

SECOND REGULAR SESSION

HOUSE BILL NO. 2812

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BROWN (87).

5843H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 160.011, 160.041, 163.021, 171.031, and 171.033, RSMo, and to enact in lieu thereof seven new sections relating to the minimum school term, with a delayed effective date.

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

Section A. Sections 160.011, 160.041, 163.021, 171.031, and 171.033, RSMo, are
2 repealed and seven new sections enacted in lieu thereof, to be known as sections 160.011,
3 160.041, 163.021, 171.028, 171.031, 171.033, and 1, to read as follows:

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

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

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

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

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

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

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

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

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.

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

21 (5) "High school", a public school giving instruction in a grade or grades not lower
22 than 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
26 expense;

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

29 (9) "School term", a minimum of ~~[one hundred seventy-four school days, as that term~~
30 ~~is defined in section 160.041, for schools with a five-day school week or a minimum of one~~
31 ~~hundred forty-two school days, as that term is defined in section 160.041, for schools with a~~
32 ~~four-day school week, and]~~ one thousand forty-four hours of actual pupil attendance as
33 scheduled by the board pursuant to section 171.031 during a twelve-month period in which
34 the academic instruction of pupils is actually and regularly carried on for a group of students
35 in the public schools of any school district~~[- In school year 2019-20 and subsequent years,~~
36 ~~one thousand forty-four hours of actual pupil attendance shall be required with no minimum~~
37 ~~number of school days required], and, for a school district that is located wholly or~~
38 **partially in a county with a charter form of government or a school district that is**
39 **located wholly or partially in a city with more than thirty thousand inhabitants, a**
40 **minimum of one hundred sixty-nine school days, as that term is defined in section**
41 **160.041, unless the district has adopted a four-day school week as provided in section**
42 **171.028, in which case the district school term shall have a minimum of one hundred**
43 **forty-two school days, as such term is defined in section 160.041.** A school term may be
44 within a school year or may consist of parts of two consecutive school years, but does not
45 include summer school. A district may choose to operate two or more terms for different
46 groups of children. A school term for students participating in a school flex program as
47 established in section 160.539 may consist of a combination of actual pupil attendance and
48 attendance at college or technical career education or approved employment aligned with the
49 student's career academic plan for a total of the required number of hours as provided in this
50 subdivision;

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

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

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

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

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

160.041. 1. ~~[The "minimum school day" consists of three hours for schools with a
2 five-day school week or four hours for schools with a four-day school week in which the
3 pupils are under the guidance and direction of teachers in the teaching process.]~~ A "school
4 month" consists of four weeks of five days each for schools with a five-day school week or
5 four weeks of four days each for schools with a four-day school week. ~~[In school year 2019-
6 20 and subsequent years, no minimum number of school days shall be required, and]~~ **The**
7 **term** "school day" shall mean any day in which, for any amount of time, pupils are under the
8 guidance and direction of teachers in the teaching process. The "school year" commences on
9 the first day of July and ends on the thirtieth day of June following.

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

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

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

17

18 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
2 it:

3 (1) Provides for ~~[a minimum of one hundred seventy-four days and one thousand
4 forty-four hours of actual pupil attendance in a term scheduled by the board pursuant to
5 section 160.041 for each pupil or group of pupils, except that the board shall provide a
6 minimum of one hundred seventy-four days and five hundred twenty-two hours of actual
7 pupil attendance in a term for kindergarten pupils. If any school is dismissed because of
8 inclement weather after school has been in session for three hours, that day shall count as a~~

9 ~~school day including afternoon session kindergarten students]~~ **at least a minimum school**
10 **term as provided in section 171.031.** When the aggregate hours lost in a term due to
11 inclement weather decreases the total hours of the school term below the required minimum
12 number of hours by more than twelve hours for all-day students or six hours for one-half-day
13 kindergarten students, all such hours below the minimum must be made up ~~[in one-half day or~~
14 ~~full day additions to the term, except]~~ as provided in section 171.033~~[-In school year 2019-~~
15 ~~20 and subsequent years, one thousand forty four hours of actual pupil attendance with no~~
16 ~~minimum number of school days shall be required for each pupil or group of pupils; except~~
17 ~~that, the board shall provide a minimum of five hundred twenty-two hours of actual pupil~~
18 ~~attendance in a term for kindergarten pupils with no minimum number of school days];~~

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

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

26 (4) Computes average daily attendance as defined in subdivision (2) of section
27 163.011 as modified by section 171.031. Whenever there has existed within the district an
28 infectious disease, contagion, epidemic, plague or similar condition whereby the school
29 attendance is substantially reduced for an extended period in any school year, the
30 apportionment of school funds and all other distribution of school moneys shall be made
31 on the basis of the school year next preceding the year in which such condition existed.

