

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/Senate Bill Nos. 411 & 230, Page 20, Section 162.1250, Line 103,

2 by inserting after all of said line the following:

3 "163.021. 1. A school district shall receive state
4 aid for its education program only if it:

5 (1) Provides for a minimum of one hundred seventy-four
6 days and one thousand forty-four hours of actual pupil
7 attendance in a term scheduled by the board pursuant to
8 section 160.041 for each pupil or group of pupils, except
9 that the board shall provide a minimum of one hundred
10 seventy-four days and five hundred twenty-two hours of
11 actual pupil attendance in a term for kindergarten pupils.
12 If any school is dismissed because of inclement weather
13 after school has been in session for three hours, that day
14 shall count as a school day including afternoon session
15 kindergarten students. When the aggregate hours lost in a
16 term due to inclement weather decreases the total hours of
17 the school term below the required minimum number of hours
18 by more than twelve hours for all-day students or six hours
19 for one-half-day kindergarten students, all such hours below
20 the minimum must be made up in one-half day or full day
21 additions to the term, except as provided in section
22 171.033. In school year 2019-20 and subsequent years, for
23 schools with a four-day school week, one thousand forty-four
24 hours of actual pupil attendance with no minimum number of
25 school days shall be required for each pupil or group of
26 pupils; except that, the board shall provide a minimum of

27 five hundred twenty-two hours of actual pupil attendance in
28 a term for kindergarten pupils with no minimum number of
29 school days;

30 (2) Maintains adequate and accurate records of
31 attendance, personnel and finances, as required by the state
32 board of education, which shall include the preparation of a
33 financial statement which shall be submitted to the state
34 board of education the same as required by the provisions of
35 section 165.111 for districts;

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

40 (4) Computes average daily attendance as defined in
41 subdivision (2) of section 163.011 as modified by section
42 171.031. Whenever there has existed within the district an
43 infectious disease, contagion, epidemic, plague or similar
44 condition whereby the school attendance is substantially
45 reduced for an extended period in any school year, the
46 apportionment of school funds and all other distribution of
47 school moneys shall be made on the basis of the school year
48 next preceding the year in which such condition existed.

49 2. For the 2006-07 school year and thereafter, no
50 school district shall receive more state aid, as calculated
51 under subsections 1 and 2 of section 163.031, for its
52 education program, exclusive of categorical add-ons, than it
53 received per weighted average daily attendance for the
54 school year 2005-06 from the foundation formula, line 14,
55 gifted, remedial reading, exceptional pupil aid, fair share,
56 and free textbook payment amounts, unless it has an
57 operating levy for school purposes, as determined pursuant
58 to section 163.011, of not less than two dollars and seventy-
59 five cents after all adjustments and reductions. Any

60 district which is required, pursuant to Article X, Section
61 22 of the Missouri Constitution, to reduce its operating
62 levy below the minimum tax rate otherwise required under
63 this subsection shall not be construed to be in violation of
64 this subsection for making such tax rate reduction.

65 Pursuant to Section 10(c) of Article X of the state
66 constitution, a school district may levy the operating levy
67 for school purposes required by this subsection less all
68 adjustments required pursuant to Article X, Section 22 of
69 the Missouri Constitution if such rate does not exceed the
70 highest tax rate in effect subsequent to the 1980 tax year.
71 Nothing in this section shall be construed to mean that a
72 school district is guaranteed to receive an amount not less
73 than the amount the school district received per eligible
74 pupil for the school year 1990-91. The provisions of this
75 subsection shall not apply to any school district located in
76 a county of the second classification which has a nuclear
77 power plant located in such district or to any school
78 district located in a county of the third classification
79 which has an electric power generation unit with a rated
80 generating capacity of more than one hundred fifty megawatts
81 which is owned or operated or both by a rural electric
82 cooperative except that such school districts may levy for
83 current school purposes and capital projects an operating
84 levy not to exceed two dollars and seventy-five cents less
85 all adjustments required pursuant to Article X, Section 22
86 of the Missouri Constitution.

87 3. No school district shall receive more state aid, as
88 calculated in section 163.031, for its education program,
89 exclusive of categorical add-ons, than it received per
90 eligible pupil for the school year 1993-94, if the state
91 board of education determines that the district was not in
92 compliance in the preceding school year with the

93 requirements of section 163.172, until such time as the
94 board determines that the district is again in compliance
95 with the requirements of section 163.172.

96 4. No school district shall receive state aid,
97 pursuant to section 163.031, if such district was not in
98 compliance, during the preceding school year, with the
99 requirement, established pursuant to section 160.530 to
100 allocate revenue to the professional development committee
101 of the district.

102 5. No school district shall receive more state aid, as
103 calculated in subsections 1 and 2 of section 163.031, for
104 its education program, exclusive of categorical add-ons,
105 than it received per weighted average daily attendance for
106 the school year 2005-06 from the foundation formula, line
107 14, gifted, remedial reading, exceptional pupil aid, fair
108 share, and free textbook payment amounts, if the district
109 did not comply in the preceding school year with the
110 requirements of subsection 5 of section 163.031.

