

SECOND REGULAR SESSION

# HOUSE BILL NO. 1732

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES COOKSON (Sponsor), PHILLIPS, FRANKLIN, BAHR,  
BURLISON AND FITZWATER (Co-sponsors).

5743L.02I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 171.029, 171.031, and 171.033, RSMo, and to enact in lieu thereof three new sections relating to the school calendar, with an effective date.

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

Section A. Sections 171.029, 171.031, and 171.033, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 171.029, 171.031, and 171.033, to read as follows:

171.029. [1.] The school board of any school district in the state, upon adoption of a resolution by the vote of a majority of all its members to authorize such action, may establish a four-day school week or other calendar consisting of less than one hundred seventy-four days [in lieu of a five-day school week]. Upon adoption of a four-day school week or other calendar consisting of less than one hundred seventy-four days, the school shall file a calendar with the department of elementary and secondary education in accordance with section 171.031. Such calendar shall include, but not be limited to, a minimum term of one hundred forty-two days and one thousand [forty-four] **fifty** hours of actual pupil attendance.

[2. If a school district that attends less than one hundred seventy-four days meets at least two fewer performance standards on two successive annual performance reports than it met on its last annual performance report received prior to implementing a calendar year of less than one hundred seventy-four days, it shall be required to revert to a one hundred seventy-four-day school year in the school year following the report of the drop in the number of performance standards met. When the number of performance standards met reaches the earlier number, the district

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.

15 may return to the four-day week or other calendar consisting of less than one hundred  
16 seventy-four days in the next school year.]

171.031. 1. Each school board shall prepare annually a calendar for the school term,  
2 specifying the opening date and providing a minimum term of at [least one hundred seventy-four  
3 days for schools with a five-day school week or] one hundred forty-two days [for schools with  
4 a four-day school week,] and one thousand [forty-four] **fifty** hours of actual pupil attendance.  
5 In addition, such calendar shall include six make-up days for possible loss of attendance due to  
6 inclement weather as defined in subsection 1 of section 171.033.

7 2. Each local school district may set its opening date each year, which date shall be no  
8 earlier than [ten calendar days prior to the first Monday in September. No public school district  
9 shall select an earlier start date unless the district follows the procedure set forth in subsection  
10 3 of this section.] **the first Tuesday after Labor Day. Each local school district may set its**  
11 **closing date each year, which date shall be no later than the Friday before Memorial Day.**

12 3. [A district may set an opening date that is more than ten calendar days prior to the first  
13 Monday in September only if the local school board first gives public notice of a public meeting  
14 to discuss the proposal of opening school on a date more than ten days prior to the first Monday  
15 in September, and the local school board holds said meeting and, at the same public meeting, a  
16 majority of the board votes to allow an earlier opening date. If all of the previous conditions are  
17 met, the district may set its opening date more than ten calendar days prior to the first Monday  
18 in September. The condition provided in this subsection must be satisfied by the local school  
19 board each year that the board proposes an opening date more than ten days before the first  
20 Monday in September.

21 4.] If any local district violates the provisions of this section, the department of  
22 elementary and secondary education shall withhold an amount equal to [one quarter] **one-half**  
23 of the state funding the district generated under section 163.031 for each date the district was in  
24 violation of this section.

25 [5.] **4.** The provisions of subsections 2 [to 4] **and 3** of this section shall not apply to  
26 school districts in which school is in session for twelve months of each calendar year.

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

31 7.] **5.** No school day for schools with a five-day school week shall be longer than seven  
32 **and one-half** hours except for vocational schools which may adopt an eight-hour day in a  
33 metropolitan school district and a school district in a first class county adjacent to a city not

34 within a county, and any school that adopts a four-day school week in accordance with section  
35 171.029.

36 **6. Notwithstanding any law to the contrary, the state testing window for students**  
37 **in kindergarten through eighth grade shall begin no earlier than April fifteenth of each**  
38 **school year.**

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

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

9 3. In the 2008-09 school year a school district may be exempt from the requirement to  
10 make up days of school lost or canceled due to inclement weather in the school district when the  
11 school district has made up the six days required under subsection 2 of this section and half the  
12 number of additional lost or canceled days up to eight days, resulting in no more than ten total  
13 make-up days required by this section.

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

19 5. The commissioner of education may provide, for any school district in which schools  
20 are in session for twelve months of each calendar year that cannot meet the minimum school  
21 calendar requirement of at least [one hundred seventy-four days for schools with a five-day  
22 school week or] one hundred forty-two days [for schools with a four-day school week] and one  
23 thousand [forty-four] **fifty** hours of actual pupil attendance, upon request, a waiver to be excused  
24 from such requirement. This waiver shall be requested from the commissioner of education and  
25 may be granted if the school was closed due to circumstances beyond school district control,  
26 including inclement weather, flooding or fire.

Section B. The amendments to sections 171.029, 171.031, and 171.033 of this act shall  
2 become effective beginning with the 2013-2014 school year.

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