

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 64
94TH GENERAL ASSEMBLY

Reported from the Committee on Education, February 22, 2007, with recommendation that the Senate Committee Substitute do pass.

0543S.03C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 171.031 and 171.033, RSMo, and to enact in lieu thereof two new sections relating to the opening date for all public schools.

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

Section A. Sections 171.031 and 171.033, RSMo, are repealed and two new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

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.

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

10 3. **A district may set an opening date that is more than ten**
11 **calendar days prior to the first Monday in September only if the local**
12 **school board first gives public notice of a public meeting to discuss the**
13 **proposal of opening school on a date more than ten days prior to the**
14 **first Monday in September, and the local school board holds said**
15 **meeting and, at the same public meeting, a majority of the board votes**
16 **to allow an earlier opening date. If all of the previous conditions are**
17 **met, the district may set its opening date more than ten calendar days**

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

18 **prior to the first Monday in September. The condition provided in this**
19 **subsection must be satisfied by the local school board each year that**
20 **the board proposes an opening date more than ten days before the first**
21 **Monday in September.**

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

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

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

35 **7. No school day shall be longer than seven hours except for vocational**
36 **schools which may adopt an eight-hour day in a metropolitan school district and**
37 **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.

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 2005-06 school year,] A school district may be exempt from the
13 requirement to make up days of school lost or canceled due to inclement weather
14 [occurring after April 1, 2006,] in the school district, but such reduction of the
15 minimum number of school days shall not exceed five days when a district has
16 missed more than seven days overall, such reduction to be taken as follows: one

17 day for eight days missed, two days for nine days missed, three days for ten days
18 missed, four days for eleven days missed, and five days for twelve or more days
19 missed. The requirement for scheduling two-thirds of the missed days into the
20 next year's calendar pursuant to subsection 1 of this section shall be waived for
21 the 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.

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Bill

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