

FIRST REGULAR SESSION

HOUSE BILL NO. 281

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KELLEY (127).

0922H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 171.033, RSMo, and to enact in lieu thereof one new section relating to alternative instruction plans for inclement weather.

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

Section A. Section 171.033, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 171.033, to read as follows:

171.033. 1. "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. (1) A district shall be required to make up the first six days of school lost or cancelled due to inclement weather and half the number of days lost or cancelled in excess of six days if the makeup of the days is necessary to ensure that the district's students will attend a minimum of one hundred forty-two days and a minimum of one thousand forty-four hours for the school year except as otherwise provided in this section. Schools with a four-day school week may schedule such make-up days on Fridays.

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

3. (1) In the 2009-10 school year and subsequent years, a school district may be exempt from the requirement to make up days of school lost or cancelled due to inclement weather in the school district when the school district has made up the six days required under subsection

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.

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 from
21 the requirement to make up school lost or cancelled due to inclement weather in the school
22 district when the school district has made up the thirty-six hours required under subsection 2 of
23 this section and half the number of additional lost or cancelled hours up to forty-eight, resulting
24 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 that cannot meet
26 the minimum school calendar requirement of at least one hundred seventy-four days for schools
27 with a five-day school week or one hundred forty-two days for schools with a four-day school
28 week and one thousand forty-four hours of actual pupil attendance or, in school year 2019-20 and
29 subsequent years, one thousand forty-four hours of actual pupil attendance, upon request, a
30 waiver to be excused from such requirement. This waiver shall be requested from the
31 commissioner of education and may be granted if the school was closed due to circumstances
32 beyond school district control, including inclement weather or fire.

33 **5. (1) Except as otherwise provided in this subsection, in school year 2020-21 and**
34 **subsequent years, a district shall not be required to make up any hours of school lost or**
35 **cancelled due to inclement weather during a school year if the district has an alternative**
36 **instruction plan approved by the department of elementary and secondary education for**
37 **such school year. The alternative instruction plan shall include virtual learning or another**
38 **method of instruction for students on any day in which any hours of school are lost or**
39 **cancelled due to inclement weather. The department of elementary and secondary**
40 **education shall not approve any such plan unless the district demonstrates that the plan**
41 **will not negatively impact teaching and learning in the district.**

42 (2) A district with an approved alternative instruction plan shall not use alternative
43 methods of instruction as provided for in the plan for more than sixty hours during a
44 school year. A district that has used such alternative methods of instruction for sixty hours
45 during a school year shall be required, notwithstanding subsections 2 and 3 of this section,
46 to make up any subsequent hours of school lost or cancelled due to inclement weather
47 during such school year.

48 (3) The department of elementary and secondary education may give districts with
49 approved alternative instruction plans credit for the hours in which they use alternative
50 methods of instruction by considering such hours as hours in which school was actually in
51 session or implementing another method of credit.

52 (4) The department of elementary and secondary education shall promulgate rules
53 to implement the provisions of this section. Any rule or portion of a rule, as that term is

54 defined in section 536.010, that is created under the authority delegated in this section shall
55 become effective only if it complies with and is subject to all of the provisions of chapter
56 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and
57 if any of the powers vested with the general assembly pursuant to chapter 536 to review,
58 to delay the effective date, or to disapprove and annul a rule are subsequently held
59 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
60 after August 28, 2019, shall be invalid and void.

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