent to the 1980 tax year. Nothing in this section shall be construed to mean that a school
41 district is guaranteed to receive an amount not less than the amount the school district received
42 per eligible pupil for the school year 1990-91. The provisions of this subsection shall not apply
43 to any school district located in a county of the second classification which has a nuclear power
44 plant located in such district or to any school district located in a county of the third classification
45 which has an electric power generation unit with a rated generating capacity of more than one
46 hundred fifty megawatts which is owned or operated or both by a rural electric cooperative
47 except that such school districts may levy for current school purposes and capital projects an
48 operating levy not to exceed two dollars and seventy-five cents less all adjustments required
49 pursuant to article X, section 22 of the Missouri Constitution.

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

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

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

66 6. Any school district that levies an operating levy for school purposes that is less than
67 the performance levy, as such term is defined in section 163.011, shall provide written notice to
68 the department of elementary and secondary education asserting that the district is providing an
69 adequate education to the students of such district. If a school district asserts that it is not
70 providing an adequate education to its students, such inadequacy shall be deemed to be a result

71 of insufficient local effort. The provisions of this subsection shall not apply to any special
72 district established under sections 162.815 to 162.940.

163.031. 1. The department of elementary and secondary education shall calculate and
2 distribute to each school district qualified to receive state aid under section 163.021 an amount
3 determined by multiplying the district's weighted average daily attendance by the state adequacy
4 target, multiplying this product by the dollar value modifier for the district, and subtracting from
5 this product the district's local effort and, in years not governed under subsection 4 of this
6 section, subtracting payments from the classroom trust fund under section 163.043.

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

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

10 (a) For the 2006-07 school year, the state revenue per weighted average daily attendance
11 received by a district from the state aid calculation under subsections 1 and 4 of this section, as
12 applicable, and the classroom trust fund under section 163.043 shall not be less than the state
13 revenue received by a district in the 2005-06 school year from the foundation formula, line 14,
14 gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts
15 multiplied by the sum of one plus the product of one-third multiplied by the remainder of the
16 dollar value modifier minus one, and dividing this product by the weighted average daily
17 attendance computed for the 2005-06 school year;

18 (b) For the 2007-08 school year, the state revenue per weighted average daily attendance
19 received by a district from the state aid calculation under subsections 1 and 4 of this section, as
20 applicable, and the classroom trust fund under section 163.043 shall not be less than the state
21 revenue received by a district in the 2005-06 school year from the foundation formula, line 14,
22 gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts
23 multiplied by the sum of one plus the product of two-thirds multiplied by the remainder of the
24 dollar value modifier minus one, and dividing this product by the weighted average daily
25 attendance computed for the 2005-06 school year;

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

33 (d) For each year subsequent to the 2008-09 school year, the amount shall be no less than
34 that computed in paragraph (c) of this subdivision, multiplied by the weighted average daily

35 attendance pursuant to section 163.036, less any increase in revenue received from the classroom
36 trust fund under section 163.043;

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

39 (a) For the 2006-07 school year, the state revenue received by a district from the state
40 aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust
41 fund under section 163.043 shall not be less than the greater of state revenue received by a
42 district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted,
43 remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts
44 multiplied by the sum of one plus the product of one-third multiplied by the remainder of the
45 dollar value modifier minus one;

46 (b) For the 2007-08 school year, the state revenue received by a district from the state
47 aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust
48 fund under section 163.043 shall not be less than the greater of state revenue received by a
49 district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted,
50 remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts
51 multiplied by the sum of one plus the product of two-thirds multiplied by the remainder of the
52 dollar value modifier minus one;

53 (c) For the 2008-09 school year, the state revenue received by a district from the state
54 aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust
55 fund under section 163.043 shall not be less than the greater of state revenue received by a
56 district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted,
57 remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts
58 multiplied by the dollar value modifier;

59 (d) For each year subsequent to the 2008-09 school year, the amount shall be no less than
60 that computed in paragraph (c) of this subdivision;

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

64 3. School districts that meet the requirements of section 163.021 shall receive categorical
65 add-on revenue as provided in this subsection. The categorical add-on for the district shall be
66 the sum of: seventy-five percent of the district allowable transportation costs under section
67 163.161; the career ladder entitlement for the district, as provided for in sections 168.500 to
68 168.515; the vocational education entitlement for the district, as provided for in section 167.332;
69 and the district educational and screening program entitlements as provided for in sections

70 178.691 to 178.699. The categorical add-on revenue amounts may be adjusted to accommodate
71 available appropriations.

