

FIRST REGULAR SESSION

HOUSE BILL NO. 1431

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE VAN SCHOIACK.

3012H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal 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 make up days of school, with an emergency clause.

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

Section A. Section 171.033 as enacted by senate bills nos. 681 & 682, one hundred
2 first general assembly, second regular session, is repealed and one new section enacted in lieu
3 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 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.

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 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
18 subsection 2 of this section and half the number of additional lost or cancelled days up to
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
41 teaching and learning in the district.

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

48 (3) A district with an approved alternative methods of instruction plan shall not use
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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

89 **7. Notwithstanding any other provision of this section to the contrary, no school**
90 **district shall be required to make up more than ten days of school lost or cancelled due**
91 **to inclement weather during the 2024-25 school year.**

 Section B. Because immediate action is necessary to provide immediate relief for
2 school districts adversely affected by inclement weather, section A of this act is deemed
3 necessary for the immediate preservation of the public health, welfare, peace, and safety, and
4 is hereby declared to be an emergency act within the meaning of the constitution, and section
5 A of this act shall be in full force and effect upon its passage and approval.

✓