

SENATE BILL NO. 692

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR REHDER.

3511S.01H

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 171.031 and 171.033, RSMo, and to enact in lieu thereof two new sections relating to half-day educational programs.

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

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2 repealed and two new sections enacted in lieu thereof, to be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

171.031. 1. Each school board shall prepare annually
2 a calendar for the school term, specifying the opening date,
3 days of planned attendance, and providing a minimum term of
4 at least one hundred seventy-four days for schools with a
5 five-day school week or one hundred forty-two days for
6 schools with a four-day school week, and one thousand forty-
7 four hours of actual pupil attendance. In school year 2019-
8 20 and subsequent years, one thousand forty-four hours of
9 actual pupil attendance shall be required for the school
10 term with no minimum number of school days. In addition,
11 such calendar shall include six make-up days for possible
12 loss of attendance due to inclement weather as defined in
13 subsection 1 of section 171.033. In school year 2019-20 and
14 subsequent years, such calendar shall include thirty-six
15 make-up hours for possible loss of attendance due to
16 inclement weather, as defined in subsection 1 of section
17 171.033, with no minimum number of make-up days.

18 2. Each local school district may set its opening date
19 each year, which date shall be no earlier than fourteen
20 calendar days prior to the first Monday in September. No
21 public school district shall select an earlier start date
22 unless, for calendars for school years before school year
23 2020-21, the district follows the procedure set forth in
24 subsection 3 of this section. The procedure set forth in
25 subsection 3 of this section shall be unavailable to school
26 districts in preparing their calendars for school year 2020-
27 21 and for subsequent years.

28 3. For calendars for school years before school year
29 2020-21, a district may set an opening date that is more
30 than fourteen calendar days prior to the first Monday in
31 September only if the local school board first gives public
32 notice of a public meeting to discuss the proposal of
33 opening school on a date more than fourteen days prior to
34 the first Monday in September, and the local school board
35 holds said meeting and, at the same public meeting, a
36 majority of the board votes to allow an earlier opening
37 date. If all of the previous conditions are met, the
38 district may set its opening date more than fourteen
39 calendar days prior to the first Monday in September. The
40 condition provided in this subsection must be satisfied by
41 the local school board each year that the board proposes an
42 opening date more than fourteen days before the first Monday
43 in September.

44 4. If any local district violates the provisions of
45 this section, the department of elementary and secondary
46 education shall withhold an amount equal to one quarter of
47 the state funding the district generated under section
48 163.031 for each date the district was in violation of this
49 section.

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

53 6. The state board of education may grant an exemption
54 from this section to a school district that demonstrates
55 highly unusual and extenuating circumstances justifying
56 exemption from the provisions of subsections 2 to 4 of this
57 section. Any exemption granted by the state board of
58 education shall be valid for one academic year only.

59 **7. Notwithstanding any provision of this section or**
60 **section 171.033 to the contrary, for the purposes of any**
61 **half-day educational program, any minimum number of hours of**
62 **actual pupil attendance or minimum number of make-up hours**
63 **required pursuant to such sections shall be reduced by one-**
64 **half of such number.**

 171.033. 1. "Inclement weather", for purposes of this
2 section, shall be defined as ice, snow, extreme cold,
3 excessive heat, flooding, or a tornado.

4 2. (1) A district shall be required to make up the
5 first six days of school lost or cancelled due to inclement
6 weather and half the number of days lost or cancelled in
7 excess of six days if the makeup of the days is necessary to
8 ensure that the district's students will attend a minimum of
9 one hundred forty-two days and a minimum of one thousand
10 forty-four hours for the school year except as otherwise
11 provided in this section. Schools with a four-day school
12 week may schedule such make-up days on Fridays.

13 (2) Notwithstanding subdivision (1) of this
14 subsection, in school year 2019-20 and subsequent years, a
15 district shall be required to make up the first thirty-six
16 hours of school lost or cancelled due to inclement weather
17 and half the number of hours lost or cancelled in excess of

18 thirty-six if the makeup of the hours is necessary to ensure
19 that the district's students attend a minimum of one
20 thousand forty-four hours for the school year, except as
21 otherwise provided under subsections 3 and 4 of this section.

