

FIRST REGULAR SESSION

HOUSE BILL NO. 839

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WALLACE (Sponsor), RICHARD, McGHEE, WOOD, VIEBROCK, PARSON, LAMPE, SATER, NOLTE, SCHNEIDER, BEARDEN, CUNNINGHAM (145), WILSON (119), SCHOELLER, ROORDA, MOORE, ICET, FUNDERBURK AND KINGERY (Co-sponsors).

Read 1st time February 13, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1967L.011

AN ACT

To repeal sections 160.041, 171.031, and 171.033, RSMo, and to enact in lieu thereof three new sections relating to loss of attendance due to inclement weather, with an emergency clause.

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

Section A. Sections 160.041, 171.031, and 171.033, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 160.041, 171.031, and 171.033, to read as follows:

160.041. 1. The "minimum school day" consists of three hours in which the pupils are under the guidance and direction of teachers in the teaching process. A "school month" consists of four weeks of five days each. The "school year" commences on the first day of July and ends on the thirtieth day of June following.

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

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

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

Such reduction **shall** not [to] extend beyond two calendar years in duration.

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.

171.031. 1. Each school board shall prepare annually a calendar for the school term, specifying the opening date and providing a minimum term of at least one hundred seventy-four days and one thousand forty-four hours of actual pupil attendance. **In addition, such calendar shall include six makeup days for possible loss of attendance due to inclement weather as defined in subsection 1 of section 171.033.**

2. **The opening date of the school term shall be set no earlier than the tenth day before Labor Day unless the school board has followed the procedure in this subsection. In any year in which the school board wishes to set the opening date earlier than the tenth day before Labor Day, the board shall hold an open meeting, which may be either a regularly scheduled meeting or a specially called meeting, to receive testimony from the community on the subject of the opening date. After receiving testimony, the board may set an earlier opening date.**

3. No school day shall be longer than seven hours except for vocational schools which may adopt an eight-hour day in a metropolitan school district and a school district in a first class county adjacent to a city not within a county.

171.033. 1. [Except as provided in subsections 3 and 4 of this section, no school district shall be exempt from any requirement to make up any days of school lost or canceled due to inclement weather, unless that school district schedules at least two-thirds as many make-up days for a school year as were lost in the previous school year, which days shall be in addition to the school calendar days required for a school term by section 171.031] **"Inclement weather", for purposes of this section, shall be defined as ice, snow, extreme cold, flooding, or a tornado, but such term shall not include excessive heat.**

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

3. [In the 2005-06 school year, a school district may be exempt from the requirement to make up days of school lost or canceled due to inclement weather occurring after April 1, 2006, in the school district, but such reduction of the minimum number of school days shall not exceed five days when a district has missed more than seven days overall, such reduction to be taken as follows: one day for eight days missed, two days for nine days missed, three days for ten days missed, four days for eleven days missed, and five days for twelve or more days missed. The requirement for scheduling two-thirds of the missed days into the next year's calendar pursuant to subsection 1 of this section shall be waived for the 2006-07 school year.

4.] The commissioner of education may provide, for any school district in which schools are in session for twelve months of each calendar year that cannot meet the minimum school

23 calendar requirement of at least one hundred seventy-four days and one thousand forty-four hours
24 of actual pupil attendance, upon request, a waiver to be excused from such requirement. This
25 waiver shall be requested from the commissioner of education and may be granted if the school
26 was closed due to circumstances beyond school district control, including inclement weather,
27 flooding or fire.

Section B. Because immediate action is necessary to clarify potential school scheduling
2 and funding problems, section A of this act is deemed necessary for the immediate preservation
3 of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act
4 within the meaning of the constitution, and section A of this act shall be in full force and effect
5 upon its passage and approval.

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