

SENATE BILL NO. 784

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BECK.

3047S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 160.011, 160.041, 163.021, 171.031, and 171.033, RSMo, and to enact in lieu thereof seven new sections relating to the minimum school term, with an effective date.

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

Section A. Sections 160.011, 160.041, 163.021, 171.031,
2 and 171.033, RSMo, are repealed and seven new sections enacted
3 in lieu thereof, to be known as sections 160.011, 160.041,
4 163.021, 171.028, 171.031, 171.033, and 1, to read as follows:

160.011. As used in chapters 160, 161, 162, 163, 164,
2 165, 167, 168, 170, 171, 177 and 178, the following terms
3 mean:

4 (1) "District" or "school district", when used alone,
5 may include seven-director, urban, and metropolitan school
6 districts;

7 (2) "Elementary school", a public school giving
8 instruction in a grade or grades not higher than the eighth
9 grade;

10 (3) "Family literacy programs", services of sufficient
11 intensity in terms of hours, and of sufficient duration, to
12 make sustainable changes in families that include:

13 (a) Interactive literacy activities between parents
14 and their children;

15 (b) Training of parents regarding how to be the
16 primary teacher of their children and full partners in the
17 education of their children;

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

18 (c) Parent literacy training that leads to high school
19 completion and economic self sufficiency; and

20 (d) An age-appropriate education to prepare children
21 of all ages for success in school;

22 (4) "Graduation rate", the quotient of the number of
23 graduates in the current year as of June thirtieth divided
24 by the sum of the number of graduates in the current year as
25 of June thirtieth plus the number of twelfth graders who
26 dropped out in the current year plus the number of eleventh
27 graders who dropped out in the preceding year plus the
28 number of tenth graders who dropped out in the second
29 preceding year plus the number of ninth graders who dropped
30 out in the third preceding year;

31 (5) "High school", a public school giving instruction
32 in a grade or grades not lower than the ninth nor higher
33 than the twelfth grade;

34 (6) "Metropolitan school district", any school
35 district the boundaries of which are coterminous with the
36 limits of any city which is not within a county;

37 (7) "Public school" includes all elementary and high
38 schools operated at public expense;

39 (8) "School board", the board of education having
40 general control of the property and affairs of any school
41 district;

42 (9) "School term", a minimum of [one hundred seventy-
43 four school days, as that term is defined in section
44 160.041, for schools with a five-day school week or a
45 minimum of one hundred forty-two school days, as that term
46 is defined in section 160.041, for schools with a four-day
47 school week, and] one thousand forty-four hours of actual
48 pupil attendance as scheduled by the board pursuant to
49 section 171.031 during a twelve-month period in which the

50 academic instruction of pupils is actually and regularly
51 carried on for a group of students in the public schools of
52 any school district[. In school year 2019-20 and subsequent
53 years, one thousand forty-four hours of actual pupil
54 attendance shall be required with no minimum number of
55 school days required], and, for a school district that is
56 located wholly or partially in a county with a charter form
57 of government or a school district that is located wholly or
58 partially in a city with more than thirty thousand
59 inhabitants, a minimum of one hundred and sixty-nine school
60 days, as that term is defined in section 160.041, unless the
61 district has adopted a four-day school week as provided in
62 section 171.028, in which case the district school term
63 shall have a minimum of one hundred forty-two school days,
64 as such term is defined in section 160.041. A school term
65 may be within a school year or may consist of parts of two
66 consecutive school years, but does not include summer
67 school. A district may choose to operate two or more terms
68 for different groups of children. A school term for
69 students participating in a school flex program as
70 established in section 160.539 may consist of a combination
71 of actual pupil attendance and attendance at college or
72 technical career education or approved employment aligned
73 with the student's career academic plan for a total of the
74 required number of hours as provided in this subdivision;

75 (10) "Secretary", the secretary of the board of a
76 school district;

77 (11) "Seven-director district", any school district
78 which has seven directors and includes urban districts
79 regardless of the number of directors an urban district may
80 have unless otherwise provided by law;

81 (12) "Taxpayer", any individual who has paid taxes to
82 the state or any subdivision thereof within the immediately
83 preceding twelve-month period or the spouse of such
84 individual;

85 (13) "Town", any town or village, whether or not
86 incorporated, the plat of which has been filed in the office
87 of the recorder of deeds of the county in which it is
88 situated;

89 (14) "Urban school district", any district which
90 includes more than half of the population or land area of
91 any city which has not less than seventy thousand
92 inhabitants, other than a city which is not within a county.

