

FIRST REGULAR SESSION

# HOUSE BILL NO. 127

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE KELLEY (127).

0141H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 171.033, RSMo, and to enact in lieu thereof one new section relating to alternative instruction plans for inclement weather.

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

Section A. Section 171.033, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 171.033, to read as follows:

171.033. 1. "Inclement weather", for purposes of this section, shall be defined as ice, snow, extreme cold, flooding, or a tornado, but such term shall not include excessive heat.

2. A district shall be required to make up the first six days of school lost or cancelled due to inclement weather and half the number of days lost or cancelled in excess of six days if the makeup of the days is necessary to ensure that the district's students will attend a minimum of one hundred forty-two days and a minimum of one thousand forty-four hours for the school year except as otherwise provided in this section. Schools with a four-day school week may schedule such make-up days on Fridays.

3. In the 2009-10 school year and subsequent years, a school district may be exempt from the requirement to make up days of school lost or cancelled due to inclement weather in the school district when the school district has made up the six days required under subsection 2 of this section and half the number of additional lost or cancelled days up to eight days, resulting in no more than ten total make-up days required by this section.

4. The commissioner of education may provide, for any school district in which schools are in session for twelve months of each calendar year that cannot meet the minimum school calendar requirement of at least one hundred seventy-four days for schools with a five-day school week or one hundred forty-two days for schools with a four-day school week and one thousand

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 forty-four hours of actual pupil attendance, upon request, a waiver to be excused from such  
19 requirement. This waiver shall be requested from the commissioner of education and may be  
20 granted if the school was closed due to circumstances beyond school district control, including  
21 inclement weather, flooding or fire.

22 **5. (1) Except as otherwise provided in this subsection, in school year 2018-19 and**  
23 **subsequent years, a district shall not be required to make up any day of school lost or**  
24 **cancelled due to inclement weather during a school year if the district has an alternative**  
25 **instruction plan approved by the department of elementary and secondary education for**  
26 **such school year. The alternative instruction plan shall include virtual learning or another**  
27 **method of instruction for students on any day of school lost or cancelled due to inclement**  
28 **weather. The department of elementary and secondary education shall not approve any**  
29 **such plan unless the district demonstrates that the plan will not negatively impact teaching**  
30 **and learning in the district.**

31 **(2) A district with an approved alternative instruction plan shall not use alternative**  
32 **methods of instruction as provided for in the plan for more than ten days during a school**  
33 **year. A district that has used such alternative methods of instruction for ten days during**  
34 **a school year shall be required, notwithstanding subsections 2 and 3 of this section, to make**  
35 **up any subsequent day of school lost or cancelled due to inclement weather during such**  
36 **school year.**

37 **(3) The department of elementary and secondary education may give districts with**  
38 **approved alternative instruction plans credit for the days in which they use alternative**  
39 **methods of instruction by considering such days as days in which school was actually in**  
40 **session or implementing another method of credit.**

41 **(4) The department of elementary and secondary education shall promulgate rules**  
42 **to implement the provisions of this section. Any rule or portion of a rule, as that term is**  
43 **defined in section 536.010, that is created under the authority delegated in this section shall**  
44 **become effective only if it complies with and is subject to all of the provisions of chapter**  
45 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and**  
46 **if any of the powers vested with the general assembly pursuant to chapter 536 to review,**  
47 **to delay the effective date, or to disapprove and annul a rule are subsequently held**  
48 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**  
49 **after August 28, 2017, shall be invalid and void.**

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