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

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

38 4. The commissioner of education may provide, for any
39 school district that cannot meet the minimum school calendar
40 requirement of at least one hundred seventy-four days for
41 schools with a five-day school week or one hundred forty-two
42 days for schools with a four-day school week and one
43 thousand forty-four hours of actual pupil attendance or, in
44 school year 2019-20 and subsequent years, one thousand forty-
45 four hours of actual pupil attendance, upon request, a
46 waiver to be excused from such requirement. This waiver
47 shall be requested from the commissioner of education and
48 may be granted if the school was closed due to circumstances

49 beyond school district control, including inclement weather
50 or fire.

51 5. (1) Except as otherwise provided in this
52 subsection, in school year 2020-21 and subsequent years, a
53 district shall not be required to make up any hours of
54 school lost or cancelled due to exceptional or emergency
55 circumstances during a school year if the district has an
56 alternative methods of instruction plan approved by the
57 department of elementary and secondary education for such
58 school year. Exceptional or emergency circumstances shall
59 include, but not be limited to, inclement weather, a utility
60 outage, or an outbreak of a contagious disease. The
61 department of elementary and secondary education shall not
62 approve any such plan unless the district demonstrates that
63 the plan will not negatively impact teaching and learning in
64 the district.

65 (2) If school is closed due to exceptional or
66 emergency circumstances and the district has an approved
67 alternative methods of instruction plan, the district shall
68 notify students and parents on each day of the closure
69 whether the alternative methods of instruction plan is to be
70 implemented for that day. If the plan is to be implemented
71 on any day of the closure, the district shall ensure that
72 each student receives assignments for that day in hard copy
73 form or receives instruction through virtual learning or
74 another method of instruction.

75 (3) A district with an approved alternative methods of
76 instruction plan shall not use alternative methods of
77 instruction as provided for in the plan for more than thirty-
78 six hours during a school year. A district that has used
79 such alternative methods of instruction for thirty-six hours
80 during a school year shall be required, notwithstanding

81 subsections 2 and 3 of this section, to make up any
82 subsequent hours of school lost or cancelled due to
83 exceptional or emergency circumstances during such school
84 year.

85 (4) The department of elementary and secondary
86 education shall give districts with approved alternative
87 methods of instruction plans credit for the hours in which
88 they use alternative methods of instruction by considering
89 such hours as hours in which school was actually in session.

90 (5) Any district wishing to use alternative methods of
91 instruction under this subsection shall submit an
92 application to the department of elementary and secondary
93 education. The application shall describe:

94 (a) The manner in which the district intends to
95 strengthen and reinforce instructional content while
96 supporting student learning outside the classroom
97 environment;

98 (b) The process the district intends to use to
99 communicate to students and parents the decision to
100 implement alternative methods of instruction on any day of a
101 closure;

102 (c) The manner in which the district intends to
103 communicate the purpose and expectations for a day in which
104 alternative methods of instruction will be implemented to
105 students and parents;

106 (d) The assignments and materials to be used within
107 the district for days in which alternative methods of
108 instruction will be implemented to effectively facilitate
109 teaching and support learning for the benefit of the
110 students;

111 (e) The manner in which student attendance will be
112 determined for a day in which alternative methods of

113 instruction will be implemented. The method chosen shall be
114 linked to completion of lessons and activities;

115 (f) The instructional methods, which shall include
116 instruction through electronic means and instruction through
117 other means for students who have no access to internet
118 services or a computer;

119 (g) Instructional plans for students with
120 individualized education programs; and

121 (h) The role and responsibility of certified personnel
122 to be available to communicate with students.

123 6. For the 2018-19 school year, a district shall be
124 exempt from the requirements of subsections 2 and 3 of this
125 section, and only be required to make up the first six days
126 of school lost or cancelled due to inclement weather.

127 **7. Notwithstanding any provision of this section or**
128 **section 171.031 to the contrary, for the purposes of any**
129 **half-day educational program, any minimum number of hours of**
130 **actual pupil attendance or minimum number of make-up hours**
131 **required pursuant to such sections shall be reduced by one-**
132 **half of such number.**

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