

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0154-03
Bill No.: HCS for SB 55
Subject: Education, Elementary and Secondary: Public Records, Public Meetings
Type: Original
Date: April 27, 2009

Bill Summary: This proposal modifies several provisions relating to education.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
General Revenue	(\$67,663,037)	(\$67,878,885)	(\$68,257,903)
Total Estimated Net Effect on General Revenue Fund	(\$67,663,037)	(\$67,878,885)	(\$68,257,903)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
General Education Development (GED) Revolving Fund*	\$0	\$0	\$0
State School Moneys Fund	\$0	\$0	\$0
State Road Fund	(\$1,964,000)	(\$2,366,000)	(\$2,377,000)
Total Estimated Net Effect on Other State Funds	(\$1,964,000)	(\$2,366,000)	(\$2,377,000)

***Offsetting fee income and costs exceed \$100,000 annually**

Numbers within parentheses: () indicate costs or losses. This fiscal note contains 19 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on FTE	0	0	0

- Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).
- Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Local Government	\$69,527,037	\$70,044,885	\$70,384,903

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Health and Senior Services, Department of Social Services, and the Department of Public Safety - Office of the Director** assume this proposal has no fiscal impact on respective agencies.

Officials from the **Department of Higher Education** state this proposal will have no direct, foreseeable fiscal impact on their agency or any program administered by their agency.

According to officials from the **Office of Secretary of State (SOS)**, many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$2,500.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

Officials from the **Special School District of St Louis County** state this proposal should not have a material fiscal impact on their district.

§142.814 - Exempts motor fuel used to operate school buses transporting students for educational purposes from the motor fuel tax.

Officials at the **Missouri Department of Transportation (MoDOT)** assume that according to Department of Elementary and Secondary Education they expect a 1.0043% bus travel growth annually. The total bus miles traveled during the 2007-08 school year was 131,909,393. The average school bus gets 7 miles per gallon. Total gallons used (131,909,393/7=18,844,199). That would be an income loss of \$3,203,513.83. Adding the 1% growth rate the impact would be (\$2,681,074.12) (FY 10), (\$3,231,123.28) (FY 11) & (\$3,245,017.11) (FY 12) - Note this also includes the lost revenue to cities and counties.

ASSUMPTION (continued)

	FY 2010	FY 2011	FY2012
State Road Fund	(\$1,964,000)	(\$2,366,000)	(\$2,377,000)
Cities	(\$402,000)	(\$485,000)	(\$487,000)
Counties	(\$315,000)	(\$380,000)	(\$382,000)
Total	(\$2,681,000)	(\$3,231,000)	(\$3,246,000)

Officials at the **Budget and Planning** defer to DESE and MoDOT for the fiscal impact of this bill.

Officials at the **Department of Revenue** would be required to notify the 524 public school districts in the state of the exemption:

Letters -	\$13.10 (524 @ \$.025 per letter)
Postage -	\$220.08 (524 @ \$.42 per letter)
Envelopes -	\$20.96 (524 @ \$.04 per letter).
Total cost (FY 2010)	\$254.14

Oversight assumes that the Department of Revenue can absorb any costs arising from the proposal with existing resources.

The **Office of Administration Information Technology (ITSD DOR)** estimates that this legislation could be implemented utilizing one existing CIT III for one month at a rate of \$4,441/mo for a total cost of \$4,441 for system modifications to FACS. ITSD DOR estimates the IT portion of this request can be accomplished within existing resources; however, if priorities shift, additional FTE/overtime would be needed to implement.

Officials at the **Department of Elementary and Secondary Education** assume this proposal would create a savings to school districts and a loss to state revenues.

Officials at the **Parkway School District** assume a savings of \$42,500 annually.

In similar legislation filed this year (HB 112), officials at the **St. Joseph School District** assumed a savings of \$30,000 annually, officials at the **Sikeston R-6 School District** assumed a savings of \$6,000 annually and officials at the **Jefferson City Public School District** assumed a

ASSUMPTION (continued)

savings of \$20,000 to \$25,000 annually.

§160.545 - Allows all public career-technical schools to participate in the A+ Schools Program without stipulations

Officials from the **Department of Higher Education** state this section would have no direct, foreseeable fiscal impact on their agency.