111 6. Any school district that levies an operating levy
112 for school purposes that is less than the performance levy,
113 as such term is defined in section 163.011, shall provide
114 written notice to the department of elementary and secondary
115 education asserting that the district is providing an
116 adequate education to the students of such district. If a
117 school district asserts that it is not providing an adequate
118 education to its students, such inadequacy shall be deemed
119 to be a result of insufficient local effort. The provisions
120 of this subsection shall not apply to any special district
121 established under sections 162.815 to 162.940."; and

122 Further amend said bill, page 30, Section 167.790, line
123 72, by inserting after all of said line the following:

124 "171.033. 1. "Inclement weather", for purposes of
125 this section, shall be defined as ice, snow, extreme cold,
126 excessive heat, flooding, or a tornado.

127 2. (1) A district shall be required to make up the
128 first six days of school lost or cancelled due to inclement
129 weather and half the number of days lost or cancelled in
130 excess of six days if the makeup of the days is necessary to
131 ensure that the district's students will attend a minimum
132 [of one hundred forty-two days and a minimum of one thousand
133 forty-four hours for the school year] school term, as the
134 term "school term" is defined in section 160.011, except as
135 otherwise provided in this section. Schools with a four-day
136 school week may schedule such make-up days on Fridays.

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

146 3. (1) In the 2009-10 school year and subsequent
147 years, a school district may be exempt from the requirement
148 to make up days of school lost or cancelled due to inclement
149 weather in the school district when the school district has
150 made up the six days required under subsection 2 of this
151 section and half the number of additional lost or cancelled
152 days up to eight days, resulting in no more than ten total
153 make-up days required by this section.

154 (2) In school year 2019-20 and subsequent years, a
155 school district may be exempt from the requirement to make
156 up school lost or cancelled due to inclement weather in the

157 school district when the school district has made up the
158 thirty-six hours required under subsection 2 of this section
159 and half the number of additional lost or cancelled hours up
160 to forty-eight, resulting in no more than sixty total make-
161 up hours required by this section.

162 4. The commissioner of education may provide, for any
163 school district that cannot meet the minimum school calendar
164 requirement of at least one hundred seventy-four days for
165 schools with a five-day school week or one hundred forty-two
166 days for schools with a four-day school week and one
167 thousand forty-four hours of actual pupil attendance or, for
168 schools with a four-day school week, in school year 2019-20
169 and subsequent years, one thousand forty-four hours of
170 actual pupil attendance, upon request, a waiver to be
171 excused from such requirement. This waiver shall be
172 requested from the commissioner of education and may be
173 granted if the school was closed due to circumstances beyond
174 school district control, including inclement weather or fire.

175 5. (1) Except as otherwise provided in this
176 subsection, in school year 2020-21 and subsequent years, a
177 district shall not be required to make up any hours of
178 school lost or cancelled due to exceptional or emergency
179 circumstances during a school year if the district has an
180 alternative methods of instruction plan approved by the
181 department of elementary and secondary education for such
182 school year. Exceptional or emergency circumstances shall
183 include, but not be limited to, inclement weather, a utility
184 outage, or an outbreak of a contagious disease. The
185 department of elementary and secondary education shall not
186 approve any such plan unless the district demonstrates that
187 the plan will not negatively impact teaching and learning in
188 the district.

189 (2) If school is closed due to exceptional or
190 emergency circumstances and the district has an approved
191 alternative methods of instruction plan, the district shall
192 notify students and parents on each day of the closure
193 whether the alternative methods of instruction plan is to be
194 implemented for that day. If the plan is to be implemented
195 on any day of the closure, the district shall ensure that
196 each student receives assignments for that day in hard copy
197 form or receives instruction through virtual learning or
198 another method of instruction.

199 (3) A district with an approved alternative methods of
200 instruction plan shall not use alternative methods of
201 instruction as provided for in the plan for more than thirty-
202 six hours during a school year. A district that has used
203 such alternative methods of instruction for thirty-six hours
204 during a school year shall be required, notwithstanding
205 subsections 2 and 3 of this section, to make up any
206 subsequent hours of school lost or cancelled due to
207 exceptional or emergency circumstances during such school
208 year.

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

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

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

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

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

230 (d) The assignments and materials to be used within
231 the district for days in which alternative methods of
232 instruction will be implemented to effectively facilitate
233 teaching and support learning for the benefit of the
234 students;

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

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

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

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

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

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

255 (2) Exemptions in subsection 3 of this section;
256 (3) Waiver provisions in subsection 4 of this section;
257 and
258 (4) Approved alternative methods of instruction
259 provisions in subsection 5 of this section."; and
260 Further amend the title and enacting clause accordingly.