72 4. [In the 2006-07 school year and each school year thereafter for five years, those
73 districts entitled to receive state aid under the provisions of subsection 1 of this section shall
74 receive state aid in an amount as provided in this subsection.

75 (1) For the 2006-07 school year, the amount shall be fifteen percent of the amount of
76 state aid calculated for the district for the 2006-07 school year under the provisions of subsection
77 1 of this section, plus eighty-five percent of the total amount of state revenue received by the
78 district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial
79 reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received
80 under section 163.043.

81 (2) For the 2007-08 school year, the amount shall be thirty percent of the amount of state
82 aid calculated for the district for the 2007-08 school year under the provisions of subsection 1
83 of this section, plus seventy percent of the total amount of state revenue received by the district
84 for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading,
85 exceptional pupil aid, fair share, and free textbook payments less any amounts received under
86 section 163.043.

87 (3) For the 2008-09 school year, the amount of state aid shall be forty-four percent of the
88 amount of state aid calculated for the district for the 2008-09 school year under the provisions
89 of subsection 1 of this section plus fifty-six percent of the total amount of state revenue received
90 by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial
91 reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received
92 under section 163.043.

93 (4) For the 2009-10 school year, the amount of state aid shall be fifty-eight percent of
94 the amount of state aid calculated for the district for the 2009-10 school year under the provisions
95 of subsection 1 of this section plus forty-two percent of the total amount of state revenue
96 received by the district for the 2005-06 school year from the foundation formula, line 14, gifted,
97 remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts
98 received under section 163.043.

99 (5) For the 2010-11 school year, the amount of state aid shall be seventy-two percent of
100 the amount of state aid calculated for the district for the 2010-11 school year under the provisions
101 of subsection 1 of this section plus twenty-eight percent of the total amount of state revenue
102 received by the district for the 2005-06 school year from the foundation formula, line 14, gifted,
103 remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts
104 received under section 163.043.

105 (6) For the 2011-12 school year, the amount of state aid shall be eighty-six percent of
106 the amount of state aid calculated for the district for the 2011-12 school year under the provisions
107 of subsection 1 of this section plus fourteen percent of the total amount of state revenue received
108 by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial
109 reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received
110 under section 163.043.

111 (7) (a) Notwithstanding subdivision (18) of section 163.011, the state adequacy target
112 may not be adjusted downward to accommodate available appropriations in any year governed
113 by this subsection.

114 (b) a. For the 2006-07 school year, if a school district experiences a decrease in summer
115 school average daily attendance of more than twenty percent from the district's 2005-06 summer
116 school average daily attendance, an amount equal to the product of the percent reduction that is
117 in excess of twenty percent of the district's summer school average daily attendance multiplied
118 by the funds generated by the district's summer school program in the 2005-06 school year shall
119 be subtracted from the district's current year payment amount.

120 b. For the 2007-08 school year, if a school district experiences a decrease in summer
121 school average daily attendance of more than thirty percent from the district's 2005-06 summer
122 school average daily attendance, an amount equal to the product of the percent reduction that is
123 in excess of thirty percent of the district's summer school average daily attendance multiplied by
124 the funds generated by the district's summer school program in the 2005-06 school year shall be
125 subtracted from the district's payment amount.

126 c. For the 2008-09 school year, if a school district experiences a decrease in summer
127 school average daily attendance of more than thirty-five percent from the district's 2005-06
128 summer school average daily attendance, an amount equal to the product of the percent reduction
129 that is in excess of thirty-five percent of the district's summer school average daily attendance
130 multiplied by the funds generated by the district's summer school program in the 2005-06 school
131 year shall be subtracted from the district's payment amount.

