

FIRST REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
CONFERENCE COMMITTEE SUBSTITUTE NO. 3 FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 64

94TH GENERAL ASSEMBLY  
2007

0543S.12T

---

---

## AN ACT

To repeal sections 160.041, 167.121, 171.031, and 171.033, RSMo, and to enact in lieu thereof five new sections relating to education.

---

---

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

Section A. Sections 160.041, 167.121, 171.031, and 171.033, RSMo, are  
2 repealed and five new sections enacted in lieu thereof, to be known as sections  
3 160.041, 161.375, 167.121, 171.031, and 171.033, to read as follows:

160.041. 1. The "minimum school day" consists of three hours in which  
2 the pupils are under the guidance and direction of teachers in the teaching  
3 process. A "school month" consists of four weeks of five days each. The "school  
4 year" commences on the first day of July and ends on the thirtieth day of June  
5 following.

6 2. Notwithstanding the provisions of subsection 1 of this section, the  
7 commissioner of education is authorized to reduce the required number of hours  
8 and days in which the pupils are under the guidance and direction of teachers in  
9 the teaching process if:

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

12 (2) **Flooding or other inclement weather as defined in subsection**  
13 **1 of section 171.033, RSMo**, prevents students from attending the public school  
14 facility.

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

15 Such reduction shall not [to] extend beyond two calendar years in duration.

161.375. 1. The department of elementary and secondary  
2 education shall develop standards for high-quality mentoring for  
3 beginning teachers and beginning principals no later than June 30,  
4 2008. The standards shall be applicable to all public schools and shall  
5 be developed to ensure that the required district mentoring programs  
6 under subsection 3 of section 168.021, RSMo, meet common objectives.

7 2. Such standards shall be established for both of the required  
8 years of mentoring under subsection 3 of section 168.021, RSMo, and  
9 shall be based upon, but not be limited to, the following principles:

10 (1) Every district shall have a teacher-driven mentor program in  
11 collaboration with and support of the administration;

12 (2) Guidance and support are required for all beginning  
13 teachers, regardless of when they enter the profession;

14 (3) Communication between mentors and beginning teachers is  
15 open and confidential;

16 (4) Quality mentors are necessary to establish beginning  
17 teachers' trust and respect for their colleagues and profession; and

18 (5) All staff members provide informal support for beginning  
19 teachers.

20 3. Quality mentor programs shall include, but not be limited to,  
21 the following:

22 (1) An introduction to the cultural environment of the  
23 community and the school district;

24 (2) A systemic and ongoing evaluation by all stakeholders;

25 (3) An individualized plan for beginning teachers that aligns  
26 with the district's goals and needs;

27 (4) Appropriate criteria for selecting mentors;

28 (5) Comprehensive mentor training;

29 (6) A complete list of responsibilities for the mentor, beginning  
30 teacher, and administrators; and

31 (7) Sufficient time for mentors to observe beginning teachers and  
32 for the beginning teachers to observe master teachers, structured to  
33 provide multiple opportunities over time and to minimize the need to  
34 require substitute teachers to facilitate observation.

35 4. In developing such standards, the department shall involve  
36 representatives who are Missouri certified teachers, administrators,

**37 and others.**

167.121. 1. If the residence of a pupil is so located that attendance in the  
2 district of residence constitutes an unusual or unreasonable transportation  
3 hardship because of natural barriers, travel time, or distance, the commissioner  
4 of education or his designee may assign the pupil to another district. Subject to  
5 the provisions of this section, all existing assignments shall be reviewed prior to  
6 July 1, 1984, and from time to time thereafter, and may be continued or  
7 rescinded. The board of education of the district in which the pupil lives shall  
8 pay the tuition of the pupil assigned. The tuition shall not exceed the pro rata  
9 cost of instruction.

10 2. (1) For the school year beginning July 1, 2008, and each  
11 succeeding school year, a parent or guardian residing in a lapsed  
12 public school district or a district that has scored either unaccredited  
13 or provisionally accredited, or a combination thereof, on two  
14 consecutive annual performance reports may enroll the parent's or  
15 guardian's child in the Missouri virtual school created in section  
16 161.670, RSMo, provided the pupil first enrolls in the school district of  
17 residence. The school district of residence shall include the pupil's  
18 enrollment in the virtual school created in section 161.670, RSMo, in  
19 determining the district's average daily attendance. Full-time  
20 enrollment in the virtual school shall constitute one average daily  
21 attendance equivalent in the school district of residence. Average daily  
22 attendance for part-time enrollment in the virtual school shall be  
23 calculated as a percentage of the total number of virtual courses  
24 enrolled in divided by the number of courses required for full-time  
25 attendance in the school district of residence.