Officials from the **Department of Elementary and Secondary Education** state this section will have no fiscal impact on their agency or on local school districts.

Officials from **Linn State Technical College** state this proposal will have no fiscal impact on their institution.

Officials from the **Metropolitan Community College** assume this proposed legislation could cost their college a 10% loss of current A+ students (approximately 180) and a loss of tuition and fee revenue of close to \$330,000.

Oversight assumes that currently, two-year private vocational schools that provide services for A+ students must be accredited by the Higher Learning Commission and a member of the North Central Association of Colleges and Schools, must be designated as nonprofit organizations, and are prohibited from receiving reimbursements in excess of the rate charged by a public community college. This proposal simply clarifies that these requirements are applicable to private schools only and not to public vocational or technical schools. **Oversight** assumes no additional fiscal impact to local community colleges.

§160.775 - Modifies the definition of "bullying" as used in school district anti-bullying policies to include cyber-bullying and electronic communications.

Officials from the **Department of Elementary and Secondary Education** state this section will have no fiscal impact on their agency or on local school districts.

Officials from the **Francis Howell School District** state their district already has an anti-bullying policy in place. The revision of the policy to include cyber-bullying and electronic communications would not have a fiscal impact on their district.

Officials from the **Marshfield, Poplar Bluff, and Sikeston School Districts** assume this

ASSUMPTION (continued)

proposal would have no fiscal impact on their respective districts.

In response to identical legislation from last session (SB 762 - FN 3104-01), officials from the **Farmington** and **Independence School Districts** assumed no fiscal impact.

§163.011 - Gifted Students

Officials from the **Department of Elementary and Secondary Education (DESE)** state this section of the proposed legislation removes from the calculation of the state adequacy target the inclusion of the gaming revenues from the repeal of the loss limits.

Current law provides that current operating expenditures shall include, in part, any increases in state funding subsequent to fiscal year 2005, not to exceed 5%, per recalculation, of state revenue, received by a district in the 2004-2005 school year. This proposal removes the 5% limit on increases in state funding per recalculation. The proposal also adds a component to weighted ADA related to the count of gifted students.

Add a weight for gifted students in weighted ADA:

The increased cost in FY 2010 if a weight for gifted students is added to weighted ADA is approximately \$26 million. All factors were held constant to those used in the DESE calculation of the \$63.2 million increase for FY10 including hold the SAT at \$6,117.

Remove the 5% cap in the State Adequacy Target (SAT) calculation:

The State Adequacy Target for FY 2010 would have been \$6,219 without the 5% cap. The increased cost in FY 2010 if the 5% cap is removed and the SAT is consequently increased to \$6,219 is approximately \$40.3 million. All factors were held constant to those used in the DESE calculation of the \$63.2M increase for FY10 with the exception of the SAT which was changed to \$6,219.

Oversight assumes both provisions will be implemented for a total of \$66,300,000.

§161.390 - Standards for teaching

Officials from the **Department of Elementary and Secondary Education (DESE)** stated there would be cost associated with the development of the teaching standards, but those costs should be insignificant.

ASSUMPTION (continued)

Oversight assumes the minimal costs could be absorbed by DESE and, for fiscal note purposes only, will assign no cost for this section.

§161.860 - Establishes the General Education Development (GED) Revolving Fund

Officials from the **Department of Elementary and Secondary Education** state this section will have no fiscal impact on their agency or on local school districts.

Officials from the **Office of State Treasurer (STO)** state that the STO will invest the moneys held in this fund in the same manner as all other state funds. The fund will continue to maintain its separate fund balance, but will be included within the state investment pool.

Oversight assumes, based on information from the GED website and officials from the GED Testing Section, that income from fees will cover the costs of GED testing. 12,207 people were tested statewide in FY 2008. The application fee is \$20 and the test administration fee is \$20, resulting in fee income of at least \$488,280 for FY 2008. It is unknown how many people may make an application but not take the test. There is also a \$15 fee for duplicate certificates. There has been a steady increase in the number taking the test since FY 2003. For fiscal note purposes only, **Oversight** will show offsetting income and costs in excess of \$100,000 in the General Education Development (GED) Revolving Fund.

