

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 873, Page 1, In the Title, Lines 2-3, by
2 deleting the phrase "the science, technology, engineering and mathematics fund" and inserting in
3 lieu thereof the phrase "elementary and secondary education"; and
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5 Further amend said bill and page, Section A, Line 2, by inserting after all of said section and line
6 the following:
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8 "162.720. 1. Where a sufficient number of children are determined to be gifted and their
9 development requires programs or services beyond the level of those ordinarily provided in regular
10 public school programs, districts may establish special programs for such gifted children.

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

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

18 163.031. 1. The department of elementary and secondary education shall calculate and
19 distribute to each school district qualified to receive state aid under section 163.021 an amount
20 determined by multiplying the district's weighted average daily attendance by the state adequacy
21 target, multiplying this product by the dollar value modifier for the district, and subtracting from
22 this product the district's local effort and subtracting payments from the classroom trust fund under
23 section 163.043.

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

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

27 (a) For the 2008-09 school year, the state revenue per weighted average daily attendance
28 received by a district from the state aid calculation under subsections 1 and 4 of [this] section
29 163.031 as such section existed on July 1, 2008, as applicable, and the classroom trust fund under
30 section 163.043 shall not be less than the state revenue received by a district in the 2005-06 school
31 year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share,
32 and free textbook payment amounts multiplied by the dollar value modifier, and dividing this
33 product by the weighted average daily attendance computed for the 2005-06 school year;

34 (b) For each year subsequent to the 2008-09 school year, the amount shall be no less than
35 that computed in paragraph (a) of this subdivision, multiplied by the weighted average daily
36 attendance pursuant to section 163.036, less any increase in revenue received from the classroom

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1 trust fund under section 163.043;

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

4 (a) For the 2008-09 school year, the state revenue received by a district from the state aid
5 calculation under subsections 1 and 4 of [this] section 163.031 as such section existed on July 1,
6 2008, as applicable, and the classroom trust fund under section 163.043 shall not be less than the
7 greater of state revenue received by a district in the 2004-05 or 2005-06 school year from the
8 foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free
9 textbook payment amounts multiplied by the dollar value modifier;

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

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

15 3. School districts that meet the requirements of section 163.021 shall receive categorical
16 add-on revenue as provided in this subsection. The categorical add-on for the district shall be the
17 sum of: seventy-five percent of the district allowable transportation costs under section 163.161;
18 the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515; the
19 vocational education entitlement for the district, as provided for in section 167.332; and the district
20 educational and screening program entitlements as provided for in sections 178.691 to 178.699.
21 The categorical add-on revenue amounts may be adjusted to accommodate available appropriations.

22 4. For any school district meeting the eligibility criteria for state aid as established in section
23 163.021, but which is considered an option district under section 163.042 and therefore receives no
24 state aid, the commissioner of education shall present a plan to the superintendent of the school
25 district for the waiver of rules and the duration of said waivers, in order to promote flexibility in the
26 operations of the district and to enhance and encourage efficiency in the delivery of instructional
27 services as provided in section 163.042.

28 5. (1) No less than seventy-five percent of the state revenue received under the provisions
29 of subsections 1 and 2 of this section shall be placed in the teachers' fund, and the remaining percent
30 of such moneys shall be placed in the incidental fund. No less than seventy-five percent of one-half
31 of the funds received from the school district trust fund distributed under section 163.087 shall be
32 placed in the teachers' fund. One hundred percent of revenue received under the provisions of
33 section 163.161 shall be placed in the incidental fund. One hundred percent of revenue received
34 under the provisions of sections 168.500 to 168.515 shall be placed in the teachers' fund.

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

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

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

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

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48 In the event a district fails to comply with this provision, the amount by which the district fails to

1 spend funds as provided herein shall be deducted from the district's state revenue received under the
2 provisions of subsections 1 and 2 of this section for the following year, provided that the state board
3 of education may exempt a school district from this provision if the state board of education
4 determines that circumstances warrant such exemption.

5 6. (1) If a school district's annual audit discloses that students were inappropriately
6 identified as eligible for free and reduced price lunch, special education, or limited English
7 proficiency and the district does not resolve the audit finding, the department of elementary and
8 secondary education shall require that the amount of aid paid pursuant to the weighting for free and
9 reduced price lunch, special education, or limited English proficiency in the weighted average daily
10 attendance on the inappropriately identified pupils be repaid by the district in the next school year
11 and shall additionally impose a penalty of one hundred percent of such aid paid on such pupils,
12 which penalty shall also be paid within the next school year. Such amounts may be repaid by the
13 district through the withholding of the amount of state aid.

14 (2) In the 2017-18 school year and in each subsequent school year, if a district experiences a
15 decrease in its gifted program enrollment of twenty percent or more from the previous school year,
16 an amount equal to the product of the difference between the number of students enrolled in the
17 gifted program in the current school year and the number of students enrolled in the gifted program
18 in the previous school year multiplied by six hundred eighty dollars shall be subtracted from the
19 district's current year payment amount. The provisions of this subdivision shall apply to districts
20 entitled to receive state aid payments under both subsections 1 and 2 of this section but shall not
21 apply to any school district with an average daily attendance of three hundred fifty or less.

22 7. Notwithstanding any provision of law to the contrary, in any fiscal year during which the
23 total formula appropriation is insufficient to fully fund the entitlement calculation of this section,
24 the department of elementary and secondary education shall adjust the state adequacy target in order
25 to accommodate the appropriation level for the given fiscal year. In no manner shall any payment
26 modification be rendered for any district qualified to receive payments under subsection 2 of this
27 section based on insufficient appropriations."; and
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29 Further amend said bill by amending the title, enacting clause, and intersectional references
30 accordingly.