

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 118, Page 2, Section 160.011, Line 35, by
2 inserting after the phrase, "schools of any school district." the following:

3
4 "In school year 2018-19 and subsequent years, one thousand forty-four hours of actual pupil
5 attendance shall be required with no minimum number of school days required."; and

6
7 Further amend said bill, page, and section, Lines 40 and 41, by deleting said lines and inserting in
8 lieu thereof the following:

9
10 "or approved employment aligned with the student's career academic plan for a total of [one
11 thousand forty-four] the required number of hours as provided in this subdivision;"; and

12
13 Further amend said bill and section, Page 3, Line 52, by inserting immediately after said section and
14 line the following:

15
16 "160.041. 1. The "minimum school day" consists of three hours for schools with a five-day
17 school week or four hours for schools with a four-day school week in which the pupils are under the
18 guidance and direction of teachers in the teaching process. A "school month" consists of four weeks
19 of five days each for schools with a five-day school week or four weeks of four days each for
20 schools with a four-day school week. In school year 2018-19 and subsequent years, no minimum
21 number of school days shall be required, and "school day" shall mean any day in which, for any
22 amount of time, pupils are under the guidance and direction of teachers in the teaching process. The
23 "school year" commences on the first day of July and ends on the thirtieth day of June following.

24 2. Notwithstanding the provisions of subsection 1 of this section, the commissioner of
25 education is authorized to reduce the required number of hours [~~and~~] or days in which the pupils are
26 under the guidance and direction of teachers in the teaching process if:

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

29 (2) Flooding or other inclement weather as defined in subsection 1 of section 171.033
30 prevents students from attending the public school facility."; and

31
32 Further amend said bill, Section 162.1310, Page 12, Line 24, by inserting immediately after said
33 section and line the following:

34
35 "163.021. 1. A school district shall receive state aid for its education program only if it:

36 (1) Provides for a minimum of one hundred seventy-four days and one thousand forty-four

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1 hours of actual pupil attendance in a term scheduled by the board pursuant to section 160.041 for
 2 each pupil or group of pupils, except that the board shall provide a minimum of one hundred
 3 seventy-four days and five hundred twenty-two hours of actual pupil attendance in a term for
 4 kindergarten pupils. If any school is dismissed because of inclement weather after school has been
 5 in session for three hours, that day shall count as a school day including afternoon session
 6 kindergarten students. When the aggregate hours lost in a term due to inclement weather decreases
 7 the total hours of the school term below the required minimum number of hours by more than
 8 twelve hours for all-day students or six hours for one-half-day kindergarten students, all such hours
 9 below the minimum must be made up in one-half day or full day additions to the term, except as
 10 provided in section 171.033. In school year 2018-19 and subsequent years, one thousand forty-four
 11 hours of actual pupil attendance with no minimum number of school days shall be required for each
 12 pupil or group of pupils; except that, the board shall provide a minimum of five hundred twenty-two
 13 hours of actual pupil attendance in a term for kindergarten pupils with no minimum number of
 14 school days;

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

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

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

28 2. For the 2006-07 school year and thereafter, no school district shall receive more state aid,
 29 as calculated under subsections 1 and 2 of section 163.031, for its education program, exclusive of
 30 categorical add-ons, than it received per weighted average daily attendance for the school year
 31 2005-06 from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair
 32 share, and free textbook payment amounts, unless it has an operating levy for school purposes, as
 33 determined pursuant to section 163.011, of not less than two dollars and seventy-five cents after all
 34 adjustments and reductions. Any district which is required, pursuant to Article X, Section 22 of the
 35 Missouri Constitution, to reduce its operating levy below the minimum tax rate otherwise required
 36 under this subsection shall not be construed to be in violation of this subsection for making such tax
 37 rate reduction. Pursuant to Section 10(c) of Article X of the state constitution, a school district may
 38 levy the operating levy for school purposes required by this subsection less all adjustments required
 39 pursuant to Article X, Section 22 of the Missouri Constitution if such rate does not exceed the
 40 highest tax rate in effect subsequent to the 1980 tax year. Nothing in this section shall be construed
 41 to mean that a school district is guaranteed to receive an amount not less than the amount the school
 42 district received per eligible pupil for the school year 1990-91. The provisions of this subsection
 43 shall not apply to any school district located in a county of the second classification which has a
 44 nuclear power plant located in such district or to any school district located in a county of the third
 45 classification which has an electric power generation unit with a rated generating capacity of more
 46 than one hundred fifty megawatts which is owned or operated or both by a rural electric cooperative
 47 except that such school districts may levy for current school purposes and capital projects an
 48 operating levy not to exceed two dollars and seventy-five cents less all adjustments required

1 pursuant to Article X, Section 22 of the Missouri Constitution.

