

FIRST REGULAR SESSION

HOUSE BILL NO. 1371

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LEWIS (6).

2618H.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 in-person attendance restrictions for public schools.

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Section A. Section 171.033, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 171.033, to read as follows: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, excessive heat, flooding, or a tornado.

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 cancelled
35 due to exceptional or emergency circumstances during a school year if the district has an
36 alternative methods of instruction plan approved by the department of elementary and secondary
37 education for such school year. Exceptional or emergency circumstances shall include, but not
38 be limited to, inclement weather, a utility outage, or an outbreak of a contagious disease. The
39 department of elementary and secondary education shall not approve any such plan unless the
40 district demonstrates that the plan will not negatively impact teaching and learning in the district.

41 (2) If school is closed due to exceptional or emergency circumstances and the district has
42 an approved alternative methods of instruction plan, the district shall notify students and parents
43 on each day of the closure whether the alternative methods of instruction plan is to be
44 implemented for that day. If the plan is to be implemented on any day of the closure, the district
45 shall ensure that each student receives assignments for that day in hard copy form or receives
46 instruction through virtual learning or another method of instruction.

47 (3) A district with an approved alternative methods of instruction plan shall not use
48 alternative methods of instruction as provided for in the plan for more than thirty-six hours
49 during a school year. A district that has used such alternative methods of instruction for thirty-
50 six hours during a school year shall be required, notwithstanding subsections 2 and 3 of this
51 section, to make up any subsequent hours of school lost or cancelled due to exceptional or
52 emergency circumstances during such school year.

53 (4) The department of elementary and secondary education shall give districts with
54 approved alternative methods of instruction plans credit for the hours in which they use
55 alternative methods of instruction by considering such hours as hours in which school was
56 actually in session.

57 (5) Any district wishing to use alternative methods of instruction under this subsection
58 shall submit an application to the department of elementary and secondary education. The
59 application shall describe:

60 (a) The manner in which the district intends to strengthen and reinforce instructional
61 content while supporting student learning outside the classroom environment;

62 (b) The process the district intends to use to communicate to students and parents the
63 decision to implement alternative methods of instruction on any day of a closure;

64 (c) The manner in which the district intends to communicate the purpose and
65 expectations for a day in which alternative methods of instruction will be implemented to
66 students and parents;

67 (d) The assignments and materials to be used within the district for days in which
68 alternative methods of instruction will be implemented to effectively facilitate teaching and
69 support learning for the benefit of the students;

70 (e) The manner in which student attendance will be determined for a day in which
71 alternative methods of instruction will be implemented. The method chosen shall be linked to
72 completion of lessons and activities;

73 (f) The instructional methods, which shall include instruction through electronic means
74 and instruction through other means for students who have no access to internet services or a
75 computer;

76 (g) Instructional plans for students with individualized education programs; and

77 (h) The role and responsibility of certified personnel to be available to communicate with
78 students.

79 6. For the 2018-19 school year, a district shall be exempt from the requirements of
80 subsections 2 and 3 of this section, and only be required to make up the first six days of school
81 lost or cancelled due to inclement weather.

82 **7. (1) As used in this subdivision, "COVID-19" means any disease, health**
83 **condition, or threat of harm caused by the severe acute respiratory syndrome coronavirus**
84 **2 or a virus mutating therefrom.**

85 **(2) Notwithstanding the provisions of this section or section 171.031 to the contrary,**
86 **in school year 2021-22 and subsequent school years, no school district shall be granted a**
87 **waiver of or exemption from any requirement for such district or any attendance center**
88 **in such district to provide in-person instruction or to make up lost or cancelled days of**

89 school, and the department of elementary and secondary education shall not approve or
90 waive any requirement for an alternative methods of instruction plan under subsection 5
91 of this section for such district or attendance center based on the COVID-19 pandemic,
92 unless such district demonstrates to the department:

93 (a) That the school district offers in-person instruction for at least four days per
94 week as an option to all students who are not otherwise exempt from in-person instruction;
95 or

96 (b) That the school district or attendance center has a specific need to temporarily
97 suspend all in-person instruction based on district-specific or attendance center-specific
98 data including, but not limited to:

99 a. The number of school personnel including, but not limited to, the following
100 personnel currently in quarantine because of COVID-19 exposure or infection: teachers,
101 administrators, food service workers, bus drivers, and custodial staff; and

102 b. The availability of substitute teachers and other substitute personnel required
103 to meet the day-to-day needs of the school district or attendance center.

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