

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 769

93RD GENERAL ASSEMBLY

2006

3313L.07T

AN ACT

To repeal section 171.033, RSMo, and to enact in lieu thereof three new sections relating to authorization of additional fund transfers and waivers of certain requirements for school districts meeting certain qualifications, with a termination date for a certain section and an emergency clause.

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

Section A. Section 171.033, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 165.018, 171.033, and 1, to read as follows:

165.018. 1. Any school district shall be permitted to make a one-time additional transfer from the incidental fund to the capital projects fund in an amount not to exceed forty percent of that district's June 30, 2006, incidental fund if such school district meets one of the following qualifications:

(1) Has an average daily attendance between nine hundred forty and one thousand forty during the 2004-2005 school year, located at least partially in a county of the third classification with a township form of government and with more than twenty-nine thousand seven hundred but fewer than twenty-nine thousand eight hundred inhabitants and which entirely encompasses a city of the fourth classification with more than one thousand one hundred but fewer than one thousand two hundred inhabitants; or

(2) Has an average daily attendance between six hundred and six

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

15 **hundred thirty during the 2004-2005 school year, located at least**
16 **partially in any county of the second classification with more than fifty-**
17 **five thousand six hundred but fewer than fifty-five thousand seven**
18 **hundred inhabitants; or**

19 **(3) Has an average daily attendance between four hundred sixty**
20 **and four hundred ninety during the 2004-2005 school year, located at**
21 **least partially in any county of the third classification without a**
22 **township form of government and with more than twenty-three**
23 **thousand two hundred fifty but fewer than twenty-three thousand three**
24 **hundred fifty inhabitants; or**

25 **(4) Has an average daily attendance between one thousand four**
26 **hundred and one thousand five hundred during the 2004-2005 school**
27 **year and is located entirely within a county of the third classification**
28 **without a township form of government and with more than twenty**
29 **thousand but fewer than twenty thousand one hundred inhabitants.**

30 **2. The provisions of this section shall terminate on July 1, 2007.**

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.

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

12 3. In the [2002-03] **2005-06** school year, a school district may be exempt
13 from the requirement to make up days of school lost or canceled due to inclement
14 weather occurring after [November 20, 2002] **April 1, 2006**, in the school district,
15 but such reduction of the minimum number of school days shall not exceed five
16 days when a district has missed more than seven days overall, such reduction to
17 be taken as follows: one day for eight days missed, two days for nine days
18 missed, three days for ten days missed, four days for eleven days missed, and five
19 days for twelve or more days missed. The requirement for scheduling two-thirds
20 of the missed days into the next year's calendar pursuant to subsection 1 of this

21 section shall be waived for the [2003-04] **2006-07** school year.

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

**Section 1. Any school district that is eligible to reduce its
2 requirement to make up days pursuant to subsection 3 of section
3 171.033, RSMo, may provide food service on a summer school food
4 service basis if it resumes school with double sessions.**

Section B. Because of the need to allow certain school districts to
2 efficiently utilize their funds, section A of this act is deemed necessary for the
3 immediate preservation of the public health, welfare, peace and safety, and is
4 hereby declared to be an emergency act within the meaning of the constitution,
5 and section A of this act shall be in full force and effect upon its passage and
6 approval.

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