

FIRST REGULAR SESSION

HOUSE BILL NO. 1270

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HURLBERT.

2757H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 171.033 as enacted by senate bill no. 727, one hundred second general assembly, second regular session, and section 171.033 as enacted by senate bills nos. 681 & 682, one hundred first general assembly, second regular session, and to enact in lieu thereof one new section relating to alternative methods of instruction school days.

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

Section A. Section 171.033 as enacted by senate bill no. 727, one hundred second
2 general assembly, second regular session, and section 171.033 as enacted by senate bills nos.
3 681 & 682, one hundred first general assembly, second regular session, are repealed and one
4 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,
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 school term as provided in section 171.031 except as otherwise provided in this
7 section. Schools with a four-day school week may schedule such make-up days on Fridays.

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

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.

14 3. (1) In the 2009-10 school year and subsequent years, a school district may be
15 exempt from the requirement to make up days of school lost or cancelled due to inclement
16 weather in the school district when the school district has made up the six days required under
17 subsection 2 of this section and half the number of additional lost or cancelled days up to
18 eight days, resulting in no more than ten total make-up days required by this section.

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

24 4. The commissioner of education may provide, for any school district that cannot
25 meet the minimum school calendar requirement as provided in section 171.031, upon request,
26 a 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 or fire.

29 5. (1) Except as otherwise provided in this subsection, in school year 2020-21 and
30 subsequent years, a district shall not be required to make up any hours of school lost or
31 cancelled due to exceptional or emergency circumstances during a school year if the district
32 has an alternative methods of instruction plan approved by the department of elementary and
33 secondary education for such school year. Exceptional or emergency circumstances shall
34 include, but not be limited to, inclement weather, a utility outage, or an outbreak of a
35 contagious disease. The department of elementary and secondary education shall not approve
36 any such plan unless the district demonstrates that the plan will not negatively impact
37 teaching and learning in the district.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

85 7. **(1) As used in this section, "extracurricular activity or club" means an**
86 **activity or a club outside of a regular class that a student participates in that is**

87 sponsored by the school district including, but not limited to, a club focused on
88 academics, arts, or interests, or other organized programs beyond the classroom
89 curriculum or through a statewide activities association.

90 (2) No school district shall require students or school employees to participate in
91 an extracurricular activity or club on a day on which such school district uses an
92 alternative method of instruction day approved under this section because of inclement
93 weather.

94 (3) If a public school violates the provisions of this section, the parent, legal
95 guardian, or other person having charge, custody, or control of a student, or the student
96 if such student is over eighteen years of age, shall have a cause of action for injunctive or
97 other equitable relief as well as payment of reasonable attorney's fees, costs, and legal
98 expenses. Such relief and remedies shall not be deemed exclusive and shall be in
99 addition to any other relief or remedies permitted by law.

100 (4) The state department of elementary and secondary education may
101 promulgate all necessary rules and regulations for the administration of this section.
102 Any rule or portion of a rule, as that term is defined in section 536.010, that is created
103 under the authority delegated in this section shall become effective only if it complies
104 with and is subject to all of the provisions of chapter 536 and, if applicable, section
105 536.028. This section and chapter 536 are nonseverable and if any of the powers vested
106 with the general assembly pursuant to chapter 536 to review, to delay the effective date,
107 or to disapprove and annul a rule are subsequently held unconstitutional, then the grant
108 of rulemaking authority and any rule proposed or adopted after the effective date of this
109 section shall be invalid and void.

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 except as otherwise provided in this section. Schools with a four-day
8 school week may schedule such make-up days on Fridays.

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

15 3. (1) In the 2009-10 school year and subsequent years, a school district may be
16 exempt from the requirement to make up days of school lost or cancelled due to inclement
17 weather in the school district when the school district has made up the six days required under
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19 eight days, 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
21 from the requirement to make up school lost or cancelled due to inclement weather in the
22 school district when the school district has made up the thirty-six hours required under
23 subsection 2 of this section and half the number of additional lost or cancelled hours up to
24 forty-eight, resulting 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
26 meet the minimum school calendar requirement of at least one hundred seventy-four days for
27 schools with a five-day school week or one hundred forty-two days for schools with a four-
28 day school week and one thousand forty-four hours of actual pupil attendance or, in school
29 year 2019-20 and subsequent years, one thousand forty-four hours of actual pupil attendance,
30 upon request, a waiver to be excused from such requirement. This waiver shall be requested
31 from the commissioner of education and may be granted if the school was closed due to
32 circumstances 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 exceptional or emergency circumstances during a school year if the district
36 has an alternative methods of instruction plan approved by the department of elementary and
37 secondary education for such school year. Exceptional or emergency circumstances shall
38 include, but not be limited to, inclement weather, a utility outage, or an outbreak of a
39 contagious disease. The department of elementary and secondary education shall not approve
40 any such plan unless the district demonstrates that the plan will not negatively impact
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43 has an approved alternative methods of instruction plan, the district shall notify students and
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49 alternative methods of instruction as provided for in the plan for more than thirty-six hours
50 during a school year. A district that has used such alternative methods of instruction for
51 thirty-six hours during a school year shall be required, notwithstanding subsections 2 and 3 of

52 this section, to make up any subsequent hours of school lost or cancelled due to exceptional or
53 emergency circumstances during such school year.

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99 guardian, or other person having charge, custody, or control of a student, or the student
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112 of rulemaking authority and any rule proposed or adopted after the effective date of this
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