160.041. 1. [The "minimum school day" consists of
2 three hours for schools with a five-day school week or four
3 hours for schools with a four-day school week in which the
4 pupils are under the guidance and direction of teachers in
5 the teaching process.] A "school month" consists of four
6 weeks of five days each for schools with a five-day school
7 week or four weeks of four days each for schools with a four-
8 day school week. [In school year 2019-20 and subsequent
9 years, no minimum number of school days shall be required,
10 and] **The term** "school day" shall mean any day in which, for
11 any amount of time, pupils are under the guidance and
12 direction of teachers in the teaching process. The "school
13 year" commences on the first day of July and ends on the
14 thirtieth day of June following.

15 2. Notwithstanding the provisions of subsection 1 of
16 this section, the commissioner of education is authorized to
17 reduce the required number of hours or days in which the
18 pupils are under the guidance and direction of teachers in
19 the teaching process if:

20 (1) There is damage to or destruction of a public
21 school facility which requires the dual utilization of
22 another school facility; or

23 (2) Flooding or other inclement weather as defined in
24 subsection 1 of section 171.033 prevents students from
25 attending the public school facility.

26 Such reduction shall not extend beyond two calendar years in
27 duration.

163.021. 1. A school district shall receive state aid
2 for its education program only if it:

3 (1) Provides for [a minimum of one hundred seventy-
4 four days and one thousand forty-four hours of actual pupil
5 attendance in a term scheduled by the board pursuant to
6 section 160.041 for each pupil or group of pupils, except
7 that the board shall provide a minimum of one hundred
8 seventy-four days and five hundred twenty-two hours of
9 actual pupil attendance in a term for kindergarten pupils.
10 If any school is dismissed because of inclement weather
11 after school has been in session for three hours, that day
12 shall count as a school day including afternoon session
13 kindergarten students] **at least a minimum school term as**
14 **provided in section 171.031.** When the aggregate hours lost
15 in a term due to inclement weather decreases the total hours
16 of the school term below the required minimum number of
17 hours by more than twelve hours for all-day students or six
18 hours for one-half-day kindergarten students, all such hours
19 below the minimum must be made up [in one-half day or full
20 day additions to the term, except] as provided in section
21 171.033[. In school year 2019-20 and subsequent years, one
22 thousand forty-four hours of actual pupil attendance with no
23 minimum number of school days shall be required for each

24 pupil or group of pupils; except that, the board shall
25 provide a minimum of five hundred twenty-two hours of actual
26 pupil attendance in a term for kindergarten pupils with no
27 minimum number of school days];

28 (2) Maintains adequate and accurate records of
29 attendance, personnel and finances, as required by the state
30 board of education, which shall include the preparation of a
31 financial statement which shall be submitted to the state
32 board of education the same as required by the provisions of
33 section 165.111 for districts;

34 (3) Levies an operating levy for school purposes of
35 not less than one dollar and twenty-five cents after all
36 adjustments and reductions on each one hundred dollars
37 assessed valuation of the district; and

38 (4) Computes average daily attendance as defined in
39 subdivision (2) of section 163.011 as modified by section
40 171.031. Whenever there has existed within the district an
41 infectious disease, contagion, epidemic, plague or similar
42 condition whereby the school attendance is substantially
43 reduced for an extended period in any school year, the
44 apportionment of school funds and all other distribution of
45 school moneys shall be made on the basis of the school year
46 next preceding the year in which such condition existed.

