

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 1573

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROWLAND (155).

4116H.02P

D. ADAM CRUMBLISS, ChiefClerk

AN ACT

To repeal sections 160.011, 160.041, 163.021, 163.073, 171.029, 171.031, and 171.033, RSMo, and to enact in lieu thereof six new sections relating to the school calendar, with a delayed effective date for a certain section.

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

Section A. Sections 160.011, 160.041, 163.021, 163.073, 171.029, 171.031, and 171.033, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 160.011, 160.041, 163.021, 163.073, 171.031, and 171.033, to read as follows:

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

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

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

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

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

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

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

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.

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

15 (4) "Graduation rate", the quotient of the number of graduates in the current year as of
16 June thirtieth divided by the sum of the number of graduates in the current year as of June
17 thirtieth plus the number of twelfth graders who dropped out in the current year plus the number
18 of eleventh graders who dropped out in the preceding year plus the number of tenth graders who
19 dropped out in the second preceding year plus the number of ninth graders who dropped out in
20 the third preceding year;

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

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

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

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

28 (9) "School term", a minimum of one hundred seventy-four school days, as that term is
29 defined in section 160.041, for schools with a five-day school week or a minimum of one
30 hundred forty-two school days, as that term is defined in section 160.041, for schools with a
31 four-day school week, and one thousand forty-four hours of actual pupil attendance as scheduled
32 by the board pursuant to section 171.031 during a twelve-month period in which the academic
33 instruction of pupils is actually and regularly carried on for a group of students in the public
34 schools of any school district. **In school year 2019-20 and subsequent years, one thousand**
35 **forty-four hours of actual pupil attendance shall be required with no minimum number**
36 **of school days required.** A school term may be within a school year or may consist of parts of
37 two consecutive school years, but does not include summer school. A district may choose to
38 operate two or more terms for different groups of children. A school term for students
39 participating in a school flex program as established in section 160.539 may consist of a
40 combination of actual pupil attendance and attendance at college or technical career education
41 or approved employment aligned with the student's career academic plan for a total of ~~one~~
42 ~~thousand forty-four~~ **the required number of hours as provided in this subdivision;**

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

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

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

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

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

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

10 2. Notwithstanding the provisions of subsection 1 of this section, the commissioner of
11 education is authorized to reduce the required number of hours ~~and~~ **or** days in which the pupils
12 are under the guidance and direction of teachers in the teaching process if:

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

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

17

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

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

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

14 **minimum number of school days shall be required for each pupil or group of pupils; except**
15 **that, the board shall provide a minimum of five hundred twenty-two hours of actual pupil**
16 **attendance in a term for kindergarten pupils with no minimum number of school days;**

17 (2) Maintains adequate and accurate records of attendance, personnel and finances, as
18 required by the state board of education, which shall include the preparation of a financial
19 statement which shall be submitted to the state board of education the same as required by the
20 provisions of section 165.111 for districts;

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

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

30 2. For the 2006-07 school year and thereafter, no school district shall receive more state
31 aid, as calculated under subsections 1 and 2 of section 163.031, for its education program,
32 exclusive of categorical add-ons, than it received per weighted average daily attendance for the
33 school year 2005-06 from the foundation formula, line 14, gifted, remedial reading, exceptional
34 pupil aid, fair share, and free textbook payment amounts, unless it has an operating levy for
35 school purposes, as determined pursuant to section 163.011, of not less than two dollars and
36 seventy-five cents after all adjustments and reductions. Any district which is required, pursuant
37 to Article X, Section 22 of the Missouri Constitution, to reduce its operating levy below the
38 minimum tax rate otherwise required under this subsection shall not be construed to be in
39 violation of this subsection for making such tax rate reduction. Pursuant to Section 10(c) of
40 Article X of the state constitution, a school district may levy the operating levy for school
41 purposes required by this subsection less all adjustments required pursuant to Article X, Section
42 22 of the Missouri Constitution if such rate does not exceed the highest tax rate in effect
43 subsequent to the 1980 tax year. Nothing in this section shall be construed to mean that a school
44 district is guaranteed to receive an amount not less than the amount the school district received
45 per eligible pupil for the school year 1990-91. The provisions of this subsection shall not apply
46 to any school district located in a county of the second classification which has a nuclear power
47 plant located in such district or to any school district located in a county of the third classification
48 which has an electric power generation unit with a rated generating capacity of more than one
49 hundred fifty megawatts which is owned or operated or both by a rural electric cooperative