2 3. No school district shall receive more state aid, as calculated in section 163.031, for its
3 education program, exclusive of categorical add-ons, than it received per eligible pupil for the
4 school year 1993-94, if the state board of education determines that the district was not in
5 compliance in the preceding school year with the requirements of section 163.172, until such time
6 as the board determines that the district is again in compliance with the requirements of section
7 163.172.

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

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

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

24 163.073. 1. When an education program, as approved under section 219.056, is provided
25 for pupils by the division of youth services in one of the facilities operated by the division for
26 children who have been assigned there by the courts, the division of youth services shall be entitled
27 to state aid for pupils being educated by the division of youth services in an amount to be
28 determined as follows: the total amount apportioned to the division of youth services shall be an
29 amount equal to the average per weighted average daily attendance amount apportioned for the
30 preceding school year under section 163.031, multiplied by the number of full-time equivalent
31 students served by facilities operated by the division of youth services. The number of full-time
32 equivalent students shall be determined by dividing by one hundred seventy-four days the number
33 of student-days of education service provided by the division of youth services to elementary and
34 secondary students who have been assigned to the division by the courts and who have been
35 determined as inappropriate for attendance in a local public school. A student day shall mean one
36 day of education services provided for one student. In school year 2018-19 and subsequent years,
37 the number of full-time equivalent students shall be the quotient of the number of student-hours of
38 education service provided by the division of youth services to elementary and secondary students
39 who have been assigned to the division by the courts, and who have been determined as
40 inappropriate for attendance in a local public school, divided by one thousand forty-four hours. A
41 student hour shall mean one hour of education services provided for one student. In addition, other
42 provisions of law notwithstanding, the division of youth services shall be entitled to funds under
43 section 163.087. The number of full-time equivalent students as defined in this section shall be
44 considered as "September membership" and as "average daily attendance" for the apportioning of
45 funds under section 163.087.

46 2. The educational program approved under section 219.056 as provided for pupils by the
47 division of youth services shall qualify for funding for those services provided to handicapped or
48 severely handicapped children. The department of elementary and secondary education shall

1 cooperate with the division of youth services in arriving at an equitable funding for the services
2 provided to handicapped children in the facilities operated by the division of youth services.

3 3. Each local school district or special school district constituting the domicile of a child
4 placed in programs or facilities operated by the division of youth services or residing in another
5 district pursuant to assignment by the division of youth services shall pay toward the per pupil cost
6 of educational services provided by the serving district or agency an amount equal to the average
7 sum produced per child by the local tax effort of that district. A special school district shall pay the
8 average sum produced per child by the local tax efforts of the component districts. This amount
9 paid by the local school district or the special school district shall be on the basis of full-time
10 equivalence as determined in section 163.011, not to exceed the actual per pupil local tax effort.";
11 and

12
13 Further amend said bill, Section 167.890, Page 22, Line 15, by inserting immediately after said
14 section and line the following:

15
16 "171.031. 1. Each school board shall prepare annually a calendar for the school term,
17 specifying the opening date, days of planned attendance, and providing a minimum term of at least
18 one hundred seventy-four days for schools with a five-day school week or one hundred forty-two
19 days for schools with a four-day school week, and one thousand forty-four hours of actual pupil
20 attendance. In school year 2018-19 and subsequent years, one thousand forty-four hours of actual
21 pupil attendance shall be required for the school term with no minimum number of school days. In
22 addition, such calendar shall include six make-up days for possible loss of attendance due to
23 inclement weather as defined in subsection 1 of section 171.033. In school year 2018-19 and
24 subsequent years, such calendar shall include thirty-six make-up hours for possible loss of
25 attendance due to inclement weather, as defined in subsection 1 of section 171.033, with no
26 minimum number of make-up days.

27 2. Each local school district may set its opening date each year, which date shall be no
28 earlier than ten calendar days prior to the first Monday in September. No public school district shall
29 select an earlier start date unless the district follows the procedure set forth in subsection 3 of this
30 section.