32 2. For the 2006-07 school year and thereafter, no school district shall receive more
33 state aid, as calculated under subsections 1 and 2 of section 163.031, for its education
34 program, exclusive of categorical add-ons, than it received per weighted average daily
35 attendance for the school year 2005-06 from the foundation formula, line 14, gifted, remedial
36 reading, exceptional pupil aid, fair share, and free textbook payment amounts, unless it has an
37 operating levy for school purposes, as determined pursuant to section 163.011, of not less
38 than two dollars and seventy-five cents after all adjustments and reductions. Any district
39 which is required, pursuant to Article X, Section 22 of the Missouri Constitution, to reduce its
40 operating levy below the minimum tax rate otherwise required under this subsection shall not
41 be construed to be in violation of this subsection for making such tax rate reduction. Pursuant
42 to Section 10(c) of Article X of the state constitution, a school district may levy the operating
43 levy for school purposes required by this subsection less all adjustments required pursuant to
44 Article X, Section 22 of the Missouri Constitution if such rate does not exceed the highest tax
45 rate in effect subsequent to the 1980 tax year. Nothing in this section shall be construed to

46 mean that a school district is guaranteed to receive an amount not less than the amount the
47 school district received per eligible pupil for the school year 1990-91. The provisions of this
48 subsection shall not apply to any school district located in a county of the second
49 classification which has a nuclear power plant located in such district or to any school district
50 located in a county of the third classification which has an electric power generation unit with
51 a rated generating capacity of more than one hundred fifty megawatts which is owned or
52 operated or both by a rural electric cooperative except that such school districts may levy for
53 current school purposes and capital projects an operating levy not to exceed two dollars and
54 seventy-five cents less all adjustments required pursuant to Article X, Section 22 of the
55 Missouri Constitution.

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

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

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

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

**171.028. 1. The school board of a school district that is located wholly or
2 partially in a county with a charter form of government, or located wholly or partially
3 in a city with more than thirty thousand inhabitants, may establish a four-day school
4 week in lieu of a five-day school week only as permitted pursuant to the provisions of**

5 **this section. Nothing in this section shall be construed to apply to any district other than**
 6 **a school district that is located wholly or partially in a county with a charter form of**
 7 **government or a school district located wholly or partially in a city with more than**
 8 **thirty thousand inhabitants.**

9 **2. (1) A school board may adopt the provisions of subsection 1 of this section by**
 10 **referring to the qualified voters of the school district a ballot measure authorizing the**
 11 **same. Such proposal shall be referred to the qualified voters of the school district upon**
 12 **a majority vote of the members elected to the school board. Upon such adoption by the**
 13 **school board, the measure shall be submitted to the qualified voters at the next date**
 14 **available for public elections pursuant to chapter 115 and by July first of the school year**
 15 **in which the four-day school week is proposed to commence. If a majority of the votes**
 16 **cast on the question by the qualified voters voting thereon are in favor of the measure,**
 17 **then the provisions of subsection 1 of this section shall become effective. If a majority of**
 18 **the votes cast on the question by the qualified voters voting thereon are opposed to the**
 19 **measure, then the board shall not adopt the provisions of subsection 1 of this section**
 20 **unless and until the measure is resubmitted pursuant to this subsection to the qualified**
 21 **voters and such question is approved by a majority of the qualified voters voting on the**
 22 **measure.**

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

25 **"Shall the school board of adopt the provisions of Section**
 26 **171.028, RSMo, establishing a four-day school week for the next ten**
 27 **years in the district of ...?"**

28 **YES** **NO**

29 **3. Upon adoption of a four-day school week, any school district that adopts a**
 30 **four-day school week shall file a calendar with the department of elementary and**
 31 **secondary education in accordance with section 171.031. Such calendar shall include,**
 32 **but not be limited to, a minimum term of one hundred forty-two school days, as the term**
 33 **"school days" is defined in section 160.041, and a minimum of one thousand forty-four**
 34 **hours of actual pupil attendance hours during a twelve-month period in which the**
 35 **academic instruction of pupils is actually and regularly carried on for a group of**
 36 **students in the public schools of any school district, pursuant to the provisions of section**
 37 **171.031.**

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 hours of

5 actual pupil attendance~~].—In school year 2019-20 and subsequent years, one thousand forty-~~
6 ~~four hours of actual pupil attendance shall be required for the school term with no minimum~~
7 ~~number of school days]~~, **and, for a school district that is located wholly or partially in a**
8 **county with a charter form of government or a school district that is located wholly or**
9 **partially in a city with more than thirty thousand inhabitants, a minimum of one**
10 **hundred sixty-nine school days, unless the district has adopted a four-day school week**
11 **as provided in section 171.028, in which case the district school term shall have a**
12 **minimum of one hundred forty-two school days.** In addition, such calendar shall include
13 six make-up days for possible loss of attendance due to inclement weather as defined in
14 subsection 1 of section 171.033. In school year 2019-20 and subsequent years, such calendar
15 shall include thirty-six make-up hours for possible loss of attendance due to inclement
16 weather, as defined in subsection 1 of section 171.033, with no minimum number of make-up
17 days.

