

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By  
\_\_\_\_\_

1 AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute  
2 for Senate Bill Nos. 4, 42 & 89, Page 1, Section A, Line 4, by inserting after all of said line the  
3 following:  
4

5 "160.011. As used in chapters 160, 161, 162, 163, 164, 165, 167, 168, 170, 171, 177 and  
6 178, the following terms mean:

7 (1) "District" or "school district", when used alone, may include seven-director, urban, and  
8 metropolitan school districts;

9 (2) "Elementary school", a public school giving instruction in a grade or grades not higher  
10 than the eighth grade;

11 (3) "Family literacy programs", services of sufficient intensity in terms of hours, and of  
12 sufficient duration, to make sustainable changes in families that include:

13 (a) Interactive literacy activities between parents and their children;

14 (b) Training of parents regarding how to be the primary teacher of their children and full  
15 partners in the education of their children;

16 (c) Parent literacy training that leads to high school completion and economic self  
17 sufficiency; and

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

19 (4) "Graduation rate", the quotient of the number of graduates in the current year as of June  
20 thirtieth divided by the sum of the number of graduates in the current year as of June thirtieth plus  
21 the number of twelfth graders who dropped out in the current year plus the number of eleventh  
22 graders who dropped out in the preceding year plus the number of tenth graders who dropped out in  
23 the second preceding year plus the number of ninth graders who dropped out in the third preceding  
24 year;

25 (5) "High school", a public school giving instruction in a grade or grades not lower than the  
26 ninth nor higher than the twelfth grade;

27 (6) "Metropolitan school district", any school district the boundaries of which are  
28 coterminous with the limits of any city which is not within a county;

29 (7) "Public school" includes all elementary and high schools operated at public expense;

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1 (8) "School board", the board of education having general control of the property and affairs  
2 of any school district;

3 (9) "School term", a minimum of [~~one hundred seventy-four school days, as that term is~~  
4 ~~defined in section 160.041, for schools with a five-day school week or a minimum of one hundred~~  
5 ~~forty-two school days, as that term is defined in section 160.041, for schools with a four-day school~~  
6 ~~week, and]~~ one thousand forty-four hours of actual pupil attendance as scheduled by the board  
7 pursuant to section 171.031 during a twelve-month period in which the academic instruction of  
8 pupils is actually and regularly carried on for a group of students in the public schools of any school  
9 district[~~. In school year 2019-20 and subsequent years, one thousand forty-four hours of actual~~  
10 ~~pupil attendance shall be required with no minimum number of school days required], and, for a~~  
11 school district that is located wholly or partially in a county with a charter form of government or a  
12 school district that is located wholly or partially in a city with more than thirty thousand inhabitants,  
13 a minimum of one hundred and sixty-eight school days, as that term is defined in section 160.041,  
14 unless the district has adopted a four-day school week as provided in section 171.028 in which case  
15 the district school term shall have a minimum of one hundred forty-two school days, as such term is  
16 defined in section 160.041. A school term may be within a school year or may consist of parts of  
17 two consecutive school years, but does not include summer school. A district may choose to operate  
18 two or more terms for different groups of children. A school term for students participating in a  
19 school flex program as established in section 160.539 may consist of a combination of actual pupil  
20 attendance and attendance at college or technical career education or approved employment aligned  
21 with the student's career academic plan for a total of the required number of hours as provided in  
22 this subdivision;

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

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

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

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

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

34 160.041. 1. [~~The "minimum school day" consists of three hours for schools with a five-day~~  
35 ~~school week or four hours for schools with a four-day school week in which the pupils are under the~~  
36 ~~guidance and direction of teachers in the teaching process.] A "school month" consists of four  
37 weeks of five days each for schools with a five-day school week or four weeks of four days each for  
38 schools with a four-day school week. [~~In school year 2019-20 and subsequent years, no minimum~~  
39 ~~number of school days shall be required, and]~~ The term "school day" shall mean any day in which,~~

1 for any amount of time, pupils are under the guidance and direction of teachers in the teaching  
 2 process. The "school year" commences on the first day of July and ends on the thirtieth day of June  
 3 following.