47 2. For the 2006-07 school year and thereafter, no
48 school district shall receive more state aid, as calculated
49 under subsections 1 and 2 of section 163.031, for its
50 education program, exclusive of categorical add-ons, than it
51 received per weighted average daily attendance for the
52 school year 2005-06 from the foundation formula, line 14,
53 gifted, remedial reading, exceptional pupil aid, fair share,
54 and free textbook payment amounts, unless it has an
55 operating levy for school purposes, as determined pursuant

56 to section 163.011, of not less than two dollars and seventy-
57 five cents after all adjustments and reductions. Any
58 district which is required, pursuant to Article X, Section
59 22 of the Missouri Constitution, to reduce its operating
60 levy below the minimum tax rate otherwise required under
61 this subsection shall not be construed to be in violation of
62 this subsection for making such tax rate reduction.

63 Pursuant to Section 10(c) of Article X of the state
64 constitution, a school district may levy the operating levy
65 for school purposes required by this subsection less all
66 adjustments required pursuant to Article X, Section 22 of
67 the Missouri Constitution if such rate does not exceed the
68 highest tax rate in effect subsequent to the 1980 tax year.
69 Nothing in this section shall be construed to mean that a
70 school district is guaranteed to receive an amount not less
71 than the amount the school district received per eligible
72 pupil for the school year 1990-91. The provisions of this
73 subsection shall not apply to any school district located in
74 a county of the second classification which has a nuclear
75 power plant located in such district or to any school
76 district located in a county of the third classification
77 which has an electric power generation unit with a rated
78 generating capacity of more than one hundred fifty megawatts
79 which is owned or operated or both by a rural electric
80 cooperative except that such school districts may levy for
81 current school purposes and capital projects an operating
82 levy not to exceed two dollars and seventy-five cents less
83 all adjustments required pursuant to Article X, Section 22
84 of the Missouri Constitution.

85 3. No school district shall receive more state aid, as
86 calculated in section 163.031, for its education program,
87 exclusive of categorical add-ons, than it received per

88 eligible pupil for the school year 1993-94, if the state
89 board of education determines that the district was not in
90 compliance in the preceding school year with the
91 requirements of section 163.172, until such time as the
92 board determines that the district is again in compliance
93 with the requirements of section 163.172.

94 4. No school district shall receive state aid,
95 pursuant to section 163.031, if such district was not in
96 compliance, during the preceding school year, with the
97 requirement, established pursuant to section 160.530 to
98 allocate revenue to the professional development committee
99 of the district.

100 5. No school district shall receive more state aid, as
101 calculated in subsections 1 and 2 of section 163.031, for
102 its education program, exclusive of categorical add-ons,
103 than it received per weighted average daily attendance for
104 the school year 2005-06 from the foundation formula, line
105 14, gifted, remedial reading, exceptional pupil aid, fair
106 share, and free textbook payment amounts, if the district
107 did not comply in the preceding school year with the
108 requirements of subsection 5 of section 163.031.

109 6. Any school district that levies an operating levy
110 for school purposes that is less than the performance levy,
111 as such term is defined in section 163.011, shall provide
112 written notice to the department of elementary and secondary
113 education asserting that the district is providing an
114 adequate education to the students of such district. If a
115 school district asserts that it is not providing an adequate
116 education to its students, such inadequacy shall be deemed
117 to be a result of insufficient local effort. The provisions
118 of this subsection shall not apply to any special district
119 established under sections 162.815 to 162.940.

171.028. 1. The school board of a school district
2 that is located wholly or partially in a county with a
3 charter form of government, or located wholly or partially
4 in a city with more than thirty thousand inhabitants, may
5 establish a four-day school week in lieu of a five-day
6 school week only as permitted pursuant to the provisions of
7 this section. Nothing in this section shall be construed to
8 apply to any district other than a school district that is
9 located wholly or partially in a county with a charter form
10 of government or a school district located wholly or
11 partially in a city with more than thirty thousand
12 inhabitants.