26 (2) A pupil's residence, for purposes of this section, means  
27 residency established under section 167.020, RSMo. Except for students  
28 residing in a K-8 district attending high school in a district under  
29 section 167.131, RSMo, the board of the home district shall pay to the  
30 virtual school the amount required under section 161.670, RSMo.

31 (3) Nothing in this section shall require any school district or the  
32 state to provide computers, equipment, Internet or other access,  
33 supplies, materials or funding, except as provided in this section, as  
34 may be deemed necessary for a pupil to participate in the virtual  
35 school created in section 161.670, RSMo.

36 (4) Any rule or portion of a rule, as that term is defined in

37 **section 536.010, RSMo, that is created under the authority delegated in**  
38 **this section shall become effective only if it complies with and is**  
39 **subject to all of the provisions of chapter 536, RSMo, and, if applicable,**  
40 **section 536.028, RSMo. This section and chapter 536, RSMo, are**  
41 **nonseverable and if any of the powers vested with the general assembly**  
42 **pursuant to chapter 536, RSMo, to review, to delay the effective date,**  
43 **or to disapprove and annul a rule are subsequently held**  
44 **unconstitutional, then the grant of rulemaking authority and any rule**  
45 **proposed or adopted after August 28, 2007, shall be invalid and void.**

171.031. 1. Each school board shall prepare annually a calendar for the  
2 school term, specifying the opening date and providing a minimum term of at  
3 least one hundred seventy-four days and one thousand forty-four hours of actual  
4 pupil attendance. **In addition, such calendar shall include six makeup**  
5 **days for possible loss of attendance due to inclement weather as**  
6 **defined in subsection 1 of section 171.033.**

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

12 3. **A district may set an opening date that is more than ten**  
13 **calendar days prior to the first Monday in September only if the local**  
14 **school board first gives public notice of a public meeting to discuss the**  
15 **proposal of opening school on a date more than ten days prior to the**  
16 **first Monday in September, and the local school board holds said**  
17 **meeting and, at the same public meeting, a majority of the board votes**  
18 **to allow an earlier opening date. If all of the previous conditions are**  
19 **met, the district may set its opening date more than ten calendar days**  
20 **prior to the first Monday in September. The condition provided in this**  
21 **subsection must be satisfied by the local school board each year that**  
22 **the board proposes an opening date more than ten days before the first**  
23 **Monday in September.**

24 4. **If any local district violates the provisions of this section, the**  
25 **department of elementary and secondary education shall withhold an**  
26 **amount equal to one quarter of the state funding the district generated**  
27 **under section 163.031, RSMo, for each date the district was in violation**  
28 **of this section.**

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

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

37           **7. No school day shall be longer than seven hours except for vocational**  
38 **schools which may adopt an eight-hour day in a metropolitan school district and**  
39 **a school district in a first class county adjacent to a city not within a county.**

171.033. 1. [Except as provided in subsections 3 and 4 of this section, no  
2 school district shall be exempt from any requirement to make up any days of  
3 school lost or canceled due to inclement weather, unless that school district  
4 schedules at least two-thirds as many make-up days for a school year as were lost  
5 in the previous school year, which days shall be in addition to the school calendar  
6 days required for a school term by section 171.031] **"Inclement weather", for**  
7 **purposes of this section, shall be defined as ice, snow, extreme cold,**  
8 **flooding, or a tornado, but such term shall not include excessive heat.**

9           2. [If, after using the make-up days referred to in subsection 1, a district  
10 does not meet the requirement for a term of one hundred seventy-four days of  
11 actual pupil attendance, it] **A district** shall be required to make up [no more  
12 than eight additional] **the first six** days of school lost or canceled due to  
13 inclement weather and half the number of days lost or canceled in excess of  
14 [eight] **six** days.

15           3. In the 2005-06 school year, a school district may be exempt from the  
16 requirement to make up days of school lost or canceled due to inclement weather  
17 occurring after April 1, 2006, in the school district, but such reduction of the  
18 minimum number of school days shall not exceed five days when a district has  
19 missed more than seven days overall, such reduction to be taken as follows: one  
20 day for eight days missed, two days for nine days missed, three days for ten days  
21 missed, four days for eleven days missed, and five days for twelve or more days  
22 missed. The requirement for scheduling two-thirds of the missed days into the  
23 next year's calendar pursuant to subsection 1 of this section shall be waived for  
24 the 2006-07 school year.

25           4. The commissioner of education may provide, for any school district in

26 which schools are in session for twelve months of each calendar year that cannot  
27 meet the minimum school calendar requirement of at least one hundred  
28 seventy-four days and one thousand forty-four hours of actual pupil attendance,  
29 upon request, a waiver to be excused from such requirement. This waiver shall  
30 be requested from the commissioner of education and may be granted if the school  
31 was closed due to circumstances beyond school district control, including  
32 inclement weather, flooding or fire.

✓

Unofficial

Bill

Copy