

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 769**  
**93RD GENERAL ASSEMBLY**

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Reported from the Committee on Elementary and Secondary Education April 12, 2006 with recommendation that House Committee Substitute for Senate Committee Substitute for Senate Bill No. 769 Do Pass by Consent. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

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**AN ACT**

To repeal section 171.033, RSMo, and to enact in lieu thereof three new sections relating to authorization of additional fund transfers and waivers of certain requirements for school districts meeting certain qualifications, with a termination date for a certain section and an emergency clause.

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

Section A. Section 171.033, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 165.018, 171.033, and 1, to read as follows:

**165.018. 1. Any school district shall be permitted to make a one-time additional transfer from the incidental fund to the capital projects fund in an amount not to exceed forty percent of that district's June 30, 2006, incidental fund if such school district meets one of the following qualifications:**

**(1) Has an average daily attendance between nine hundred forty and one thousand forty during the 2004-2005 school year, located at least partially in a county of the third classification with a township form of government and with more than twenty-nine thousand seven hundred but fewer than twenty-nine thousand eight hundred inhabitants and which entirely encompasses a city of the fourth classification with more than one thousand one hundred but fewer than one thousand two hundred inhabitants; or**

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.

11           **(2) Has an average daily attendance between six hundred and six hundred thirty**  
12 **during the 2004-2005 school year, located at least partially in any county of the second**  
13 **classification with more than fifty-five thousand six hundred but fewer than fifty-five**  
14 **thousand seven hundred inhabitants; or**

15           **(3) Has an average daily attendance between four hundred sixty and four hundred**  
16 **ninety during the 2004-2005 school year, located at least partially in any county of the third**  
17 **classification without a township form of government and with more than twenty-three**  
18 **thousand two hundred fifty but fewer than twenty-three thousand three hundred fifty**  
19 **inhabitants; or**

20           **(4) Has an average daily attendance between one thousand four hundred eighty and**  
21 **one thousand six hundred during the 2004-2005 school year and is located entirely within**  
22 **a county of the third classification without a township form of government and with more**  
23 **than twenty thousand but fewer than twenty thousand one hundred inhabitants.**

24           **2. The provisions of this section shall terminate on July 1, 2007.**

171.033. 1. Except as provided in subsections 3 and 4 of this section, no school district  
2 shall be exempt from any requirement to make up any days of school lost or canceled due to  
3 inclement weather, unless that school district schedules at least two-thirds as many make-up days  
4 for a school year as were lost in the previous school year, which days shall be in addition to the  
5 school calendar days required for a school term by section 171.031.

6           2. If, after using the make-up days referred to in subsection 1, a district does not meet  
7 the requirement for a term of one hundred seventy-four days of actual pupil attendance, it shall  
8 be required to make up no more than eight additional days of school lost or canceled due to  
9 inclement weather and half the number of days lost or canceled in excess of eight days.

10           3. In the [2002-03] **2005-06** school year, a school district may be exempt from the  
11 requirement to make up days of school lost or canceled due to inclement weather occurring after  
12 [November 20, 2002] **April 1, 2006**, in the school district, but such reduction of the minimum  
13 number of school days shall not exceed five days when a district has missed more than seven  
14 days overall, such reduction to be taken as follows: one day for eight days missed, two days for  
15 nine days missed, three days for ten days missed, four days for eleven days missed, and five days  
16 for twelve or more days missed. The requirement for scheduling two-thirds of the missed days  
17 into the next year's calendar pursuant to subsection 1 of this section shall be waived for the  
18 [2003-04] **2005-06** school year.

19           4. 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 and one thousand forty-four hours  
22 of actual pupil attendance, upon request, a waiver to be excused from such requirement. This

23 waiver shall be requested from the commissioner of education and may be granted if the school  
24 was closed due to circumstances beyond school district control, including inclement weather,  
25 flooding or fire.

**Section 1. Any school district that is eligible to reduce its requirement to make up  
2 days pursuant to subsection 3 of section 171.033, RSMo, may provide food service on a  
3 summer school food service basis if it resumes school with double sessions.**

Section B. Because of the need to allow certain school districts to efficiently utilize their  
2 funds, section A of this act is deemed necessary for the immediate preservation of the public  
3 health, welfare, peace and safety, and is hereby declared to be an emergency act within the  
4 meaning of the constitution, and section A of this act shall be in full force and effect upon its  
5 passage and approval.

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