132 d. Notwithstanding the provisions of this paragraph, no such reduction shall be made in
133 the case of a district that is receiving a payment under section 163.044 or any district whose
134 regular school term average daily attendance for the preceding year was three hundred fifty or
135 less.

136 e. This paragraph shall not be construed to permit any reduction applied under this
137 paragraph to result in any district receiving a current-year payment that is less than the amount
138 calculated for such district under subsection 2 of this section.

139 (c) If a school district experiences a decrease in its gifted program enrollment of more
140 than twenty percent from its 2005-06 gifted program enrollment in any year governed by this

141 subsection, an amount equal to the product of the percent reduction in the district's gifted
142 program enrollment multiplied by the funds generated by the district's gifted program in the
143 2005-06 school year shall be subtracted from the district's current year payment amount.] **For**
144 **fiscal years 2015, 2016, and 2017, the general assembly shall provide an appropriation for**
145 **the basic apportionment under subsections 1 and 2 of this section as follows:**

146 (1) **For fiscal year 2015, an appropriation no less than that for fiscal year 2014 and**
147 **additional funds to reach a proration level of ninety-four percent of full funding;**

148 (2) **For fiscal year 2016, an appropriation no less than that for fiscal year 2015 and**
149 **additional funds to reach a proration level of ninety-seven percent of full funding; and**

150 (3) **For fiscal year 2017, an appropriation no less than that for fiscal year 2016 and**
151 **additional funds to reach full funding.**

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

158 6. (1) No less than seventy-five percent of the state revenue received under the
159 provisions of subsections 1[,] **and** 2[, and 4] of this section shall be placed in the teachers' fund,
160 and the remaining percent of such moneys shall be placed in the incidental fund. No less than
161 seventy-five percent of one-half of the funds received from the school district trust fund
162 distributed under section 163.087 shall be placed in the teachers' fund. One hundred percent of
163 revenue received under the provisions of section 163.161 shall be placed in the incidental fund.
164 One hundred percent of revenue received under the provisions of sections 168.500 to 168.515
165 shall be placed in the teachers' fund.

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

168 (a) An amount equal to at least seventy-five percent of the state revenue received under
169 the provisions of subsections 1[,] **and** 2[, and 4] of this section;

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

173 (c) Beginning in fiscal year 2008, as much as was spent per the second preceding year's
174 weighted average daily attendance for certificated compensation and tuition expenditures the
175 previous year from revenue produced by local and county tax sources in the teachers' fund, plus
176 the amount of the incidental fund to teachers' fund transfer calculated to be local and county tax

177 sources by dividing local and county tax sources in the incidental fund by total revenue in the
178 incidental fund. In the event a district fails to comply with this provision, the amount by which
179 the district fails to spend funds as provided herein shall be deducted from the district's state
180 revenue received under the provisions of subsections 1[, and 2[, and 4] of this section for the
181 following year, provided that the state board of education may exempt a school district from this
182 provision if the state board of education determines that circumstances warrant such exemption.

183 7. If a school district's annual audit discloses that students were inappropriately identified
184 as eligible for free and reduced lunch, special education, or limited English proficiency and the
185 district does not resolve the audit finding, the department of elementary and secondary education
186 shall require that the amount of aid paid pursuant to the weighting for free and reduced lunch,
187 special education, or limited English proficiency in the weighted average daily attendance on the
188 inappropriately identified pupils be repaid by the district in the next school year and shall
189 additionally impose a penalty of one hundred percent of such aid paid on such pupils, which
190 penalty shall also be paid within the next school year. Such amounts may be repaid by the
191 district through the withholding of the amount of state aid.