§162.083 - Provides for a transition to local governance for school districts governed by a special administrative board appointed by the State Board of Education

Officials from the **Department of Elementary and Secondary Education** states this proposed legislation presents no increased costs for their agency or the state.

Oversight assumes that since the election of a successor member shall occur on a municipal election day, costs of the election to the school district would be minimal and no fiscal impact is assigned.

The proposed legislation for a similar bill (SCS for HB 659 - 1029-02)) was sent to the St Louis Public School District and the St Louis City Board of Elections, neither of which responded to a request for fiscal note.

ASSUMPTION (continued)

§162.204 - Allows school districts to maintain permanent records digitally or electronically

Officials from the **Department of Elementary and Secondary Education** state this section of the proposal will have no fiscal impact on their agency or on local school districts.

Officials from the **Sikeston School District** assumed no costs associated with the proposed legislation.

In response to an identical proposal from last year (SB 925 - FN 3978-01), officials from the **Independence School District** stated the proposal would have no fiscal impact on their district beyond current operational expenditures.

§162.961, 162.963 - Provides for the authority of a local board of education to identify a designee to bind the school district in a settlement agreement reached during a special education resolution session. Also revises §162.963, RSMo, to comply with federal law (Individuals with Disabilities Education Act)

Officials from the **Department of Elementary and Secondary Education** state this section of the proposal will have no fiscal impact on their agency or on local school districts. This proposal would bring state statutes in alignment with federal IDEA and the regulation 34 CFR 300.512(a)(3).

This proposal (HB 289 FN 1078-01) was sent to several school districts, none of which responded to the request for fiscal impact. In response to identical legislation from last year (SCS/SB 1225 & 1226 - FN 4694-02), the following school districts stated the proposed legislation would have no fiscal impact on their respective districts: **Marshfield** and **Independence**.

§162.1250 - Virtual courses

Officials from **DESE** anticipate no increased cost to the school foundation formula.

Oversight assumes the proposal is permissive for the school districts; therefore, no fiscal impact will be stated.

ASSUMPTION (continued)

§163.031 - Eliminates the summer school penalty beginning with the 2009-2010 school year

According to officials from the **Department of Elementary and Secondary Education (DESE)**, this section of the proposed legislation does not increase the cost of the school basic foundation formula. It would reduce a decrease, or penalty, a district might have because of summer school average daily attendance (ADA) decreasing below that of the 2005 summer school level.

A reduction in summer school ADA for whatever reason will result in a decrease in the district's basic formula money because the district's weighted ADA would decrease. However, this is not a result of the proposal. It is the normal process in the formula in which a decrease in regular term ADA or summer school ADA causes a decrease in basic formula money for the school district affected.

§163.095 - Requires the Department of Elementary and Secondary Education to recalculate state school aid for Riverview Gardens School District to correct an error by the district and requires audits and appraisals

Officials from the **Department of Elementary and Secondary Education** state the district impacted by this proposal is Riverview Gardens (096-111). The estimate of the state's increased cost for FY10 is \$1,363,037. The estimates for subsequent years' increased costs are:

FY 11-\$1,578,885
FY 12-\$1,807,903
FY 13-\$2,036,921

DESE assumes the audit and appraisal stipulations will result in costs to the school district. **Oversight** assumes the school district will only be liable for appraisal costs if it decides to sell school property.

According to officials from the **Office of State Auditor (SAU)**, §163.095.2 requires the SAU to audit the Riverview Gardens School District in FY 2012. The audit conducted on this entity by the SAU in FY 2007 cost approximately \$116,000. With the increases in costs since that time, it is estimated that this audit requirement will cost approximately \$150,000.

Officials from Riverview Gardens School District did not respond to a request for fiscal impact.

ASSUMPTION (continued)

§167.018, 167.119 - Foster Care Education Bill of Rights

Officials from the **Department of Social Services - Children's Division** state their policy addresses the issue of considering the child's school attendance area when making placement decisions in Section 4 Chapter 7.2 of the Child Welfare Manual.

Officials from the **Department of Elementary and Secondary Education (DESE)** assume this part of the proposed legislation appears to give foster parents the ultimate choice in educational placement. There does not appear to be an additional cost.