18 2. Each local school district may set its opening date each year, which date shall be no
19 earlier than fourteen calendar days prior to the first Monday in September~~].—No public school~~
20 ~~district shall select an earlier start date unless, for calendars for school years before school~~
21 ~~year 2020-21, the district follows the procedure set forth in subsection 3 of this section. The~~
22 ~~procedure set forth in subsection 3 of this section shall be unavailable to school districts in~~
23 ~~preparing their calendars for school year 2020-21 and for subsequent years]~~, **provided that a**
24 **district with a minimum school term of one hundred seventy-five school days or more**
25 **may select an earlier school opening date, but only by following the procedure set forth**
26 **in subsection 3 of this section.**

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

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

42 5. The provisions of subsections 2 to 4 of this section shall not apply to school
43 districts in which school is in session for twelve months of each calendar year.

44 6. The state board of education may grant an exemption from this section to a school
45 district that demonstrates highly unusual and extenuating circumstances justifying exemption
46 from the provisions of subsections 2 to 4 of this section. Any exemption granted by the state
47 board of education shall be valid for one academic year only.

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

3 2. (1) A district shall be required to make up the first six days of school lost or
4 cancelled due to inclement weather and half the number of days lost or cancelled in excess of
5 six days if the makeup of the days is necessary to ensure that the district's students will attend
6 a minimum [~~of one hundred forty-two days and a minimum of one thousand forty-four hours~~
7 ~~for the school year]~~ **school term as provided in section 171.031** except as otherwise
8 provided in this section. Schools with a four-day school week may schedule such make-up
9 days on Fridays.

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

16 3. (1) In the 2009-10 school year and subsequent years, a school district may be
17 exempt from the requirement to make up days of school lost or cancelled due to inclement
18 weather in the school district when the school district has made up the six days required under
19 subsection 2 of this section and half the number of additional lost or cancelled days up to
20 eight days, resulting in no more than ten total make-up days required by this section.

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

26 4. The commissioner of education may provide, for any school district that cannot
27 meet the minimum school calendar requirement [~~of at least one hundred seventy-four days for~~
28 ~~schools with a five-day school week or one hundred forty-two days for schools with a four-~~
29 ~~day school week and one thousand forty-four hours of actual pupil attendance or, in school~~
30 ~~year 2019-20 and subsequent years, one thousand forty-four hours of actual pupil attendance,]~~
31 **as provided in section 171.031**, upon request, a waiver to be excused from such requirement.

32 This waiver shall be requested from the commissioner of education and may be granted if the
33 school was closed due to circumstances beyond school district control, including inclement
34 weather or fire.

35 5. (1) Except as otherwise provided in this subsection, in school year 2020-21 and
36 subsequent years, a district shall not be required to make up any hours of school lost or
37 cancelled due to exceptional or emergency circumstances during a school year if the district
38 has an alternative methods of instruction plan approved by the department of elementary and
39 secondary education for such school year. Exceptional or emergency circumstances shall
40 include, but not be limited to, inclement weather, a utility outage, or an outbreak of a
41 contagious disease. The department of elementary and secondary education shall not approve
42 any such plan unless the district demonstrates that the plan will not negatively impact
43 teaching and learning in the district.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Section 1. Notwithstanding any provision of law to the contrary, in addition to all
2 funds distributed to school districts and charter schools pursuant to the provisions of
3 sections 163.031 and 160.415, the department of elementary and secondary education
4 shall, after rendering all calculations required pursuant to the provisions of such
5 sections, remit an amount equal to two percent of each district's and charter school's
6 preceding year June state aid entitlement as calculated in accordance with the
7 provisions of such sections for any district or charter school with a preceding year
8 school term that provided for one hundred sixty-nine school days or more. Days that
9 include hours of attendance excused or waived pursuant to the provisions of section
10 171.033 shall be enumerated when determining the aforementioned one hundred sixty-
11 nine day threshold. Any funds received as provided in this section shall be used by
12 districts and charter schools exclusively to increase teacher salaries. Any district or
13 charter school that receives funds as provided in this section but fails to utilize such**

14 **funds solely to increase teacher salaries shall have an amount equal to the amount of**
15 **such funds received withheld from such district's or charter school's state aid payments**
16 **pursuant to the provisions of section 163.031 or 160.415.**

Section B. The enactment of sections 171.028 and 1, and the repeal and reenactment
2 of sections 160.011, 160.041, 163.021, 171.031, and 171.033 of this act shall become
3 effective July 1, 2025.

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