

SECOND REGULAR SESSION

SENATE BILL NO. 954

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAY.

Read 1st time January 30, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5211S.011

AN ACT

To repeal section 163.011, RSMo, and to enact in lieu thereof one new section relating to calculation of weighted average daily attendance.

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

Section A. Section 163.011, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 163.011, to read as follows:

163.011. As used in this chapter unless the context requires otherwise:

2 (1) "Adjusted operating levy", the sum of tax rates for the current year for
3 teachers' and incidental funds for a school district as reported to the proper
4 officer of each county pursuant to section 164.011;

5 (2) "Average daily attendance", the quotient or the sum of the quotients
6 obtained by dividing the total number of hours attended in a term by resident
7 pupils between the ages of five and twenty-one by the actual number of hours
8 school was in session in that term. To the average daily attendance of the
9 following school term shall be added the full-time equivalent average daily
10 attendance of summer school students. "Full-time equivalent average daily
11 attendance of summer school students" shall be computed by dividing the total
12 number of hours, except for physical education hours that do not count as credit
13 toward graduation for students in grades nine, ten, eleven, and twelve, attended
14 by all summer school pupils by the number of hours required in section 160.011
15 in the school term. For purposes of determining average daily attendance under
16 this subdivision, the term "resident pupil" shall include all children between the
17 ages of five and twenty-one who are residents of the school district and who are
18 attending kindergarten through grade twelve in such district. If a child is
19 attending school in a district other than the district of residence and the child's

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

20 parent is teaching in the school district or is a regular employee of the school
21 district which the child is attending, then such child shall be considered a
22 resident pupil of the school district which the child is attending for such period
23 of time when the district of residence is not otherwise liable for tuition. Average
24 daily attendance for students below the age of five years for which a school
25 district may receive state aid based on such attendance shall be computed as
26 regular school term attendance unless otherwise provided by law;

27 (3) "Current operating expenditures":

28 (a) For the fiscal year 2007 calculation, "current operating expenditures"
29 shall be calculated using data from fiscal year 2004 and shall be calculated as all
30 expenditures for instruction and support services except capital outlay and debt
31 service expenditures minus the revenue from federal categorical sources; food
32 service; student activities; categorical payments for transportation costs pursuant
33 to section 163.161; state reimbursements for early childhood special education;
34 the career ladder entitlement for the district, as provided for in sections 168.500
35 to 168.515; the vocational education entitlement for the district, as provided for
36 in section 167.332; and payments from other districts;

37 (b) In every fiscal year subsequent to fiscal year 2007, current operating
38 expenditures shall be the amount in paragraph (a) of this subdivision plus any
39 increases in state funding pursuant to sections 163.031 and 163.043 subsequent
40 to fiscal year 2005, not to exceed five percent, per recalculation, of the state
41 revenue received by a district in the 2004-05 school year from the foundation
42 formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and
43 free textbook payments for any district from the first preceding calculation of the
44 state adequacy target;

45 (4) "District's tax rate ceiling", the highest tax rate ceiling in effect
46 subsequent to the 1980 tax year or any subsequent year. Such tax rate ceiling
47 shall not contain any tax levy for debt service;

48 (5) "Dollar-value modifier", an index of the relative purchasing power of
49 a dollar, calculated as one plus fifteen percent of the difference of the regional
50 wage ratio minus one, provided that the dollar value modifier shall not be applied
51 at a rate less than 1.0:

52 (a) "County wage per job", the total county wage and salary disbursements
53 divided by the total county wage and salary employment for each county and the
54 City of St. Louis as reported by the Bureau of Economic Analysis of the United
55 States Department of Commerce for the fourth year preceding the payment year;

56 (b) "Regional wage per job":

57 a. The total Missouri wage and salary disbursements of the metropolitan
58 area as defined by the Office of Management and Budget divided by the total
59 Missouri metropolitan wage and salary employment for the metropolitan area for
60 the county signified in the school district number or the City of St. Louis, as
61 reported by the Bureau of Economic Analysis of the United States Department
62 of Commerce for the fourth year preceding the payment year and recalculated
63 upon every decennial census to incorporate counties that are newly added to the
64 description of metropolitan areas; or if no such metropolitan area is established,
65 then:

66 b. The total Missouri wage and salary disbursements of the micropolitan
67 area as defined by the Office of Management and Budget divided by the total
68 Missouri micropolitan wage and salary employment for the micropolitan area for
69 the county signified in the school district number, as reported by the Bureau of
70 Economic Analysis of the United States Department of Commerce for the fourth
71 year preceding the payment year, if a micropolitan area for such county has been
72 established and recalculated upon every decennial census to incorporate counties
73 that are newly added to the description of micropolitan areas; or

74 c. If a county is not part of a metropolitan or micropolitan area as
75 established by the Office of Management and Budget, then the county wage per
76 job, as defined in paragraph (a) of this subdivision, shall be used for the school
77 district, as signified by the school district number;

78 (c) "Regional wage ratio", the ratio of the regional wage per job divided by
79 the state median wage per job;