§167.720 - Requires all elementary school districts to have physical education programs

Officials from the **Department of Elementary and Secondary Education (DESE)** state there is no impact for DESE; however, there is an unknown, but estimated over \$100,000 cost for school districts in the state. Not all districts will have problems with these requirements, but other districts could actually have to build more gyms and hire additional staff. Some school districts already provide daily PE for elementary students, but a majority do not. There is also the mandatory recess which is not currently required in Missouri and this could require districts to hire or fund playground supervisors.

Officials from the **Blue Springs School District** state this proposal would require their district to add a minimum of 13 additional with as many as 21 additional physical education teachers at a cost of at least \$650,000 to \$1,000,000 annually.

Officials from the **Special School District of St Louis County** state the proposed legislation would cost their district at least \$550,000 for 10 new physical education teachers. In addition, their district may have to make renovations to one of their buildings to accommodate the increased required for physical education. In addition, the proposal may require the school day to be increased which could increase transportation costs due to the inability to pair routes for schools with extended hours.

Officials from the **Frances Howell School District (FHSD)** responded in the introduced version of this proposal that they currently provide the required number of minutes of physical education instruction, but not on a daily schedule. Physical education is scheduled in a rotation along with art and music. To move to having physical education every day for kindergarten through eighth grade, FHSD would need to increase teaching staff, not only in physical education, but also in art and music.

ASSUMPTION (continued)

FHSD officials estimated they would need to add a minimum of 10 teachers. At a cost of \$60,000 (salary and benefits), the fiscal impact would be \$600,000. This does not include the facility costs that may be incurred, as their district is already running a program at maximum capacity at some of their schools. The move to every day physical education would require expansion of facilities. This would increase the fiscal impact of this proposed legislation.

Officials from the **Parkway School District** estimate the cost of this proposal to be approximately \$800,000, based on a minimum of 15 additional FTE.

In response to a similar proposal from last year (HB 1891 - FN 3959-01), these school districts offered the following assumptions:

Officials from the **Salisbury School District** assumed this proposal would require additional teachers and their district would have to build a facility in which to conduct these classes. Their district is only able to offer 50 minutes each week per elementary class because the current facilities are also used as the lunchroom.

Officials from the **Independence School District** assumed that at the elementary level, it would require additional physical education teachers, additional gym space, and equipment to support this program expansion. At the Middle School students currently participate in P.E. (3/5th of the time) and Health (2/5th of the time). At the High School level, it would require the District to increase graduation requirements for physical education to two units; increase the number of instructors; conflict with advance placement, band, debate, theater, and foreign language courses; and would require more indoor physical education space.

Oversight notes that the language of the proposal states that all school districts shall comply with the requirements of this proposal beginning with the 2010-2011 school year. **Oversight** assumes costs for additional staff would not begin until FY 2011; however, if additional construction of facilities is required, those costs to the districts could begin as early as FY 2010 and would be expected to exceed \$100,000. **Oversight** also notes that although physical education teachers are not required to implement this section, additional staffing would still be needed.

§168.133 - Makes background checks and fingerprinting for teachers valid for one year, even if they move from district to district or change certification

Officials from the **Department of Public Safety - Missouri State Highway Patrol** anticipate

ASSUMPTION (continued)

this proposal would have no fiscal impact on their agency.

Officials from the **Department of Elementary and Secondary Education** were unable to determine a fiscal impact for proposal due to uncertainties regarding the meaning of the language.

Oversight assumes the language in this section of the proposed legislation addresses the transferability of records and does not mandate additional fingerprinting or background checks and therefore will assign no fiscal impact.

Officials from the **Sikeston School District** estimate this proposed legislation would result in minimal savings to their district.

§170.400 - Supplemental educational services programming

DESE officials assumed no fiscal impact for this section.

§171.033 - Modifies the number of school days to be make up due to inclement weather

Officials from **DESE** state this section will have no fiscal impact on their agency or on local school districts.

Officials from the **Sikeston School District** assume this section will assist those districts who missed an inordinate number of days of school.

In response to similar legislation from last session, (SB 911 - FN 3525-01), officials from the **Poplar Bluff** and **Independence School Districts** assume no fiscal impact on their respective districts.