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

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

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

11  
 12 Such reduction shall not extend beyond two calendar years in duration."; and  
 13

14 Further amend said bill, Page 17, Section 163.011, Line 221, by inserting after all of said section  
 15 and line the following:

16  
 17 "163.021. 1. A school district shall receive state aid for its education program only if it:

18 (1) Provides for ~~[a minimum of one hundred seventy-four days and one thousand forty-four~~  
 19 ~~hours of actual pupil attendance in a term scheduled by the board pursuant to section 160.041 for~~  
 20 ~~each pupil or group of pupils, except that the board shall provide a minimum of one hundred~~  
 21 ~~seventy-four days and five hundred twenty-two hours of actual pupil attendance in a term for~~  
 22 ~~kindergarten pupils. If any school is dismissed because of inclement weather after school has been~~  
 23 ~~in session for three hours, that day shall count as a school day including afternoon session~~  
 24 ~~kindergarten students]~~ at least a minimum school term as provided under section 171.031. When  
 25 the aggregate hours lost in a term due to inclement weather decreases the total hours of the school  
 26 term below the required minimum number of hours by more than twelve hours for all-day students  
 27 or six hours for one-half-day kindergarten students, all such hours below the minimum must be  
 28 made up ~~[in one-half day or full day additions to the term, except]~~ as provided in section 171.033[-  
 29 In school year 2019-20 and subsequent years, one thousand forty-four hours of actual pupil  
 30 attendance with no minimum number of school days shall be required for each pupil or group of  
 31 pupils; except that, the board shall provide a minimum of five hundred twenty-two hours of actual  
 32 pupil attendance in a term for kindergarten pupils with no minimum number of school days];

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

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

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

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

29           3. No school district shall receive more state aid, as calculated in section 163.031, for its  
30 education program, exclusive of categorical add-ons, than it received per eligible pupil for the  
31 school year 1993-94, if the state board of education determines that the district was not in  
32 compliance in the preceding school year with the requirements of section 163.172, until such time as  
33 the board determines that the district is again in compliance with the requirements of section  
34 163.172.

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

38           5. No school district shall receive more state aid, as calculated in subsections 1 and 2 of  
39 section 163.031, for its education program, exclusive of categorical add-ons, than it received per

1 weighted average daily attendance for the school year 2005-06 from the foundation formula, line 14,  
 2 gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts, if the  
 3 district did not comply in the preceding school year with the requirements of subsection 5 of section  
 4 163.031.

5 6. Any school district that levies an operating levy for school purposes that is less than the  
 6 performance levy, as such term is defined in section 163.011, shall provide written notice to the  
 7 department of elementary and secondary education asserting that the district is providing an  
 8 adequate education to the students of such district. If a school district asserts that it is not providing  
 9 an adequate education to its students, such inadequacy shall be deemed to be a result of insufficient  
 10 local effort. The provisions of this subsection shall not apply to any special district established  
 11 under sections 162.815 to 162.940."; and

12  
 13 Further amend said bill, Page 25, section 170.370, Line 50, by inserting after all of said line the  
 14 following:

15  
 16 "171.028. 1. The school board of a school district that is located wholly or partially in a  
 17 county with a charter form of government, or located wholly or partially in a city with more than  
 18 thirty thousand inhabitants, may establish a four-day school week in lieu of a five-day school week  
 19 only as permitted pursuant to the provisions of this section. Nothing in this section shall be  
 20 construed to apply to any district other than a school district that is located wholly or partially in a  
 21 county with a charter form of government or a school district located wholly or partially in a city  
 22 with more than thirty thousand inhabitants.