50 except that such school districts may levy for current school purposes and capital projects an
51 operating levy not to exceed two dollars and seventy-five cents less all adjustments required
52 pursuant to Article X, Section 22 of the Missouri Constitution.

53 3. No school district shall receive more state aid, as calculated in section 163.031, for
54 its education program, exclusive of categorical add-ons, than it received per eligible pupil for the
55 school year 1993-94, if the state board of education determines that the district was not in
56 compliance in the preceding school year with the requirements of section 163.172, until such
57 time as the board determines that the district is again in compliance with the requirements of
58 section 163.172.

59 4. No school district shall receive state aid, pursuant to section 163.031, if such district
60 was not in compliance, during the preceding school year, with the requirement, established
61 pursuant to section 160.530 to allocate revenue to the professional development committee of
62 the district.

63 5. No school district shall receive more state aid, as calculated in subsections 1 and 2 of
64 section 163.031, for its education program, exclusive of categorical add-ons, than it received per
65 weighted average daily attendance for the school year 2005-06 from the foundation formula, line
66 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment
67 amounts, if the district did not comply in the preceding school year with the requirements of
68 subsection 5 of section 163.031.

69 6. Any school district that levies an operating levy for school purposes that is less than
70 the performance levy, as such term is defined in section 163.011, shall provide written notice to
71 the department of elementary and secondary education asserting that the district is providing an
72 adequate education to the students of such district. If a school district asserts that it is not
73 providing an adequate education to its students, such inadequacy shall be deemed to be a result
74 of insufficient local effort. The provisions of this subsection shall not apply to any special
75 district established under sections 162.815 to 162.940.

163.073. 1. When an education program, as approved under section 219.056, is provided
2 for pupils by the division of youth services in one of the facilities operated by the division for
3 children who have been assigned there by the courts, the division of youth services shall be
4 entitled to state aid for pupils being educated by the division of youth services in an amount to
5 be determined as follows: the total amount apportioned to the division of youth services shall
6 be an amount equal to the average per weighted average daily attendance amount apportioned
7 for the preceding school year under section 163.031, multiplied by the number of full-time
8 equivalent students served by facilities operated by the division of youth services. The number
9 of full-time equivalent students shall be determined by dividing by one hundred seventy-four
10 days the number of student-days of education service provided by the division of youth services

11 to elementary and secondary students who have been assigned to the division by the courts and
12 who have been determined as inappropriate for attendance in a local public school. A student
13 day shall mean one day of education services provided for one student. **In school year 2019-20**
14 **and subsequent years, the number of full-time equivalent students shall be the quotient of**
15 **the number of student-hours of education service provided by the division of youth services**
16 **to elementary and secondary students who have been assigned to the division by the courts,**
17 **and who have been determined as inappropriate for attendance in a local public school,**
18 **divided by one thousand forty-four hours. A student hour shall mean one hour of**
19 **education services provided for one student.** In addition, other provisions of law
20 notwithstanding, the division of youth services shall be entitled to funds under section 163.087.
21 The number of full-time equivalent students as defined in this section shall be considered as
22 "September membership" and as "average daily attendance" for the apportioning of funds under
23 section 163.087.

24 2. The educational program approved under section 219.056 as provided for pupils by
25 the division of youth services shall qualify for funding for those services provided to
26 handicapped or severely handicapped children. The department of elementary and secondary
27 education shall cooperate with the division of youth services in arriving at an equitable funding
28 for the services provided to handicapped children in the facilities operated by the division of
29 youth services.

