

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

4  
5 Further amend said bill and page, Section A, Line 2, by inserting after all of said section and line  
6 the following:

7  
8 "161.217. 1. The department of elementary and secondary education, in collaboration with  
9 the Missouri Head Start State Collaboration Office and the departments of health and senior  
10 services, mental health, and social services, shall develop, as a three-year pilot program, a voluntary  
11 early learning quality assurance report. The early learning quality assurance report shall be  
12 developed based on evidence-based practices.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 11  
 12 Further amend said bill, Page 4, Section 620.3030, Line 53, by inserting after all of said section and  
 13 line the following:

14  
 15 "[161.216. 1. No public institution of higher education, political subdivision,  
 16 governmental entity, or quasi-governmental entity receiving state funds shall operate,  
 17 establish, or maintain, offer incentives to participate in, or mandate participation in a quality  
 18 rating system for early childhood education, a training quality assurance system, any  
 19 successor system, or any substantially similar system for early childhood education, unless  
 20 the authority to operate, establish, or maintain such a system is enacted into law through:

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

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

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

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

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

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

45 5. For purposes of this section:

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

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

10           (3) "Tiered reimbursement system" or "training quality assurance system" shall  
11 include but not be limited to a system that links funding to a quality rating system, a system  
12 to award higher child care subsidy payments to programs that attain higher quality levels, or  
13 a system that offers other incentives through tax policy or professional development  
14 opportunities for child care providers.]; and  
15

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