<u>FISCAL IMPACT - State Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
GENERAL REVENUE			
<u>Cost</u> - Department of Elementary and Secondary Education (DESE) - Increased state aid (§163.011)	(\$66,300,000)	(\$66,300,000)	(\$66,300,000)
<u>Cost</u> - Office of State Auditor - Follow-up audit of 2007 audit of Riverview Gardens School District (§163.095)	\$0	\$0	(\$150,000)
<u>Cost</u> - DESE - Increased state aid (§163.095)	<u>(\$1,363,037)</u>	<u>(\$1,578,885)</u>	<u>(\$1,807,903)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(\$67,663,037)</u>	<u>(\$67,878,885)</u>	<u>(\$68,257,903)</u>
STATE SCHOOL MONEYS FUND			
<u>Transfer In</u> - General Revenue - Increased state aid (§163.011)	\$66,300,000	\$66,300,000	\$66,300,000
<u>Transfer In</u> - General Revenue - Increased state aid (§163.095)	\$1,363,037	\$1,578,885	\$1,807,903
<u>Transfer Out</u> - School Districts - Increased state aid (§163.095)	(\$66,300,000)	(\$66,300,000)	(\$66,300,000)
<u>Transfer Out</u> - Distribution to Riverview Gardens School District (§163.095)	<u>(\$1,363,037)</u>	<u>(\$1,578,885)</u>	<u>(\$1,807,903)</u>
ESTIMATED NET EFFECT ON STATE SCHOOL MONEYS FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - State Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
STATE ROAD FUND			
<u>Loss</u> - Department of Transportation - Motor fuel tax exemption for school bus operation (§142.814)	<u>(\$1,964,000)</u>	<u>(\$3,266,000)</u>	<u>(\$2,377,000)</u>
ESTIMATED NET EFFECT ON STATE ROAD FUND	<u>(\$1,964,000)</u>	<u>(\$3,266,000)</u>	<u>(\$2,377,000)</u>
 GENERAL EDUCATIONAL DEVELOPMENT (GED) REVOLVING FUND			
<u>Income</u> - Fees from GED test applicants and test administration fees (§161.860)	Exceeds \$100,000	Exceeds \$100,000	Exceeds \$100,000
<u>Cost</u> - Expenses related to GED test administration (§161.860)	(Exceeds <u>\$100,000</u>)	(Exceeds <u>\$100,000</u>)	(Exceeds <u>\$100,000</u>)
ESTIMATED NET EFFECT ON GENERAL EDUCATIONAL DEVELOPMENT REVOLVING FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
LOCAL POLITICAL SUBDIVISIONS			
<u>Transfer In</u> - School Districts - Increased state aid (§163.011)	\$66,300,000	\$66,300,000	\$66,300,000
<u>Income</u> - Increased state aid for Riverview Gardens School District (§163.095)	\$1,363,037	\$1,578,885	\$1,807,903
<u>Savings</u> - School Districts - Motor fuel tax exemption for school bus operations (§142.814)	\$2,681,000	\$3,231,000	\$3,246,000
<u>Loss</u> - Cities - Motor fuel tax exemption for school bus operations (§142.814)	(\$402,000)	(\$485,000)	(\$487,000)
<u>Loss</u> - Counties- Motor fuel tax exemption for school bus operations (§142.814)	(\$315,000)	(\$380,000)	(\$382,000)
<u>Cost</u> - School Districts - Construction costs for facilities for expanded physical education requirement (§167.720)	(Expected to exceed \$100,000)	(Expected to exceed \$100,000)	\$0
<u>Cost</u> - School Districts - Additional staffing required for expanded physical education requirement (§167.720)	\$0	(Expected to exceed \$100,000)	(Expected to exceed \$100,000)
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>\$69,527,037</u>	<u>\$70,044,885</u>	<u>\$70,384,903</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

§142.814 - Exempts motor fuel used to operate school buses transporting students for educational purposes from the motor fuel tax.

This section exempts fuel used to operate school buses transporting students for educational purposes from the motor fuel tax.