30 3. Each local school district or special school district constituting the domicile of a child
31 placed in programs or facilities operated by the division of youth services or residing in another
32 district pursuant to assignment by the division of youth services shall pay toward the per pupil
33 cost of educational services provided by the serving district or agency an amount equal to the
34 average sum produced per child by the local tax effort of that district. A special school district
35 shall pay the average sum produced per child by the local tax efforts of the component districts.
36 This amount paid by the local school district or the special school district shall be on the basis
37 of full-time equivalence as determined in section 163.011, not to exceed the actual per pupil
38 local tax effort.

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

9 171.033. **In school year 2019-20 and subsequent years, such calendar shall include thirty-**
10 **six make-up hours for possible loss of attendance due to inclement weather, as defined in**
11 **subsection 1 of section 171.033, with no minimum number of make-up days.**

12 2. Each local school district may set its opening date each year, which date shall be no
13 earlier than ten calendar days prior to the first Monday in September. No public school district
14 shall select an earlier start date unless the district follows the procedure set forth in subsection
15 3 of this section.

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

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

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

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

35 ~~[7. No school day for schools with a five-day school week shall be longer than seven~~
36 ~~hours except for vocational schools which may adopt an eight-hour day in a metropolitan school~~
37 ~~district and a school district in a first class county adjacent to a city not within a county, and any~~
38 ~~school that adopts a four-day school week in accordance with section 171.029.]~~

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

7 year except as otherwise provided in this section. Schools with a four-day school week may
8 schedule such make-up days on Fridays.

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

15 3. (1) In the 2009-10 school year and subsequent years, a school district may be exempt
16 from the requirement to make up days of school lost or cancelled due to inclement weather in
17 the school district when the school district has made up the six days required under subsection
18 2 of this section and half the number of additional lost or cancelled days up to eight days,
19 resulting in no more than ten total make-up days required by this section.

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

25 4. The commissioner of education may provide, for any school district [~~in which schools~~
26 ~~are in session for twelve months of each calendar year~~] that cannot meet the minimum school
27 calendar requirement of at least one hundred seventy-four days for schools with a five-day school
28 week or one hundred forty-two days for schools with a four-day school week and one thousand
29 forty-four hours of actual pupil attendance **or, in school year 2019-20 and subsequent years,**
30 **one thousand forty-four hours of actual pupil attendance**, upon request, a waiver to be
31 excused from such requirement. This waiver shall be requested from the commissioner of
32 education and may be granted if the school was closed due to circumstances beyond school
33 district control, including inclement weather[, flooding] or fire.

2 ~~[171.029. 1. The school board of any school district in the state, upon~~
3 ~~adoption of a resolution by the vote of a majority of all its members to authorize~~
4 ~~such action, may establish a four-day school week or other calendar consisting~~
5 ~~of less than one hundred seventy-four days in lieu of a five-day school week.~~
6 ~~Upon adoption of a four-day school week or other calendar consisting of less than~~
7 ~~one hundred seventy-four days, the school shall file a calendar with the~~
8 ~~department of elementary and secondary education in accordance with section~~
9 ~~171.031. Such calendar shall include, but not be limited to, a minimum term of~~
10 ~~one hundred forty-two days and one thousand forty-four hours of actual pupil~~
~~attendance.~~

11 ~~2. If a school district that attends less than one hundred seventy-four days~~
12 ~~meets at least two fewer performance standards on two successive annual~~
13 ~~performance reports than it met on its last annual performance report received~~
14 ~~prior to implementing a calendar year of less than one hundred seventy-four days,~~
15 ~~it shall be required to revert to a one hundred seventy-four-day school year in the~~
16 ~~school year following the report of the drop in the number of performance~~
17 ~~standards met. When the number of performance standards met reaches the~~
18 ~~earlier number, the district may return to the four-day week or other calendar~~
19 ~~consisting of less than one hundred seventy-four days in the next school year.]~~
20

Section B. The repeal of section 171.029 of this act shall become effective July 1, 2019.

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