80 (d) "State median wage per job", the fifty-eighth highest county wage per
81 job;

82 (6) "Free and reduced price lunch pupil count", for school districts not
83 eligible for and those that do not choose the USDA Community Eligibility Option,
84 the number of pupils eligible for free and reduced price lunch on the last
85 Wednesday in January for the preceding school year who were enrolled as
86 students of the district, as approved by the department in accordance with
87 applicable federal regulations. For eligible school districts that choose the USDA
88 Community Eligibility Option, the free and reduced price lunch pupil count shall
89 be the percentage of free and reduced price lunch students calculated as eligible
90 on the last Wednesday in January of the most recent school year that included
91 household applications to determine free and reduced price lunch count

92 multiplied by the district's average daily attendance figure;

93 (7) "Free and reduced price lunch threshold" shall be calculated by
94 dividing the total free and reduced price lunch pupil count of every performance
95 district that falls entirely above the bottom five percent and entirely below the
96 top five percent of average daily attendance, when such districts are rank-ordered
97 based on their current operating expenditures per average daily attendance, by
98 the total average daily attendance of all included performance districts;

99 (8) "Limited English proficiency pupil count", the number in the preceding
100 school year of pupils aged three through twenty-one enrolled or preparing to
101 enroll in an elementary school or secondary school who were not born in the
102 United States or whose native language is a language other than English or are
103 Native American or Alaskan native, or a native resident of the outlying areas,
104 and come from an environment where a language other than English has had a
105 significant impact on such individuals' level of English language proficiency, or
106 are migratory, whose native language is a language other than English, and who
107 come from an environment where a language other than English is dominant; and
108 have difficulties in speaking, reading, writing, or understanding the English
109 language sufficient to deny such individuals the ability to meet the state's
110 proficient level of achievement on state assessments described in Public Law
111 107-10, the ability to achieve successfully in classrooms where the language of
112 instruction is English, or the opportunity to participate fully in society;

113 (9) "Limited English proficiency threshold" shall be calculated by dividing
114 the total limited English proficiency pupil count of every performance district that
115 falls entirely above the bottom five percent and entirely below the top five percent
116 of average daily attendance, when such districts are rank-ordered based on their
117 current operating expenditures per average daily attendance, by the total average
118 daily attendance of all included performance districts;

119 (10) "Local effort":

120 (a) For the fiscal year 2007 calculation, "local effort" shall be computed as
121 the equalized assessed valuation of the property of a school district in calendar
122 year 2004 divided by one hundred and multiplied by the performance levy less the
123 percentage retained by the county assessor and collector plus one hundred
124 percent of the amount received in fiscal year 2005 for school purposes from
125 intangible taxes, fines, escheats, payments in lieu of taxes and receipts from
126 state-assessed railroad and utility tax, one hundred percent of the amount
127 received for school purposes pursuant to the merchants' and manufacturers' taxes

128 under sections 150.010 to 150.370, one hundred percent of the amounts received
129 for school purposes from federal properties under sections 12.070 and 12.080
130 except when such amounts are used in the calculation of federal impact aid
131 pursuant to P.L. 81-874, fifty percent of Proposition C revenues received for
132 school purposes from the school district trust fund under section 163.087, and one
133 hundred percent of any local earnings or income taxes received by the district for
134 school purposes. Under this paragraph, for a special district established under
135 sections 162.815 to 162.940 in a county with a charter form of government and
136 with more than one million inhabitants, a tax levy of zero shall be utilized in lieu
137 of the performance levy for the special school district;

138 (b) In every year subsequent to fiscal year 2007, "local effort" shall be the
139 amount calculated under paragraph (a) of this subdivision plus any increase in
140 the amount received for school purposes from fines. If a district's assessed
141 valuation has decreased subsequent to the calculation outlined in paragraph (a)
142 of this subdivision, the district's local effort shall be calculated using the district's
143 current assessed valuation in lieu of the assessed valuation utilized in the
144 calculation outlined in paragraph (a) of this subdivision. When a change in a
145 school district's boundary lines occurs because of a boundary line change,
146 annexation, attachment, consolidation, reorganization, or dissolution under
147 section 162.071, 162.081, sections 162.171 to 162.201, section 162.221, 162.223,
148 162.431, 162.441, or 162.451, or in the event that a school district assumes any
149 territory from a district that ceases to exist for any reason, the department of
150 elementary and secondary education shall make a proper adjustment to each
151 affected district's local effort, so that each district's local effort figure conforms
152 to the new boundary lines of the district. The department shall compute the local
153 effort figure by applying the calendar year 2004 assessed valuation data to the
154 new land areas resulting from the boundary line change, annexation, attachment,
155 consolidation, reorganization, or dissolution and otherwise follow the procedures
156 described in this subdivision;

157 (11) "Membership" shall be the average of:

158 (a) The number of resident full-time students and the full-time equivalent
159 number of part-time students who were enrolled in the public schools of the
160 district on the last Wednesday in September of the previous year and who were
161 in attendance one day or more during the preceding ten school days; and

