## SENATE AMENDMENT NO.

Offered by $\qquad$ Of $\qquad$

Amend SS/SCS/Senate Bill Nos. $411 \& 230$, Page 20, Section 162.1250, Line 103,
by inserting after all of said line the following:
"163.021. 1. A school district shall receive state aid for its education program only if it:
(1) Provides for a minimum of one hundred seventy-four days and one thousand forty-four hours of actual pupil attendance in a term scheduled by the board pursuant to section 160.041 for each pupil or group of pupils, except that the board shall provide a minimum of one hundred seventy-four days and five hundred twenty-two hours of actual pupil attendance in a term for kindergarten pupils. If any school is dismissed because of inclement weather after school has been in session for three hours, that day shall count as a school day including afternoon session kindergarten students. When the aggregate hours lost in a term due to inclement weather decreases the total hours of the school term below the required minimum number of hours by more than twelve hours for all-day students or six hours for one-half-day kindergarten students, all such hours below the minimum must be made up in one-half day or full day additions to the term, except as provided in section 171.033. In school year 2019-20 and subsequent years, for schools with a four-day school week, one thousand forty-four hours of actual pupil attendance with no minimum number of school days shall be required for each pupil or group of pupils; except that, the board shall provide a minimum of
five hundred twenty-two hours of actual pupil attendance in a term for kindergarten pupils with no minimum number of school days;
(2) Maintains adequate and accurate records of attendance, personnel and finances, as required by the state board of education, which shall include the preparation of a financial statement which shall be submitted to the state board of education the same as required by the provisions of section 165.111 for districts;
(3) Levies an operating levy for school purposes of not less than one dollar and twenty-five cents after all adjustments and reductions on each one hundred dollars assessed valuation of the district; and
(4) Computes average daily attendance as defined in subdivision (2) of section 163.011 as modified by section 171.031. Whenever there has existed within the district an infectious disease, contagion, epidemic, plague or similar condition whereby the school attendance is substantially reduced for an extended period in any school year, the apportionment of school funds and all other distribution of school moneys shall be made on the basis of the school year next preceding the year in which such condition existed.
2. For the 2006-07 school year and thereafter, no school district shall receive more state aid, as calculated under subsections 1 and 2 of section 163.031 , for its education program, exclusive of categorical add-ons, than it received per weighted average daily attendance for the school year 2005-06 from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts, unless it has an operating levy for school purposes, as determined pursuant to section 163.011, of not less than two dollars and seventyfive cents after all adjustments and reductions. Any
district which is required, pursuant to Article X, Section 22 of the Missouri Constitution, to reduce its operating levy below the minimum tax rate otherwise required under this subsection shall not be construed to be in violation of this subsection for making such tax rate reduction. Pursuant to Section $10(c)$ of Article $X$ of the state constitution, a school district may levy the operating levy for school purposes required by this subsection less all adjustments required pursuant to Article $X$, Section 22 of the Missouri Constitution if such rate does not exceed the highest tax rate in effect subsequent to the 1980 tax year. Nothing in this section shall be construed to mean that a school district is guaranteed to receive an amount not less than the amount the school district received per eligible pupil for the school year 1990-91. The provisions of this subsection shall not apply to any school district located in a county of the second classification which has a nuclear power plant located in such district or to any school district located in a county of the third classification which has an electric power generation unit with a rated generating capacity of more than one hundred fifty megawatts which is owned or operated or both by a rural electric cooperative except that such school districts may levy for current school purposes and capital projects an operating levy not to exceed two dollars and seventy-five cents less all adjustments required pursuant to Article $X$, Section 22 of the Missouri Constitution.
3. No school district shall receive more state aid, as calculated in section 163.031, for its education program, exclusive of categorical add-ons, than it received per eligible pupil for the school year 1993-94, if the state board of education determines that the district was not in compliance in the preceding school year with the
requirements of section 163.172, until such time as the board determines that the district is again in compliance with the requirements of section 163.172.
4. No school district shall receive state aid, pursuant to section 163.031, if such district was not in compliance, during the preceding school year, with the requirement, established pursuant to section 160.530 to allocate revenue to the professional development committee of the district.
5. No school district shall receive more state aid, as calculated in subsections 1 and 2 of section 163.031, for its education program, exclusive of categorical add-ons, than it received per weighted average daily attendance for the school year 2005-06 from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts, if the district did not comply in the preceding school year with the requirements of subsection 5 of section 163.031 .
6. Any school district that levies an operating levy for school purposes that is less than the performance levy, as such term is defined in section 163.011 , shall provide written notice to the department of elementary and secondary education asserting that the district is providing an adequate education to the students of such district. If a school district asserts that it is not providing an adequate education to its students, such inadequacy shall be deemed to be a result of insufficient local effort. The provisions of this subsection shall not apply to any special district established under sections 162.815 to 162.940."; and