167.031. 1. Every parent, guardian or other person in this state having charge, control
2 or custody of a child not enrolled in a public, private, parochial, parish school or full-time
3 equivalent attendance in a combination of such schools and between the ages of seven years and
4 the compulsory attendance age for the district is responsible for enrolling the child in a program
5 of academic instruction which complies with subsection 2 of this section. Any parent, guardian
6 or other person who enrolls a child between the ages of five and seven years in a public school
7 program of academic instruction shall cause such child to attend the academic program on a
8 regular basis, according to this section **except as provided in subsection 8 of this section.**
9 Nonattendance by such child shall cause such parent, guardian or other responsible person to be
10 in violation of the provisions of section 167.061, except as provided by this section. A parent,
11 guardian or other person in this state having charge, control, or custody of a child between the
12 ages of seven years of age and the compulsory attendance age for the district shall cause the child
13 to attend regularly some public, private, parochial, parish, home school or a combination of such
14 schools not less than the entire school term of the school which the child attends; except that:

15 (1) A child who, to the satisfaction of the superintendent of public schools of the district
16 in which he resides, or if there is no superintendent then the chief school officer, is determined
17 to be mentally or physically incapacitated may be excused from attendance at school for the full
18 time required, or any part thereof;

19 (2) A child between fourteen years of age and the compulsory attendance age for the
20 district may be excused from attendance at school for the full time required, or any part thereof,
21 by the superintendent of public schools of the district, or if there is none then by a court of

22 competent jurisdiction, when legal employment has been obtained by the child and found to be
23 desirable, and after the parents or guardian of the child have been advised of the pending action;
24 or

25 (3) A child between five and seven years of age shall be excused from attendance at
26 school if a parent, guardian or other person having charge, control or custody of the child makes
27 a written request that the child be dropped from the school's rolls.

28 2. (1) As used in sections 167.031 to 167.071, a "home school" is a school, whether
29 incorporated or unincorporated, that:

30 (a) Has as its primary purpose the provision of private or religious-based instruction;

31 (b) Enrolls pupils between the ages of seven years and the compulsory attendance age
32 for the district, of which no more than four are unrelated by affinity or consanguinity in the third
33 degree; and

34 (c) Does not charge or receive consideration in the form of tuition, fees, or other
35 remuneration in a genuine and fair exchange for provision of instruction.

36 (2) As evidence that a child is receiving regular instruction, the parent shall, except as
37 otherwise provided in this subsection:

38 (a) Maintain the following records:

39 a. A plan book, diary, or other written record indicating subjects taught and activities
40 engaged in; and

41 b. A portfolio of samples of the child's academic work; and

42 c. A record of evaluations of the child's academic progress; or

43 d. Other written, or credible evidence equivalent to subparagraphs a., b. and c.; and

44 (b) Offer at least one thousand hours of instruction, at least six hundred hours of which
45 will be in reading, language arts, mathematics, social studies and science or academic courses
46 that are related to the aforementioned subject areas and consonant with the pupil's age and
47 ability. At least four hundred of the six hundred hours shall occur at the regular home school
48 location.

49 (3) The requirements of subdivision (2) of this subsection shall not apply to any pupil
50 above the age of sixteen years.

51 3. Nothing in this section shall require a private, parochial, parish or home school to
52 include in its curriculum any concept, topic, or practice in conflict with the school's religious
53 doctrines or to exclude from its curriculum any concept, topic, or practice consistent with the
54 school's religious doctrines. Any other provision of the law to the contrary notwithstanding, all
55 departments or agencies of the state of Missouri shall be prohibited from dictating through rule,
56 regulation or other device any statewide curriculum for private, parochial, parish or home
57 schools.

58 4. A school year begins on the first day of July and ends on the thirtieth day of June
59 following.

60 5. The production by a parent of a daily log showing that a home school has a course of
61 instruction which satisfies the requirements of this section or, in the case of a pupil over the age
62 of sixteen years who attended a metropolitan school district the previous year, a written
63 statement that the pupil is attending home school in compliance with this section shall be a
64 defense to any prosecution under this section and to any charge or action for educational neglect
65 brought pursuant to chapter 210.

