

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NOS. 161 & 401

100TH GENERAL ASSEMBLY

Reported from the Committee on Education, April 30, 2019, with recommendation that the Senate Committee Substitute do pass.

ADRIANE D. CROUSE, Secretary.

0467S.03C

AN ACT

To repeal sections 171.031 and 171.033, RSMo, and to enact in lieu thereof two new sections relating to the required length of school terms, with an emergency clause for a certain section.

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

Section A. Sections 171.031 and 171.033, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 171.031 and 171.033, to
3 read as follows:

171.031. 1. Each school board shall prepare annually a calendar for the
2 school term, specifying the opening date, days of planned attendance, and
3 providing a minimum term of at least one hundred seventy-four days for schools
4 with a five-day school week or one hundred forty-two days for schools with a
5 four-day school week, and one thousand forty-four hours of actual pupil
6 attendance. In school year 2019-20 and subsequent years, one thousand
7 forty-four hours of actual pupil attendance shall be required for the school term
8 with no minimum number of school days. In addition, such calendar shall include
9 six make-up days for possible loss of attendance due to inclement weather as
10 defined in subsection 1 of section 171.033. In school year 2019-20 and subsequent
11 years, such calendar shall include thirty-six make-up hours for possible loss of
12 attendance due to inclement weather, as defined in subsection 1 of section
13 171.033, with no minimum number of make-up days.

14 2. Each local school district may set its opening date each year, which
15 date shall be no earlier than **[ten] fourteen** calendar days prior to the first
16 Monday in September. No public school district shall select an earlier start date

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

17 unless, **for calendars for school years before school year 2020-21**, the
18 district follows the procedure set forth in subsection 3 of this section. **The**
19 **procedure set forth in subsection 3 of this section shall be unavailable**
20 **to school districts in preparing their calendars for school year 2020-21**
21 **and for subsequent years.**

22 3. **For calendars for school years before school year 2020-21**, a
23 district may set an opening date that is more than [ten] **fourteen** calendar days
24 prior to the first Monday in September only if the local school board first gives
25 public notice of a public meeting to discuss the proposal of opening school on a
26 date more than [ten] **fourteen** days prior to the first Monday in September, and
27 the local school board holds said meeting and, at the same public meeting, a
28 majority of the board votes to allow an earlier opening date. If all of the previous
29 conditions are met, the district may set its opening date more than [ten]
30 **fourteen** calendar days prior to the first Monday in September. The condition
31 provided in this subsection must be satisfied by the local school board each year
32 that the board proposes an opening date more than [ten] **fourteen** days before
33 the first Monday in September.

34 4. If any local district violates the provisions of this section, the
35 department of elementary and secondary education shall withhold an amount
36 equal to one quarter of the state funding the district generated under section
37 163.031 for each date the district was in violation of this section.

38 5. The provisions of subsections 2 to 4 of this section shall not apply to
39 school districts in which school is in session for twelve months of each calendar
40 year.

41 6. The state board of education may grant an exemption from this section
42 to a school district that demonstrates highly unusual and extenuating
43 circumstances justifying exemption from the provisions of subsections 2 to 4 of
44 this section. Any exemption granted by the state board of education shall be
45 valid for one academic year only.

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

4 2. (1) A district shall be required to make up the first six days of school
5 lost or cancelled due to inclement weather and half the number of days lost or
6 cancelled in excess of six days if the makeup of the days is necessary to ensure
7 that the district's students will attend a minimum of one hundred forty-two days

8 and a minimum of one thousand forty-four hours for the school year except as
9 otherwise provided in this section. Schools with a four-day school week may
10 schedule such make-up days on Fridays.

11 (2) Notwithstanding subdivision (1) of this subsection, in school year
12 2019-20 and subsequent years, a district shall be required to make up the first
13 thirty-six hours of school lost or cancelled due to inclement weather and half the
14 number of hours lost or cancelled in excess of thirty-six if the makeup of the
15 hours is necessary to ensure that the district's students attend a minimum of one
16 thousand forty-four hours for the school year, except as otherwise provided under
17 subsections 3 and 4 of this section.

18 3. (1) In the 2009-10 school year and subsequent years, a school district
19 may be exempt from the requirement to make up days of school lost or cancelled
20 due to inclement weather in the school district when the school district has made
21 up the six days required under subsection 2 of this section and half the number
22 of additional lost or cancelled days up to eight days, resulting in no more than ten
23 total make-up days required by this section.

24 (2) In school year 2019-20 and subsequent years, a school district may be
25 exempt from the requirement to make up school lost or cancelled due to inclement
26 weather in the school district when the school district has made up the thirty-six
27 hours required under subsection 2 of this section and half the number of
28 additional lost or cancelled hours up to forty-eight, resulting in no more than
29 sixty total make-up hours required by this section.

30 4. The commissioner of education may provide, for any school district that
31 cannot meet the minimum school calendar requirement of at least one hundred
32 seventy-four days for schools with a five-day school week or one hundred forty-two
33 days for schools with a four-day school week and one thousand forty-four hours
34 of actual pupil attendance or, in school year 2019-20 and subsequent years, one
35 thousand forty-four hours of actual pupil attendance, upon request, a waiver to
36 be excused from such requirement. This waiver shall be requested from the
37 commissioner of education and may be granted if the school was closed due to
38 circumstances beyond school district control, including inclement weather or fire.

39 **5. For the 2018-2019 school year, a district shall be exempt from**
40 **the requirements of subsections 2 and 3 of this section, and only be**
41 **required to make up the first six days of school lost or cancelled due to**
42 **inclement weather.**

Section B. Because of the high number of school days lost due to

2 inclement weather this year, the repeal and reenactment of section 171.033 of
3 this act is deemed necessary for the immediate preservation of the public health,
4 welfare, peace and safety, and is hereby declared to be an emergency act within
5 the meaning of the constitution, and the repeal and reenactment of section
6 171.033 of this act shall be in full force and effect upon its passage and approval.

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