23 2. (1) A school board may adopt the provisions of subsection 1 of this section by referring  
 24 to the qualified voters of the school district a ballot measure authorizing the same. Such proposal  
 25 shall be referred to the qualified voters of the school district upon a majority vote of the members  
 26 elected to the school board. Upon such adoption by the school board, the measure shall be  
 27 submitted to the qualified voters at the next date available for public elections pursuant to chapter  
 28 115 and by July first of the school year in which the four-day school week is proposed to  
 29 commence. If a majority of the votes cast on the question by the qualified voters voting thereon are  
 30 in favor of the measure, then the provisions of subsection 1 of this section shall become effective. If  
 31 a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the  
 32 measure, then the board shall not adopt the provisions of subsection 1 of this section unless and until  
 33 the measure is resubmitted pursuant to this subsection to the qualified voters and such question is  
 34 approved by a majority of the qualified voters voting on the measure.

35 (2) The question submitted by the school board pursuant to this subsection shall be in  
 36 substantially the following form:

"Shall the school board of ..... adopt the provisions of Section 171.028,  
RSMo, establishing a four-day school week for the next ten years in the  
district of ...?"

YES NO

1           3. Upon adoption of a four-day school week, any school district that adopts a four-day  
 2 school week shall file a calendar with the department of elementary and secondary education in  
 3 accordance with section 171.031. Such calendar shall include, but not be limited to, a minimum  
 4 term of one hundred forty-two school days, as the term "school days" is defined in section 160.041,  
 5 and a minimum of one thousand forty-four hours of actual pupil attendance hours during a twelve-  
 6 month period in which the academic instruction of pupils is actually and regularly carried on for a  
 7 group of students in the public schools of any school district, pursuant to the provisions of section  
 8 171.031.

9           171.031. 1. Each school board shall prepare annually a calendar for the school term,  
 10 specifying the opening date, days of planned attendance, and providing a minimum term of at least  
 11 ~~[one hundred seventy-four days for schools with a five-day school week or one hundred forty-two~~  
 12 ~~days for schools with a four-day school week, and]~~ one thousand forty-four hours of actual pupil  
 13 attendance~~[- In school year 2019-20 and subsequent years, one thousand forty-four hours of actual~~  
 14 ~~pupil attendance shall be required for the school term with no minimum number of school days],~~  
 15 and, for a school district that is located wholly or partially in a county with a charter form of  
 16 government or a school district that is located wholly or partially in a city with more than thirty  
 17 thousand inhabitants, a minimum of one hundred and sixty-eight school days, unless the district has  
 18 adopted a four-day school week as provided in section 171.028, in which case the district school  
 19 term shall have a minimum of one hundred forty-two school days. In addition, such calendar shall  
 20 include six make-up days for possible loss of attendance due to inclement weather as defined in  
 21 subsection 1 of section 171.033. In school year 2019-20 and subsequent years, such calendar shall  
 22 include thirty-six make-up hours for possible loss of attendance due to inclement weather, as defined  
 23 in subsection 1 of section 171.033, with no minimum number of make-up days.

24           2. Each local school district may set its opening date each year, which date shall be no  
 25 earlier than fourteen calendar days prior to the first Monday in September. ~~[No public school~~  
 26 ~~district shall select an earlier start date unless, for calendars for school years before school year~~  
 27 ~~2020-21, the district follows the procedure set forth in subsection 3 of this section. The procedure~~  
 28 ~~set forth in subsection 3 of this section shall be unavailable to school districts in preparing their~~  
 29 ~~calendars for school year 2020-21 and for subsequent years.~~

30           3. For calendars for school years before school year 2020-21, a district may set an opening  
 31 date that is more than fourteen calendar days prior to the first Monday in September only if the local  
 32 school board first gives public notice of a public meeting to discuss the proposal of opening school  
 33 on a date more than fourteen days prior to the first Monday in September, and the local school board  
 34 holds said meeting and, at the same public meeting, a majority of the board votes to allow an earlier  
 35 opening date. ~~If all of the previous conditions are met, the district may set its opening date more~~  
 36 ~~than fourteen calendar days prior to the first Monday in September. The condition provided in this~~  
 37 ~~subsection must be satisfied by the local school board each year that the board proposes an opening~~  
 38 ~~date more than fourteen days before the first Monday in September.~~

1           4.] 3. If any local district violates the provisions of this section, the department of  
 2 elementary and secondary education shall withhold an amount equal to one quarter of the state  
 3 funding the district generated under section 163.031 for each date the district was in violation of this  
 4 section.