66 6. As used in sections 167.031 to 167.051, the term "compulsory attendance age for the
67 district" shall mean:

68 (1) Seventeen years of age for any metropolitan school district for which the school
69 board adopts a resolution to establish such compulsory attendance age; provided that such
70 resolution shall take effect no earlier than the school year next following the school year during
71 which the resolution is adopted; and

72 (2) Seventeen years of age or having successfully completed sixteen credits towards high
73 school graduation in all other cases. The school board of a metropolitan school district for which
74 the compulsory attendance age is seventeen years may adopt a resolution to lower the
75 compulsory attendance age to sixteen years; provided that such resolution shall take effect no
76 earlier than the school year next following the school year during which the resolution is
77 adopted.

78 7. For purposes of subsection 2 of this section as applied in subsection 6 [herein] **of this**
79 **section**, a "completed credit towards high school graduation" shall be defined as one hundred
80 hours or more of instruction in a course. Home school education enforcement and records
81 pursuant to this section, and sections 210.167 and 211.031, shall be subject to review only by the
82 local prosecuting attorney.

83 **8. (1) Notwithstanding subsection 1 of this section, beginning in the 2014-15 school**
84 **year, in a metropolitan school district or an urban school district containing most or all of**
85 **a home rule city with more than four hundred thousand inhabitants and located in more**
86 **than one county, every parent, guardian, or other person having charge, control, or**
87 **custody of a child who chooses to enroll the child in a public, private, parochial, parish**
88 **school, or full-time equivalent attendance in a combination of such schools shall enroll such**
89 **child by the age of five in accordance with the provisions of sections 160.053, 160.054, and**
90 **160.055. The provisions of this subsection shall not apply to any parent, guardian, or other**
91 **person having charge, control, or custody of a child and intending to enroll the child in a**
92 **program of academic instruction that complies with subsection 2 of this section.**

93 **(2) No later than November 1, 2017, the department of elementary and secondary**
94 **education shall report to the Joint Committee on Education on any effects on the academic**
95 **performance of the districts affected by subdivision (1) of this subsection that may be**
96 **attributed to the lowering of the mandatory age of enrollment.**

97 **(3) The provisions of this subsection shall automatically sunset six years after the**
98 **effective date of this subsection unless reauthorized by an act of the general assembly.**

168.133. 1. The school district shall ensure that a criminal background check is
2 conducted on any person employed after January 1, 2005, authorized to have contact with pupils
3 and prior to the individual having contact with any pupil. Such persons include, but are not
4 limited to, administrators, teachers, aides, paraprofessionals, assistants, secretaries, custodians,
5 cooks, and nurses. The school district shall also ensure that a criminal background check is
6 conducted for school bus drivers. The district may allow such drivers to operate buses pending
7 the result of the criminal background check. For bus drivers, the school district shall be
8 responsible for conducting the criminal background check on drivers employed by the school
9 district. For drivers employed by a pupil transportation company under contract with the school
10 district, the criminal background check shall be conducted pursuant to section 43.540 and
11 conform to the requirements established in the National Child Protection Act of 1993, as
12 amended by the Volunteers for Children Act. Personnel who have successfully undergone a
13 criminal background check and a check of the family care safety registry as part of the
14 professional license application process under section 168.021 and who have received clearance
15 on the checks within one prior year of employment shall be considered to have completed the
16 background check requirement. A criminal background check under this section shall include
17 a search of any information publicly available in an electronic format through a public index or
18 single case display.

19 2. In order to facilitate the criminal history background check, the applicant shall submit
20 a set of fingerprints collected pursuant to standards determined by the Missouri highway patrol.
21 The fingerprints shall be used by the highway patrol to search the criminal history repository and
22 shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal
23 history files.

24 3. The applicant shall pay the fee for the state criminal history record information
25 pursuant to section 43.530 and sections 210.900 to 210.936 and pay the appropriate fee
26 determined by the Federal Bureau of Investigation for the federal criminal history record when
27 he or she applies for a position authorized to have contact with pupils pursuant to this section.
28 The department shall distribute the fees collected for the state and federal criminal histories to
29 the Missouri highway patrol.