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

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

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

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

1 ~~[7. No school day for schools with a five-day school week shall be longer than seven hours~~
 2 ~~except for vocational schools which may adopt an eight-hour day in a metropolitan school district~~
 3 ~~and a school district in a first class county adjacent to a city not within a county, and any school that~~
 4 ~~adopts a four-day school week in accordance with section 171.029.]~~

5 171.033. 1. "Inclement weather", for purposes of this section, shall be defined as ice, snow,
 6 extreme cold, flooding, or a tornado, but such term shall not include excessive heat.

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

13 (2) Notwithstanding subdivision (1) of this subsection, in school year 2018-19 and
 14 subsequent years, a district shall be required to make up the first thirty-six hours of school lost or
 15 cancelled due to inclement weather and half the number of hours lost or cancelled in excess of
 16 thirty-six if the makeup of the hours is necessary to ensure that the district's students attend a
 17 minimum of one thousand forty-four hours for the school year, except as otherwise provided under
 18 subsections 3 and 4 of this section.

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

24 (2) In school year 2018-19 and subsequent years, a school district may be exempt from the
 25 requirement to make up school lost or cancelled due to inclement weather in the school district
 26 when the school district has made up the thirty-six hours required under subsection 2 of this section
 27 and half the number of additional lost or cancelled hours up to forty-eight, resulting in no more than
 28 sixty total make-up hours required by this section.

29 4. The commissioner of education may provide, for any school district [~~in which schools are~~
 30 ~~in session for twelve months of each calendar year]~~ that cannot meet the minimum school calendar
 31 requirement of at least one hundred seventy-four days for schools with a five-day school week or
 32 one hundred forty-two days for schools with a four-day school week and one thousand forty-four
 33 hours of actual pupil attendance or, in school year 2018-19 and subsequent years, one thousand
 34 forty-four hours of actual pupil attendance, upon request, a waiver to be excused from such
 35 requirement. This waiver shall be requested from the commissioner of education and may be
 36 granted if the school was closed due to circumstances beyond school district control, including
 37 inclement weather~~[, flooding]~~ or fire.

38 ~~[171.029. 1. The school board of any school district in the state, upon adoption of a~~
 39 ~~resolution by the vote of a majority of all its members to authorize such action, may~~
 40 ~~establish a four-day school week or other calendar consisting of less than one~~
 41 ~~hundred seventy-four days in lieu of a five-day school week. Upon adoption of a~~
 42 ~~four-day school week or other calendar consisting of less than one hundred seventy-~~
 43 ~~four days, the school shall file a calendar with the department of elementary and~~
 44 ~~secondary education in accordance with section 171.031. Such calendar shall~~
 45 ~~include, but not be limited to, a minimum term of one hundred forty-two days and~~
 46 ~~one thousand forty-four hours of actual pupil attendance.~~

47 ~~———2. If a school district that attends less than one hundred seventy-four days~~
 48 ~~meets at least two fewer performance standards on two successive annual~~

1 ~~performance reports than it met on its last annual performance report received prior~~
2 ~~to implementing a calendar year of less than one hundred seventy-four days, it shall~~
3 ~~be required to revert to a one hundred seventy-four-day school year in the school~~
4 ~~year following the report of the drop in the number of performance standards met.~~
5 ~~When the number of performance standards met reaches the earlier number, the~~
6 ~~district may return to the four-day week or other calendar consisting of less than one~~
7 ~~hundred seventy-four days in the next school year.]; and~~
8

9 Further amend said bill and page, Section B, Lines 1 to 6, by deleting said section and lines
10 and inserting in lieu thereof the following:

11
12 "Section B. Because of the importance of improving and sustaining Missouri's
13 elementary and secondary education system and establishing standards for student transfers
14 to school districts, sections 160.011, 160.410, 160.415, 162.081, 162.1310, 167.131,
15 167.132, 167.151, 167.241, 167.826, 167.827, and 167.890 are deemed necessary for the
16 immediate preservation of the public health, welfare, peace, and safety, and are hereby
17 declared to be an emergency within the meaning of the constitution, and these sections shall
18 be in full force and effect on July 1, 2017, or upon their passage and approval, whichever
19 occurs later."; and
20

21 Further amend said bill, page, and section, Line 6, by inserting immediately after said
22 section and line the following:

23
24 "Section C. The repeal of section 171.029 of this act shall become effective July 1,
25 2018."; and
26

27 Further amend said bill by amending the title, enacting clause, and intersectional references
28 accordingly.