Further amend said bill, page 30, Section 167.790, line 72, by inserting after all of said line the following:
"171.033. 1. "Inclement weather", for purposes of this section, shall be defined as ice, snow, extreme cold, excessive heat, flooding, or a tornado.
2. (1) A district shall be required to make up the first six days of school lost or cancelled due to inclement weather and half the number of days lost or cancelled in excess of six days if the makeup of the days is necessary to ensure that the district's students will attend a minimum [of one hundred forty-two days and a minimum of one thousand forty-four hours for the school year] school term, as the term "school term" is defined in section 160.011, except as otherwise provided in this section. Schools with a four-day school week may schedule such make-up days on Fridays.
(2) Notwithstanding subdivision (1) of this subsection, in school year 2019-20 and subsequent years, a district shall be required to make up the first thirty-six hours of school lost or cancelled due to inclement weather and half the number of hours lost or cancelled in excess of thirty-six if the makeup of the hours is necessary to ensure that the district's students attend a minimum of one thousand forty-four hours for the school year, except as otherwise provided under subsections 3 and 4 of this section.
3. (1) In the 2009-10 school year and subsequent years, a school district may be exempt from the requirement to make up days of school lost or cancelled due to inclement weather in the school district when the school district has made up the six days required under subsection 2 of this section and half the number of additional lost or cancelled days up to eight days, resulting in no more than ten total make-up days required by this section.
(2) In school year 2019-20 and subsequent years, a school district may be exempt from the requirement to make up school lost or cancelled due to inclement weather in the
school district when the school district has made up the thirty-six hours required under subsection 2 of this section and half the number of additional lost or cancelled hours up to forty-eight, resulting in no more than sixty total makeup hours required by this section.
4. The commissioner of education may provide, for any school district that cannot meet the minimum school calendar requirement of at least one hundred seventy-four days for schools with a five-day school week or one hundred forty-two days for schools with a four-day school week and one thousand forty-four hours of actual pupil attendance or, for schools with a four-day school week, in school year 2019-20 and subsequent years, one thousand forty-four hours of actual pupil attendance, upon request, a waiver to be excused from such requirement. This waiver shall be requested from the commissioner of education and may be granted if the school was closed due to circumstances beyond school district control, including inclement weather or fire.
5. (1) Except as otherwise provided in this subsection, in school year 2020-21 and subsequent years, a district shall not be required to make up any hours of school lost or cancelled due to exceptional or emergency circumstances during a school year if the district has an alternative methods of instruction plan approved by the department of elementary and secondary education for such school year. Exceptional or emergency circumstances shall include, but not be limited to, inclement weather, a utility outage, or an outbreak of a contagious disease. The department of elementary and secondary education shall not approve any such plan unless the district demonstrates that the plan will not negatively impact teaching and learning in the district.
(2) If school is closed due to exceptional or emergency circumstances and the district has an approved alternative methods of instruction plan, the district shall notify students and parents on each day of the closure whether the alternative methods of instruction plan is to be implemented for that day. If the plan is to be implemented on any day of the closure, the district shall ensure that each student receives assignments for that day in hard copy form or receives instruction through virtual learning or another method of instruction.
(3) A district with an approved alternative methods of instruction plan shall not use alternative methods of instruction as provided for in the plan for more than thirtysix hours during a school year. A district that has used such alternative methods of instruction for thirty-six hours during a school year shall be required, notwithstanding subsections 2 and 3 of this section, to make up any subsequent hours of school lost or cancelled due to exceptional or emergency circumstances during such school year.
(4) The department of elementary and secondary education shall give districts with approved alternative methods of instruction plans credit for the hours in which they use alternative methods of instruction by considering such hours as hours in which school was actually in session.
(5) Any district wishing to use alternative methods of instruction under this subsection shall submit an application to the department of elementary and secondary education. The application shall describe:
(a) The manner in which the district intends to strengthen and reinforce instructional content while supporting student learning outside the classroom environment;
(b) The process the district intends to use to communicate to students and parents the decision to implement alternative methods of instruction on any day of a closure;
(c) The manner in which the district intends to communicate the purpose and expectations for a day in which alternative methods of instruction will be implemented to students and parents;
(d) The assignments and materials to be used within the district for days in which alternative methods of instruction will be implemented to effectively facilitate teaching and support learning for the benefit of the students;
(e) The manner in which student attendance will be determined for a day in which alternative methods of instruction will be implemented. The method chosen shall be linked to completion of lessons and activities;
(f) The instructional methods, which shall include instruction through electronic means and instruction through other means for students who have no access to internet services or a computer;
(g) Instructional plans for students with individualized education programs; and
(h) The role and responsibility of certified personnel to be available to communicate with students.
6. In the 2022-23 school year and subsequent years, a school district's one-half-day education programs shall be subject to the following provisions in proportions appropriate for a one-half-day education program, as applicable:
(1) Requirements in subsection 2 of this section to make up days or hours of school lost or cancelled because of inclement weather;
(2) Exemptions in subsection 3 of this section;
(3) Waiver provisions in subsection 4 of this section; and
(4) Approved alternative methods of instruction provisions in subsection 5 of this section."; and Further amend the title and enacting clause accordingly.