30 4. The department of elementary and secondary education shall facilitate an annual check
31 of employed persons holding current active certificates under section 168.021 against criminal
32 history records in the central repository under section 43.530, the sexual offender registry under
33 sections 589.400 to 589.475, and child abuse central registry under sections 210.109 to 210.183.
34 The department of elementary and secondary education shall facilitate procedures for school
35 districts to submit personnel information annually for persons employed by the school districts
36 who do not hold a current valid certificate who are required by subsection 1 of this section to
37 undergo a criminal background check, sexual offender registry check, and child abuse central
38 registry check. The Missouri state highway patrol shall provide ongoing electronic updates to
39 criminal history background checks of those persons previously submitted, both those who have
40 an active certificate and those who do not have an active certificate, by the department of
41 elementary and secondary education. This shall fulfill the annual check against the criminal
42 history records in the central repository under section 43.530. **The department of elementary
43 and secondary education shall jointly with the state highway patrol implement a real-time
44 information system that provides the latest available data for the criminal history
45 background check.**

46 5. The school district may adopt a policy to provide for reimbursement of expenses
47 incurred by an employee for state and federal criminal history information pursuant to section
48 43.530.

49 6. If, as a result of the criminal history background check mandated by this section, it is
50 determined that the holder of a certificate issued pursuant to section 168.021 has pled guilty or
51 nolo contendere to, or been found guilty of a crime or offense listed in section 168.071, or a
52 similar crime or offense committed in another state, the United States, or any other country,
53 regardless of imposition of sentence, such information shall be reported to the department of
54 elementary and secondary education.

55 7. Any school official making a report to the department of elementary and secondary
56 education in conformity with this section shall not be subject to civil liability for such action.

57 8. For any teacher who is employed by a school district on a substitute or part-time basis
58 within one year of such teacher's retirement from a Missouri school, the state of Missouri shall
59 not require such teacher to be subject to any additional background checks prior to having
60 contact with pupils. Nothing in this subsection shall be construed as prohibiting or otherwise
61 restricting a school district from requiring additional background checks for such teachers
62 employed by the school district.

63 9. A criminal background check and fingerprint collection conducted under subsections
64 1 and 2 of this section shall be valid for at least a period of one year and transferrable from one
65 school district to another district. A school district may, in its discretion, conduct a new criminal

66 background check and fingerprint collection under subsections 1 and 2 for a newly hired
67 employee at the district's expense. A teacher's change in type of certification shall have no effect
68 on the transferability or validity of such records.

69 10. Nothing in this section shall be construed to alter the standards for suspension,
70 denial, or revocation of a certificate issued pursuant to this chapter.

71 11. The state board of education may promulgate rules for criminal history background
72 checks made pursuant to this section. Any rule or portion of a rule, as that term is defined in
73 section 536.010, that is created under the authority delegated in this section shall become
74 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
75 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
76 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective
77 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
78 rulemaking authority and any rule proposed or adopted after January 1, 2005, shall be invalid and
79 void.

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 for schools with a five-day school week or one hundred forty-two days for schools with a
4 four-day school week, and one thousand forty-four] **thousand eighty** hours of actual pupil
5 attendance. In addition, such calendar shall include [six make-up days] **thirty-six make-up**
6 **hours** for possible loss of attendance due to inclement weather as defined in subsection 1 of
7 section 171.033.

8 2. Each local school district may set its opening date each year, which date shall be no
9 earlier than ten calendar days prior to the first Monday in September. No public school district
10 shall select an earlier start date unless the district follows the procedure set forth in subsection
11 3 of this section.

12 3. A district may set an opening date that is more than ten calendar days prior to the first
13 Monday in September only if the local school board first gives public notice of a public meeting
14 to discuss the proposal of opening school on a date more than ten days prior to the first Monday
15 in September, and the local school board holds said meeting and, at the same public meeting, a
16 majority of the board votes to allow an earlier opening date. If all of the previous conditions are
17 met, the district may set its opening date more than ten calendar days prior to the first Monday
18 in September. The condition provided in this subsection must be satisfied by the local school
19 board each year that the board proposes an opening date more than ten days before the first
20 Monday in September.