13 2. (1) A school board may adopt the provisions of
14 subsection 1 of this section by referring to the qualified
15 voters of the school district a ballot measure authorizing
16 the same. Such proposal shall be referred to the qualified
17 voters of the school district upon a majority vote of the
18 members elected to the school board. Upon such adoption by
19 the school board, the measure shall be submitted to the
20 qualified voters at the next date available for public
21 elections pursuant to chapter 115 and by July first of the
22 school year in which the four-day school week is proposed to
23 commence. If a majority of the votes cast on the question
24 by the qualified voters voting thereon are in favor of the
25 measure, then the provisions of subsection 1 of this section
26 shall become effective. If a majority of the votes cast on
27 the question by the qualified voters voting thereon are
28 opposed to the measure, then the board shall not adopt the
29 provisions of subsection 1 of this section unless and until
30 the measure is resubmitted pursuant to this subsection to
31 the qualified voters and such question is approved by a
32 majority of the qualified voters voting on the measure.

12 county with a charter form of government or a school
13 district that is located wholly or partially in a city with
14 more than thirty thousand inhabitants, a minimum of one
15 hundred and sixty-nine school days, unless the district has
16 adopted a four-day school week as provided in section
17 171.028, in which case the district school term shall have a
18 minimum of one hundred forty-two school days. In addition,
19 such calendar shall include six make-up days for possible
20 loss of attendance due to inclement weather as defined in
21 subsection 1 of section 171.033. In school year 2019-20 and
22 subsequent years, such calendar shall include thirty-six
23 make-up hours for possible loss of attendance due to
24 inclement weather, as defined in subsection 1 of section
25 171.033, with no minimum number of make-up days.

26 2. Each local school district may set its opening date
27 each year, which date shall be no earlier than fourteen
28 calendar days prior to the first Monday in September[. No
29 public school district shall select an earlier start date
30 unless, for calendars for school years before school year
31 2020-21, the district follows the procedure set forth in
32 subsection 3 of this section. The procedure set forth in
33 subsection 3 of this section shall be unavailable to school
34 districts in preparing their calendars for school year 2020-
35 21 and for subsequent years], provided that a district with
36 a minimum school term of one hundred seventy-five school
37 days or more may select an earlier school opening date, but
38 only by following the procedure set forth in subsection 3 of
39 this section.

40 3. [For calendars for school years before school year
41 2020-21, a district] A school district with a minimum school
42 term of one hundred seventy-five school days or more may set
43 an opening date that is more than fourteen calendar days

44 prior to the first Monday in September only if the local
45 school board first gives public notice of a public meeting
46 to discuss the proposal of opening school on a date more
47 than fourteen days prior to the first Monday in September,
48 and the local school board holds said meeting and, at the
49 same public meeting, a majority of the board votes to allow
50 an earlier opening date. If all of the previous conditions
51 are met, the district may set its opening date more than
52 fourteen calendar days prior to the first Monday in
53 September. The condition provided in this subsection must
54 be satisfied by the local school board each year that the
55 board proposes an opening date more than fourteen days
56 before the first Monday in September.

57 4. If any local district violates the provisions of
58 this section, the department of elementary and secondary
59 education shall withhold an amount equal to one quarter of
60 the state funding the district generated under section
61 163.031 for each date the district was in violation of this
62 section.

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

66 6. The state board of education may grant an exemption
67 from this section to a school district that demonstrates
68 highly unusual and extenuating circumstances justifying
69 exemption from the provisions of subsections 2 to 4 of this
70 section. Any exemption granted by the state board of
71 education shall be valid for one academic year only.

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
9 [of one hundred forty-two days and a minimum of one thousand
10 forty-four hours for the school year] **school term as**
11 **provided in section 171.031** except as otherwise provided in
12 this section. Schools with a four-day school week may
13 schedule such make-up days on Fridays.