162 (b) The number of resident full-time students and the full-time equivalent
163 number of part-time students who were enrolled in the public schools of the

164 district on the last Wednesday in January of the previous year and who were in
165 attendance one day or more during the preceding ten school days, plus the
166 full-time equivalent number of summer school pupils. "Full-time equivalent
167 number of part-time students" is determined by dividing the total number of
168 hours for which all part-time students are enrolled by the number of hours in the
169 school term. "Full-time equivalent number of summer school pupils" is
170 determined by dividing the total number of hours for which all summer school
171 pupils were enrolled by the number of hours required pursuant to section 160.011
172 in the school term. Only students eligible to be counted for average daily
173 attendance shall be counted for membership;

174 (12) "Operating levy for school purposes", the sum of tax rates levied for
175 teachers' and incidental funds plus the operating levy or sales tax equivalent
176 pursuant to section 162.1100 of any transitional school district containing the
177 school district, in the payment year, not including any equalized operating levy
178 for school purposes levied by a special school district in which the district is
179 located;

180 (13) "Performance district", any district that has met performance
181 standards and indicators as established by the department of elementary and
182 secondary education for purposes of accreditation under section 161.092 and as
183 reported on the final annual performance report for that district each year; for
184 calculations to be utilized for payments in fiscal years subsequent to fiscal year
185 2018, the number of performance districts shall not exceed twenty-five percent of
186 all public school districts;

187 (14) "Performance levy", three dollars and forty-three cents;

188 (15) "School purposes" pertains to teachers' and incidental funds;

189 (16) "Special education pupil count", the number of public school students
190 with a current individualized education program or services plan and receiving
191 services from the resident district as of December first of the preceding school
192 year, except for special education services provided through a school district
193 established under sections 162.815 to 162.940 in a county with a charter form of
194 government and with more than one million inhabitants, in which case the sum
195 of the students in each district within the county exceeding the special education
196 threshold of each respective district within the county shall be counted within the
197 special district and not in the district of residence for purposes of distributing the
198 state aid derived from the special education pupil count;

199 (17) "Special education threshold" shall be calculated by dividing the total

200 special education pupil count of every performance district that falls entirely
201 above the bottom five percent and entirely below the top five percent of average
202 daily attendance, when such districts are rank-ordered based on their current
203 operating expenditures per average daily attendance, by the total average daily
204 attendance of all included performance districts;

205 (18) "State adequacy target", the sum of the current operating
206 expenditures of every performance district that falls entirely above the bottom
207 five percent and entirely below the top five percent of average daily attendance,
208 when such districts are rank-ordered based on their current operating
209 expenditures per average daily attendance, divided by the total average daily
210 attendance of all included performance districts. The department of elementary
211 and secondary education shall first calculate the state adequacy target for fiscal
212 year 2007 and recalculate the state adequacy target every two years using the
213 most current available data. The recalculation shall never result in a decrease
214 from the state adequacy target as calculated for fiscal years 2017 and 2018 and
215 any state adequacy target figure calculated subsequent to fiscal year
216 2018. Should a recalculation result in an increase in the state adequacy target
217 amount, fifty percent of that increase shall be included in the state adequacy
218 target amount in the year of recalculation, and fifty percent of that increase shall
219 be included in the state adequacy target amount in the subsequent year. The
220 state adequacy target may be adjusted to accommodate available appropriations
221 as provided in subsection 7 of section 163.031;

222 (19) "Teacher", any teacher, teacher-secretary, substitute teacher,
223 supervisor, principal, supervising principal, superintendent or assistant
224 superintendent, school nurse, social worker, counselor or librarian who shall,
225 regularly, teach or be employed for no higher than grade twelve more than
226 one-half time in the public schools and who is certified under the laws governing
227 the certification of teachers in Missouri;

228 (20) "Weighted average daily attendance", the average daily attendance
229 plus the product of [twenty-five] fifty hundredths multiplied by the free and
230 reduced price lunch pupil count that exceeds the free and reduced price lunch
231 threshold, plus the product of seventy-five hundredths multiplied by the number
232 of special education pupil count that exceeds the special education threshold, plus
233 the product of six-tenths multiplied by the number of limited English proficiency
234 pupil count that exceeds the limited English proficiency threshold. For special
235 districts established under sections 162.815 to 162.940 in a county with a charter

236 form of government and with more than one million inhabitants, weighted
237 average daily attendance shall be the average daily attendance plus the product
238 of [twenty-five] **fifty** hundredths multiplied by the free and reduced price lunch
239 pupil count that exceeds the free and reduced price lunch threshold, plus the
240 product of seventy-five hundredths multiplied by the sum of the special education
241 pupil count that exceeds the threshold for each county district, plus the product
242 of six-tenths multiplied by the limited English proficiency pupil count that
243 exceeds the limited English proficiency threshold. None of the districts
244 comprising a special district established under sections 162.815 to 162.940 in a
245 county with a charter form of government and with more than one million
246 inhabitants, shall use any special education pupil count in calculating their
247 weighted average daily attendance.

✓

Bill

Copy