21 4. If any local district violates the provisions of this section, the department of
22 elementary and secondary education shall withhold an amount equal to one quarter of the state

23 funding the district generated under section 163.031 for each date the district was in violation
24 of this section.

25 5. The provisions of subsections 2 to 4 of this section shall not apply to school districts
26 in which school is in session for twelve months of each calendar year.

27 6. The state board of education may grant an exemption from this section to a school
28 district that demonstrates highly unusual and extenuating circumstances justifying exemption
29 from the provisions of subsections 2 to 4 of this section. Any exemption granted by the state
30 board of education shall be valid for one academic year only.

31 7. No school day [for schools with a five-day school week] shall be longer than seven
32 hours except for vocational schools which may adopt an eight-hour day in a metropolitan school
33 district and a school district in a first class county adjacent to a city not within a county[, and any
34 school that adopts a four-day school week in accordance with section 171.029].

171.033. 1. "Inclement weather", for purposes of this section, shall be defined as ice,
2 snow, extreme cold, flooding, or a tornado, but such term shall not include excessive heat.

3 2. A district shall be required to make up the first [six days] **thirty-six hours** of school
4 lost or cancelled due to inclement weather and half the number of [days] **hours** lost or cancelled
5 in excess of [six days] **thirty-six hours** if the makeup of the [days] **hours** is necessary to ensure
6 that the district's students will attend a minimum of one [hundred forty-two days and a minimum
7 of one thousand forty-four] **thousand eighty** hours for the school year except as otherwise
8 provided in this section. [Schools with a four-day school week may schedule such make-up days
9 on Fridays.]

10 3. [In the 2008-09 school year a school district may be exempt from the requirement to
11 make up days of school lost or cancelled due to inclement weather in the school district when
12 the school district has made up the six days required under subsection 2 of this section and half
13 the number of additional lost or cancelled days up to eight days, resulting in no more than ten
14 total make-up days required by this section.

15 4.] In the 2009-10 school year and subsequent years, a school district may be exempt
16 from the requirement to make up [days of] school lost or cancelled due to inclement weather in
17 the school district when the school district has made up the [six days] **thirty-six hours** required
18 under subsection 2 of this section and half the number of additional lost or cancelled [days]
19 **hours** up to [eight days] **forty-eight hours**, resulting in no more than [ten] **sixty** total make-up
20 [days] **hours** required by this section.

21 [5.] 4. The commissioner of education may provide, for any school district [in which
22 schools are in session for twelve months of each calendar year] that cannot meet the minimum
23 school calendar requirement of at least one [hundred seventy-four days for schools with a
24 five-day school week or one hundred forty-two days for schools with a four-day school week and

25 one thousand forty-four] **thousand eighty** hours of actual pupil attendance, upon request, a
26 waiver to be excused from such requirement. This waiver shall be requested from the
27 commissioner of education and may be granted if the school was closed due to circumstances
28 beyond school district control, including inclement weather, flooding or fire.

2 [171.029. 1. The school board of any school district in the state, upon
3 adoption of a resolution by the vote of a majority of all its members to authorize
4 such action, may establish a four-day school week or other calendar consisting
5 of less than one hundred seventy-four days in lieu of a five-day school week.
6 Upon adoption of a four-day school week or other calendar consisting of less than
7 one hundred seventy-four days, the school shall file a calendar with the
8 department of elementary and secondary education in accordance with section
9 171.031. Such calendar shall include, but not be limited to, a minimum term of
10 one hundred forty-two days and one thousand forty-four hours of actual pupil
11 attendance.

12 2. If a school district that attends less than one hundred seventy-four days
13 meets at least two fewer performance standards on two successive annual
14 performance reports than it met on its last annual performance report received
15 prior to implementing a calendar year of less than one hundred seventy-four days,
16 it shall be required to revert to a one hundred seventy-four-day school year in the
17 school year following the report of the drop in the number of performance
18 standards met. When the number of performance standards met reaches the
19 earlier number, the district may return to the four-day week or other calendar
consisting of less than one hundred seventy-four days in the next school year.]

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