

SECOND REGULAR SESSION

HOUSE BILL NO. 1108

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROWLAND.

4218L.03I

D. ADAM CRUMBLISS, Chief Clerk

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.

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Section A. Sections 160.011, 160.041, 163.021, 163.073, 171.029, 171.031, and 171.033, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 160.011, 160.041, 163.021, 163.073, 171.031, and 171.033, to read as follows: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

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

(4) "Graduation rate", the quotient of the number of graduates in the current year as of June thirtieth divided by the sum of the number of graduates in the current year as of June

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.

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
29 is 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] **thousand eighty hours of actual pupil attendance**. A school
35 term may be within a school year or may consist of parts of two consecutive school years, but
36 does not include summer school. A district may choose to operate two or more terms for
37 different groups of children. A school term for students participating in a school flex program
38 as established in section 160.539 may consist of a combination of actual pupil attendance and
39 attendance at college or technical career education or approved employment aligned with the
40 student's career academic plan for a total of one thousand [forty-four] **eighty** hours;

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

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

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

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

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

160.041. 1. [The "minimum school day" consists of three hours for schools with a five-day school week or four hours for schools with a four-day school week 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 for schools with a five-day school week or four weeks of four days each for schools with a four-day school week.] 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 prevents students from attending the public school facility.

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:

(1) Provides for a minimum of one [hundred seventy-four days and one thousand forty-four hours] **thousand eighty hours** of actual pupil attendance in a term scheduled by the board pursuant to section 160.041 for each pupil or group of pupils, except that the board shall provide a minimum of [one hundred seventy-four days and five hundred twenty-two] **five hundred forty** hours of actual pupil attendance in a term for kindergarten pupils]. If any school is dismissed because of inclement weather after school has been in session for three hours, that day shall count as a school day including afternoon session kindergarten students. When the aggregate hours lost in a term due to inclement weather decreases the total hours of the school term below the required minimum number of hours by more than twelve hours for all-day students or six hours for one-half-day kindergarten students, all such hours below the minimum must be made up in one-half day or full day additions to the term, except as provided in section 171.033];

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

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

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

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

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

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

60 5. No school district shall receive more state aid, as calculated in subsections 1 and 2 of
61 section 163.031, for its education program, exclusive of categorical add-ons, than it received per
62 weighted average daily attendance for the school year 2005-06 from the foundation formula, line
63 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment
64 amounts, if the district did not comply in the preceding school year with the requirements of
65 subsection 6 of section 163.031.

66 6. Any school district that levies an operating levy for school purposes that is less than
67 the performance levy, as such term is defined in section 163.011, shall provide written notice to
68 the department of elementary and secondary education asserting that the district is providing an
69 adequate education to the students of such district. If a school district asserts that it is not
70 providing an adequate education to its students, such inadequacy shall be deemed to be a result
71 of insufficient local effort. The provisions of this subsection shall not apply to any special
72 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] **thousand eighty hours** the number of [student-days] **student-hours** of education service
11 provided by the division of youth services to elementary and secondary students who have been
12 assigned to the division by the courts and who have been determined as inappropriate for
13 attendance in a local public school. A student [day] **hour** shall mean one [day] **hour** of
14 education services provided for one student. In addition, other provisions of law
15 notwithstanding, the division of youth services shall be entitled to funds under section 163.087.
16 The number of full-time equivalent students as defined in this section shall be considered as
17 "September membership" and as "average daily attendance" for the apportioning of funds under
18 section 163.087.

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

25 3. Each local school district or special school district constituting the domicile of a child
26 placed in programs or facilities operated by the division of youth services or residing in another
27 district pursuant to assignment by the division of youth services shall pay toward the per pupil
28 cost of educational services provided by the serving district or agency an amount equal to the
29 average sum produced per child by the local tax effort of that district. A special school district
30 shall pay the average sum produced per child by the local tax efforts of the component districts.
31 This amount paid by the local school district or the special school district shall be on the basis
32 of full-time equivalence as determined in section 163.011, not to exceed the actual per pupil
33 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] **thousand**
5 **eighty** hours of actual pupil attendance. In addition, such calendar shall include [six make-up
6 days] **thirty-six make-up hours** for possible loss of attendance due to inclement weather as
7 defined in subsection 1 of section 171.033.

8 2. Each local school district may set its opening date each year, which date shall be no
9 earlier than ten calendar days prior to the first Monday in September. No public school district
10 shall select an earlier start date unless the district follows the procedure set forth in subsection
11 3 of this section.

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 of the state
23 funding the district generated under section 163.031 for each date the district was in violation
24 of this section.

25 5. The provisions of subsections 2 to 4 of this section shall not apply to school districts
26 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. No school day [for schools with a five-day school week] shall be longer than seven
32 hours except for vocational schools which may adopt an eight-hour day in a metropolitan school
33 district and a school district in a first class county adjacent to a city not within a county[, and any
34 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. A district shall be required to make up the first [six days] **thirty-six hours** of school
4 lost or cancelled due to inclement weather and half the number of [days] **hours** lost or cancelled
5 in excess of [six days] **thirty-six hours** if the makeup of the [days] **hours** is necessary to ensure
6 that the district's students will attend a minimum of one [hundred forty-two days and a minimum
7 of one thousand forty-four] **thousand eighty** hours for the school year except as otherwise
8 provided in this section. [Schools with a four-day school week may schedule such make-up days
9 on Fridays.]

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

15 4.] 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] **thirty-six hours** required
18 under subsection 2 of this section and half the number of additional lost or cancelled [days]
19 **hours** up to [eight days] **forty-eight hours**, resulting in no more than [ten] **sixty** total make-up
20 [days] **hours** required by this section.

21 [5.] 4. The commissioner of education may provide, for any school district [in which
22 schools are in session for twelve months of each calendar year] that cannot meet the minimum

23 school calendar requirement of at least one [hundred seventy-four days for schools with a
24 five-day school week or one hundred forty-two days for schools with a four-day school week and
25 one thousand forty-four] **thousand eighty** hours of actual pupil attendance, upon request, a
26 waiver to be excused from such requirement. This waiver shall be requested from the
27 commissioner of education and may be granted if the school was closed due to circumstances
28 beyond school 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
11 attendance.

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

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