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

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

31 (2) In school year 2019-20 and subsequent years, a
32 school district may be exempt from the requirement to make
33 up school lost or cancelled due to inclement weather in the
34 school district when the school district has made up the
35 thirty-six hours required under subsection 2 of this section

36 and half the number of additional lost or cancelled hours up
37 to forty-eight, resulting in no more than sixty total make-
38 up hours required by this section.

39 4. The commissioner of education may provide, for any
40 school district that cannot meet the minimum school calendar
41 requirement [of at least one hundred seventy-four days for
42 schools with a five-day school week or one hundred forty-two
43 days for schools with a four-day school week and one
44 thousand forty-four hours of actual pupil attendance or, in
45 school year 2019-20 and subsequent years, one thousand forty-
46 four hours of actual pupil attendance,] **as provided in**
47 **section 171.031**, upon request, a waiver to be excused from
48 such requirement. This waiver shall be requested from the
49 commissioner of education and may be granted if the school
50 was closed due to circumstances beyond school district
51 control, including inclement weather or fire.

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

66 (2) If school is closed due to exceptional or
67 emergency circumstances and the district has an approved

68 alternative methods of instruction plan, the district shall
69 notify students and parents on each day of the closure
70 whether the alternative methods of instruction plan is to be
71 implemented for that day. If the plan is to be implemented
72 on any day of the closure, the district shall ensure that
73 each student receives assignments for that day in hard copy
74 form or receives instruction through virtual learning or
75 another method of instruction.

76 (3) A district with an approved alternative methods of
77 instruction plan shall not use alternative methods of
78 instruction as provided for in the plan for more than thirty-
79 six hours during a school year. A district that has used
80 such alternative methods of instruction for thirty-six hours
81 during a school year shall be required, notwithstanding
82 subsections 2 and 3 of this section, to make up any
83 subsequent hours of school lost or cancelled due to
84 exceptional or emergency circumstances during such school
85 year.

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

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

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

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

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

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

112 (e) The manner in which student attendance will be
113 determined for a day in which alternative methods of
114 instruction will be implemented. The method chosen shall be
115 linked to completion of lessons and activities;

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

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

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

124 6. In the 2022-23 school year and subsequent years, a
125 school district's one-half-day education programs shall be
126 subject to the following provisions in proportions
127 appropriate for a one-half-day education program, as
128 applicable:

- 129 (1) Requirements in subsection 2 of this section to
130 make up days or hours of school lost or cancelled because of
131 inclement weather;
- 132 (2) Exemptions in subsection 3 of this section;
- 133 (3) Waiver provisions in subsection 4 of this section;
134 and
- 135 (4) Approved alternative methods of instruction
136 provisions in subsection 5 of this section.

**Section 1. Notwithstanding any provision of law to the
2 contrary, in addition to all funds distributed to school
3 districts and charter schools pursuant to the provisions of
4 sections 163.031 and 160.415, the department of elementary
5 and secondary education shall, after rendering all
6 calculations required pursuant to the provisions of such
7 sections, remit an amount equal to two percent of each
8 district's and charter school's preceding year June state
9 aid entitlement as calculated in accordance with the
10 provisions of such sections for any district or charter
11 school with a preceding year school term that provided for
12 one hundred and sixty-nine school days or more. Days that
13 include hours of attendance excused or waived pursuant to
14 the provisions of section 171.033 shall be enumerated when
15 determining the aforementioned one hundred and sixty-nine
16 day threshold. Any funds received as provided in this
17 section shall be used by districts and charter schools
18 exclusively to increase teacher salaries. Any district or
19 charter school that receives funds as provided in this
20 section but fails to utilize such funds solely to increase
21 teacher salaries shall have an amount equal to the amount of
22 such funds received withheld from such district's or charter
23 school's state aid payments pursuant to the provisions of
24 section 163.031 or 160.415.**

Section B. The enactment of sections 171.028 and 1,
2 and the repeal and reenactment of sections 160.011, 160.041,
3 163.021, 171.031, and 171.033 of this act shall become
4 effective July 1, 2025.

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