§161.860 - Establishes the General Education Development (GED) Revolving Fund

This section of the proposed legislation creates the General Educational Development (GED) Revolving Fund to be administered by the Commissioner of Education. The source of funds will be fees charged to GED test applicants. After appropriation, the moneys in the fund will be used for the costs of test administration, which are specified in the proposal. All moneys collected in cost-recovery activities will be credited to the fund, moneys remaining at the end of the biennium will not revert to the General Revenue Fund, and any accruing interest will be credited to the GED Revolving Fund annually.

§163.011 - Gifted Students

This section of the proposed legislation modifies the elementary and secondary education funding formula. It removes from the calculation of the state adequacy target the inclusion of the gaming revenues from the repeal of the loss limits.

Current law provides that current operating expenditures shall include, in part, any increases in state funding subsequent to fiscal year 2005, not to exceed 5%, per recalculation, of state revenue, received by a district in the 2004-2005 school year. This proposal removes the 5% limit on increases in state funding per recalculation. This becomes effective July 1, 2010.

The proposed legislation defines "Gifted Education Pupil Count" as the number of students who qualify as "gifted" under §162.675 and who are enrolled in a school district's gifted education program on the last Wednesday in January for the preceding school year. This number must not exceed five percent of a school district's enrollment for the immediately preceding academic year. The proposal modifies the definition of "weighted average daily attendance" by including in the calculation the product of .25 multiplied by the number of the district's gifted education pupil count

FISCAL DESCRIPTION (continued)

§163.095 - Requires the Department of Elementary and Secondary Education to recalculate state school aid for Riverview Gardens School District to correct an error by the district and requires audits and appraisals

This section requires the Department of Elementary and Secondary Education (DESE) to recalculate the state school aid for the Riverview Gardens School District due to the district setting its levy in the capital projects fund instead of the incidental fund in calendar year 2005. DESE shall calculate the amount the district would have received in state foundation formula revenue for the fiscal year 2006 had the district placed the entire operating levy amount in the incidental fund and shall use this revised 2005-2006 calculated funding amount in determining the distribution of foundation formula aid for the 2009-2010 school year and subsequent years. The revised calculation shall not change the funding to the district for any year prior to the 2009-2010 school year.

After the completion of the 2010-2011 fiscal year, the state auditor shall perform a follow-up audit for the school district to determine to what extent the issues addressed in the district's 2007 audit have been addressed. The school district shall obtain an independent appraisal prior to selling real property.

§167.720 - Requires all elementary school districts to have physical education programs

School districts shall ensure that students in elementary schools participate in moderate physical activity for the entire school year, including students in alternative education programs. Students in the elementary schools shall participate in moderate physical activity for an average of one hundred fifty minutes per five-day school week, or an average of thirty minutes per day. Students with disabilities shall participate in moderate physical activity to the extent appropriate as determined by the provisions of the Individuals with Disabilities Education Act, or Section 504 of the Rehabilitation Act.

A minimum of one recess period of twenty minutes per day shall be provided for children in elementary schools, which may be incorporated into the lunch period.

Any requirement of this section above the state minimum physical education requirement may be met by additional physical education instruction, or by other activities approved by the individual school district under the direction of any certificated teacher or administrator or other school employee; under the supervision of a certificated teacher or administrator.

FISCAL DESCRIPTION (continued)

There is an emergency clause for §163.011 and §163.031. §163.095 has an effective date of July 1, 2009.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Elementary and Secondary Education
Department of Social Services
Office of State Treasurer
Department of Higher Education
Office of Secretary of State
 Administrative Rules Division
Department of Public Safety
 Office of the Director
 Missouri State Highway Patrol
Department of Health and Senior Services
Department of Transportation
Department of Revenue
Office of Administration
 Division of Budget and Planning
Office of State Auditor

SOURCES OF INFORMATION (continued)

School Districts

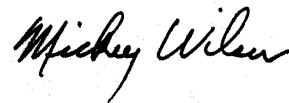
Francis Howell
Poplar Bluff
Marshfield
Sikeston
Farmington
Independence
Special School District of St Louis County
St Joseph
Jefferson City
Blue Springs
Parkway
Salisbury

Colleges

Linn State Technical College
Metropolitan Community College

NOT RESPONDING

St Louis Public School District
Kansas City Missouri Public School District
St Louis City Board of Elections



Mickey Wilson, CPA
Director
April 27, 2009