

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 137, Page 5, Section 160.415, Line 134, by
2 inserting after the word, "revenues" the following:

3
4 ", except that an urban school district containing most or all of a city with a population greater than three
5 hundred fifty thousand inhabitants may annually withhold merchants' and manufacturers' tax revenues
6 required for repayment of Series 2009, Series 2010, Series 2015, and Series 2016 bonds. Such school district
7 shall not withhold merchants' and manufacturers' tax revenues after the fiscal year ending June 30, 2036"; and
8

9 Further amend said bill, page, and section, Line 152 by deleting all of said line and inserting in lieu thereof
10 the following:

11
12 "(2) Notwithstanding any other provision of law to the contrary, the calculation in this subsection
13 shall be used to calculate state and local aid only for charter schools operated in:

14 (a) A metropolitan school district;

15 (b) An urban school district containing part or all of a city with more than three hundred fifty
16 thousand inhabitants;

17 (c) A school district that has been classified as unaccredited by the state board of education;

18 (d) A school district that has been accredited without provisions, sponsored only by the local school
19 board. No board with a current school year enrollment of at least one thousand five hundred fifty students
20 shall permit more than thirty-five percent of the school district's student enrollment to enroll in charter
21 schools sponsored by the local board under the authority of this subdivision, except that this restriction shall
22 not apply to any school district that subsequently becomes eligible under paragraph (a) or (b) of this
23 subdivision or to any district accredited without provisions that sponsors charter schools prior to having a
24 current school year student enrollment of at least one thousand five hundred fifty students; or

25 (e) A school district that has been classified as provisionally accredited by the state board of
26 education and has received scores on its annual performance report consistent with a classification of
27 provisionally accredited or unaccredited for three consecutive school years beginning with the 2012-13
28 accreditation year under the following conditions:

29 a. The eligibility for charter schools of any school district whose provisional accreditation
30 is based in whole or in part on financial stress, as defined in sections 161.520 to 161.529, or on financial
31 hardship, as defined by rule of the state board of education, shall be decided by a vote of the state board of
32 education during the third consecutive school year after the designation of provisional accreditation; and

33 b. The sponsor is limited to the local school board or a sponsor who has met the standards of
34 accountability and performance as determined by the department based on sections 160.400 to 160.425 and
35 section 167.349 and properly promulgated rules of the department.

36 (3) Each charter school and each school district responsible for distributing local"; and
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38 Further amend said bill, page and section by renumbering subsequent subdivisions accordingly; and

39
40 Further amend said bill and section, Page 6, Lines 174 to 182 by deleting all of said lines and inserting in lieu

Action Taken _____ Date _____

1 of the following:
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3 "(6) (a) The school district shall withhold, from the January local effort payment received by the
4 school district, an annual administrative fee for the purpose of supporting administrative costs the school
5 district incurs for charter schools operating within the school district. The administrative fee shall be equal to
6 one-fourth of one percent of the sum of the prior year's state aid received by the school district, the prior
7 year's state aid received by the charter schools within the school district, and the prior year's local aid
8 received by the school district and the charter schools within the school district. As used in this paragraph,
9 "state aid" means the product of the school district or charter school's weighted average daily attendance and
10 the state adequacy target, multiplied by the dollar value modifier for the district, less the school district or
11 charter school's share of local effort as defined in section 163.011."; and
12

13 Further amend said bill, page, and section, Line 185, by deleting the number "(6)" and inserting in lieu
14 thereof the following: "(7)"; and
15

16 Further amend said bill and section, Page 7, Line 206, by deleting the number "(6)" and inserting in lieu
17 thereof the following: "(7)"; and
18

19 Further amend said bill, page, and section, Line 224, by deleting the number "(7)" and inserting in lieu
20 thereof the following: "(8)"; and
21

22 Further amend said bill, page, and section, Line 225, by deleting all of said line and inserting in lieu thereof
23 the following:
24

25 "(10) (a) For the purposes of this subdivision, net cost for providing special educational services for the
26 school district and each charter school within the school district shall be calculated as the total special
27 educational services costs minus the total special educational services funding.

28 (b) For the purposes of this subdivision, total special educational services costs shall be calculated as the
29 sum of the total cost of the following as reported on the annual secretary of the board report for the school
30 district and each charter school within the school district:

31 a. Department-defined special education instruction;

32 b. Tuition for special education programs;

33 c. Health services;

34 d. Psychology services;

35 e. Speech and language services;

36 f. Audiology services;

37 g. Occupational therapy;

38 h. Physical therapy;

39 i. Visually impaired services; and

40 j. Special education transportation services.