5           ~~[5.]~~ 4. The provisions of ~~[subsections 2 to 4]~~ subsection 2 of this section shall not apply to  
 6 school districts in which school is in session for twelve months of each calendar year.

7           ~~[6.]~~ 5. The state board of education may grant an exemption from this section to a school  
 8 district that demonstrates highly unusual and extenuating circumstances justifying exemption from  
 9 the provisions of ~~[subsections 2 to 4]~~ subsection 2 of this section. Any exemption granted by the  
 10 state board of education shall be valid for one academic year only.

11           171.033. 1. "Inclement weather", for purposes of this section, shall be defined as ice, snow,  
 12 extreme cold, excessive heat, flooding, or a tornado.

13           2. (1) A district shall be required to make up the first six days of school lost or cancelled  
 14 due to inclement weather and half the number of days lost or cancelled in excess of six days if the  
 15 makeup of the days is necessary to ensure that the district's students will attend a minimum ~~[of one~~  
 16 ~~hundred forty-two days and a minimum of one thousand forty-four hours for the school year]~~ school  
 17 term as provided under section 171.031 except as otherwise provided in this section. Schools with a  
 18 four-day school week may schedule such make-up days on Fridays.

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

25           3. (1) In the 2009-10 school year and subsequent years, a school district may be exempt  
 26 from the requirement to make up days of school lost or cancelled due to inclement weather in the  
 27 school district when the school district has made up the six days required under subsection 2 of this  
 28 section and half the number of additional lost or cancelled days up to eight days, resulting in no  
 29 more than ten total make-up days required by this section.

30           (2) In school year 2019-20 and subsequent years, a school district may be exempt from the  
 31 requirement to make up school lost or cancelled due to inclement weather in the school district  
 32 when the school district has made up the thirty-six hours required under subsection 2 of this section  
 33 and half the number of additional lost or cancelled hours up to forty-eight, resulting in no more than  
 34 sixty total make-up hours required by this section.

35           4. The commissioner of education may provide, for any school district that cannot meet the  
 36 minimum school calendar requirement of at least one hundred seventy-four days for schools with a  
 37 five-day school week or one hundred forty-two days for schools with a four-day school week and  
 38 one thousand forty-four hours of actual pupil attendance or, for schools with a four-day school  
 39 week, in school year 2019-20 and subsequent years, one thousand forty-four hours of actual pupil

1 attendance, upon request, a waiver to be excused from such requirement. This waiver shall be  
2 requested from the commissioner of education and may be granted if the school was closed due to  
3 circumstances beyond school district control, including inclement weather or fire.

4 5. (1) Except as otherwise provided in this subsection, in school year 2020-21 and  
5 subsequent years, a district shall not be required to make up any hours of school lost or cancelled  
6 due to exceptional or emergency circumstances during a school year if the district has an alternative  
7 methods of instruction plan approved by the department of elementary and secondary education for  
8 such school year. Exceptional or emergency circumstances shall include, but not be limited to,  
9 inclement weather, a utility outage, or an outbreak of a contagious disease. The department of  
10 elementary and secondary education shall not approve any such plan unless the district demonstrates  
11 that the plan will not negatively impact teaching and learning in the district.

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

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

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

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

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

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

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

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



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

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

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

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

9 6. In the 2022-23 school year and subsequent years, a school district's one-half-day  
10 education programs shall be subject to the following provisions in proportions appropriate for a one-  
11 half-day education program, as applicable:

12 (1) Requirements in subsection 2 of this section to make up days or hours of school lost or  
13 cancelled because of inclement weather;

14 (2) Exemptions in subsection 3 of this section;

15 (3) Waiver provisions in subsection 4 of this section; and

16 (4) Approved alternative methods of instruction provisions in subsection 5 of this section.

17 Section B. The enactment of section 171.028 and the repeal and reenactment of sections  
18 160.011, 160.041, 163.021, 171.031, and 171.033 of this act shall become effective July 1, 2024.";  
19 and

20  
21 Further amend said bill by amending the title, enacting clause, and intersectional references  
22 accordingly.