

FIRST REGULAR SESSION

SENATE BILL NO. 253

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS CALLAHAN AND CUNNINGHAM.

Read 1st time February 10, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

1323S.011

AN ACT

To repeal sections 163.036 and 163.037, RSMo, and to enact in lieu thereof one new section relating to summer school.

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

Section A. Sections 163.036 and 163.037, RSMo, are repealed and one
2 new section enacted in lieu thereof, to be known as section 163.036, to read as
3 follows:

163.036. 1. In computing the amount of state aid a school district is
2 entitled to receive for the minimum school term only under section 163.031, a
3 school district may use an estimate of the weighted average daily attendance for
4 the current year, or the weighted average daily attendance for the immediately
5 preceding year or the weighted average daily attendance for the second preceding
6 school year, whichever is greater. Beginning with the 2006-07 school year, the
7 summer school attendance included in the average daily attendance as defined
8 in subdivision (2) of section 163.011 shall include only the attendance hours of
9 pupils that attend summer school in the current year. **Beginning with the**
10 **2011-2012 school year, the summer school attendance included in**
11 **average daily attendance shall include only the attendance hours of**
12 **pupils based exclusively on academic areas of study. The curriculum**
13 **shall be based on core subject areas of the regular instruction program**
14 **for the relevant grade levels. In order for summer school attendance**
15 **to be included in the average daily attendance definition, each school**
16 **district shall verify to the department of elementary and secondary**
17 **education that the district's summer school program conforms to this**
18 **subsection. This subsection shall not be construed to disallow a school**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 **district from providing a summer school program that offers**
20 **nonacademic or enrichment activities at such district's**
21 **expense.** Beginning with the 2004-05 school year, when a district's official
22 calendar for the current year contributes to a more than ten percent reduction in
23 the average daily attendance for kindergarten compared to the immediately
24 preceding year, the payment attributable to kindergarten shall include only the
25 current year kindergarten average daily attendance. Any error made in the
26 apportionment of state aid because of a difference between the actual weighted
27 average daily attendance and the estimated weighted average daily attendance
28 shall be corrected as provided in section 163.091, except that if the amount paid
29 to a district estimating weighted average daily attendance exceeds the amount
30 to which the district was actually entitled by more than five percent, interest at
31 the rate of six percent shall be charged on the excess and shall be added to the
32 amount to be deducted from the district's apportionment the next succeeding
33 year.

34 2. Notwithstanding the provisions of subsection 1 of this section or any
35 other provision of law, the state board of education shall make an adjustment for
36 the immediately preceding year for any increase in the actual weighted average
37 daily attendance above the number on which the state aid in section 163.031 was
38 calculated. Said adjustment shall be made in the manner providing for correction
39 of errors under subsection 1 of this section.

40 3. Any error made in the apportionment of state aid because of a
41 difference between the actual equalized assessed valuation for the current year
42 and the estimated equalized assessed valuation for the current year shall be
43 corrected as provided in section 163.091, except that if the amount paid to a
44 district estimating current equalized assessed valuation exceeds the amount to
45 which the district was actually entitled, interest at the rate of six percent shall
46 be charged on the excess and shall be added to the amount to be deducted from
47 the district's apportionment the next succeeding year.

48 4. For the purposes of distribution of state school aid pursuant to section
49 163.031, a school district with ten percent or more of its assessed valuation that
50 is owned by one person or corporation as commercial or personal property who is
51 delinquent in a property tax payment may elect, after receiving notice from the
52 county clerk on or before March fifteenth that more than ten percent of its
53 current taxes due the preceding December thirty-first by a single property owner
54 are delinquent, to use in the local effort calculation of the state aid formula the

55 district's equalized assessed valuation for the preceding year or the actual
56 assessed valuation of the year for which the taxes are delinquent less the
57 assessed valuation of property for which the current year's property tax is
58 delinquent. To qualify for use of the actual assessed valuation of the year for
59 which the taxes are delinquent less the assessed valuation of property for which
60 the current year's property tax is delinquent, a district must notify the
61 department of elementary and secondary education on or before April first, except
62 in the year enacted, of the current year amount of delinquent taxes, the assessed
63 valuation of such property for which delinquent taxes are owed and the total
64 assessed valuation of the district for the year in which the taxes were due but not
65 paid. Any district giving such notice to the department of elementary and
66 secondary education shall present verification of the accuracy of such notice
67 obtained from the clerk of the county levying delinquent taxes. When any of the
68 delinquent taxes identified by such notice are paid during a four-year period
69 following the due date, the county clerk shall give notice to the district and the
70 department of elementary and secondary education, and state aid paid to the
71 district shall be reduced by an amount equal to the delinquent taxes received plus
72 interest. The reduction in state aid shall occur over a period not to exceed five
73 years and the interest rate on excess state aid not refunded shall be six percent
74 annually.

75 5. If a district receives state aid based on equalized assessed valuation as
76 determined by subsection 4 of this section and if prior to such notice the district
77 was paid state aid pursuant to section 163.031, the amount of state aid paid
78 during the year of such notice and the first year following shall equal the sum of
79 state aid paid pursuant to section 163.031 plus the difference between the state
80 aid amount being paid after such notice minus the amount of state aid the district
81 would have received pursuant to section 163.031 before such notice. To be
82 eligible to receive state aid based on this provision the district must levy during
83 the first year following such notice at least the maximum levy permitted school
84 districts by article X, section 11(b) of the Missouri Constitution and have a
85 voluntary rollback of its tax rate which is no greater than one cent per one
86 hundred dollars assessed valuation.

 [163.037. In any school year after the 2009-10 school year,
2 if there is a twenty-five percent decrease in the statewide
3 percentage of average daily attendance attributable to summer
4 school compared to the percentage of average daily attendance

5 attributable to summer school in the 2005-06 school year, then for
6 the subsequent school year, weighted average daily attendance, as
7 such term is defined in section 163.011, shall include the addition
8 of the product of twenty-five hundredth times the average daily
9 attendance for summer school.]

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Unofficial

Bill

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