41 (c) For the purposes of this subdivision, total special educational services funding shall be calculated as
42 the sum of the state aid and local effort per weighted average daily attendance for the school district and the
43 sum of the state aid and local aid per weighted average daily attendance for the charter schools within the
44 school district multiplied by the total number of students with an individualized educational plan as reported
45 in December to the department, plus any funds received under 162.974, plus any funds received under the
46 federal Individuals with Disabilities Education Act (IDEA) (20 U.S.C. Section 1400, et seq.), as amended,
47 plus any additional weighted state aid funds received as a result of serving a percentage of special education
48 students that exceeds the special educational threshold as defined in 163.011. As used in this subdivision,
49 "school district state aid" means the product of the school district's weighted average daily attendance and the
50 state adequacy target, multiplied by the dollar value modifier for the district, less the school district's share of
51 local effort as defined in section 163.011. As used in this subdivision, "charter school state aid" means the
52 product of the charter school's weighted average daily attendance and the state adequacy target, multiplied by
53 the dollar value modifier for the district, less the charter school's share of local effort as defined in section

1 163.011.

2 (d) Each school district that has charter schools operating within the school district and each charter
3 school shall, as part of the annual audit provided to the department, report the number of students with an
4 individualized educational plan, the costs incurred for providing special educational services as described in
5 paragraph (b) of this subdivision, the amount of funds drawn down under section 162.974, and the amount of
6 funds drawn down under the federal Individuals with Disabilities Education Act (IDEA) (20 U.S.C. Section
7 1400, et seq.), as amended.

8 (e) On or before February fourteenth of each year, the department shall calculate for each school
9 district that has charter schools operating within the school district and each charter school the net cost for
10 providing special educational services. The department shall transmit such calculations to the charter school
11 or school district and make such calculations publicly available on the department's website.

12 (f) The February local aid payment to charter schools within the school district shall be paid from the
13 total local aid funds received in January by the school district. The February local aid payment per weighted
14 average daily attendance to charter schools within the school district shall be calculated as follows:

15 a. The school district shall withhold the administrative fee described in paragraph (a) of subdivision
16 (6) of this subsection from the total local aid funds received in January by the school district.

17 b. After withholding the administrative fee, the school district shall withhold from the remaining
18 local aid funds an amount equal to the school district's prior year positive net cost for providing special
19 educational services only if the school district is determined to have a positive net cost by the department
20 under paragraph (e) of this subdivision.

21 c. After withholding the administrative fee, the school district shall withhold from the remaining
22 local aid funds an amount equal to the sum of the prior year positive net cost for providing special
23 educational services for charter schools within the school district for charter schools determined to have a
24 positive net cost by the department under paragraph (e) of this subdivision. No later than February twenty-
25 eighth of each year the school district shall distribute such funds to each charter school determined to have a
26 positive net cost an amount equal to each charter school's positive net cost as calculated under paragraph (e)
27 of this subdivision.

28 d. After withholding the administrative fee and special education funds under subparagraphs a., b.,
29 and c. of this paragraph, the school district shall divide the remaining local aid funds by the sum of the
30 current year estimated weighted average daily attendance for January of the school district plus the sum of the
31 current year estimated weighted average daily attendance for January of all charter schools within the school
32 district.

33 e. To determine the amount of the February local aid payment to each charter school within the
34 school district, the school district shall multiply the value calculated in subparagraph d. of this paragraph by
35 the current year estimated weighted average daily attendance for January for each charter school within the
36 school district. The school district shall distribute the February local aid payment to each charter school
37 within the school district on or before February twenty-eighth.

38 (g) The department shall adjust the net cost for providing special educational services for each
39 charter school and each school district that has charter schools operating within the school district based on
40 the report required in paragraph (d) of this subdivision for reasons including, but not limited to,
41 underreporting or overreporting the number of students with an individualized educational plan or the cost to
42 provide services to students with an individualized educational plan, failure to draw down funds under
43 section 162.974, failure to draw down or accrue for within the applicable fiscal year all funds to which the
44 charter school or school district is entitled under the federal Individuals with Disabilities Education Act
45 (IDEA) (20 U.S.C Section 1400 et seq.), as amended, and costs determined by the department to be excessive
46 relative to the special educational services provided.

47 (h) Any funds received by the school district or charter school under this subdivision shall not be
48 considered when calculating a withhold or payment in paragraph (f) of this subdivision in the following year.

49 (i) This subdivision shall apply beginning on February 1, 2024.

50 (11) This subsection shall apply beginning on July 1, 2022."; and

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