

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 727  
AN ACT

To repeal sections 135.713, 135.714, 135.715, 160.400, 160.415, 161.670, 162.996, 166.700, 167.031, 167.061, 167.071, 167.600, 167.619, 210.167, 210.211, 211.031, and 452.375, RSMo, and to enact in lieu thereof eighteen new sections relating to elementary and secondary education, with penalty provisions.

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

Section A. Sections 135.713, 135.714, 135.715, 160.400,  
2 160.415, 161.670, 162.996, 166.700, 167.031, 167.061, 167.071,  
3 167.600, 167.619, 210.167, 210.211, 211.031, and 452.375, RSMo,  
4 are repealed and eighteen new sections enacted in lieu thereof,  
5 to be known as sections 135.713, 135.714, 135.715, 160.400,  
6 160.415, 161.670, 162.996, 166.700, 167.012, 167.013, 167.031,  
7 167.061, 167.600, 167.619, 210.167, 210.211, 211.031, and  
8 452.375, to read as follows:

135.713. 1. Any taxpayer who makes a qualifying  
2 contribution to an educational assistance organization after  
3 August 28, 2021, may claim a credit against the tax  
4 otherwise due under chapter 143, other than taxes withheld  
5 under sections 143.191 to 143.265, and chapter 153 in an  
6 amount equal to one hundred percent of the amount the  
7 taxpayer contributed during the tax year for which the  
8 credit is claimed. No taxpayer shall claim a credit under  
9 sections 135.712 to 135.719 for any contribution made by the  
10 taxpayer, or an agent of the taxpayer, on behalf of the

11 taxpayer's dependent or, in the case of a business taxpayer,  
12 on behalf of the business's agent's dependent.

13 2. The amount of the tax credit claimed shall not  
14 exceed fifty percent of the taxpayer's state tax liability  
15 for the tax year for which the credit is claimed. The state  
16 treasurer shall certify the tax credit amount to the  
17 taxpayer. A taxpayer may carry the credit forward to any of  
18 such taxpayer's four subsequent tax years. All tax credits  
19 authorized under the program shall not be transferred, sold,  
20 or assigned, and are not refundable.

21 3. The cumulative amount of tax credits that may be  
22 allocated to all taxpayers contributing to educational  
23 assistance organizations in any one calendar year shall not  
24 exceed a maximum of [fifty] seventy-five million dollars[, ,  
25 which]. Such maximum amount shall be annually adjusted by  
26 the state treasurer [for inflation based on the Consumer  
27 Price Index for All Urban Consumers for the Midwest region,  
28 as defined and officially recorded by the United States  
29 Department of Labor or its successor, such annual increase  
30 will cease when the amount of tax credits reach seventy-five  
31 million dollars] in an amount equal to the percent increase  
32 or decrease in the amount of state aid distributed to school  
33 districts pursuant to the provisions of section 163.031 in  
34 the current fiscal year as compared to such amount in the  
35 preceding fiscal year, rounded to the nearest thousandth.

36 The state treasurer shall establish a procedure by which,  
37 from the beginning of the calendar year until August first,  
38 the cumulative amount of tax credits shall be allocated on a  
39 first-come, first-served basis among all educational  
40 assistance organizations. If an educational assistance  
41 organization fails to use all, or some percentage to be  
42 determined by the state treasurer, of its allocated tax  
43 credits during this period, the state treasurer may

44 reallocate these unused tax credits to those educational  
45 assistance organizations that have used all, or some  
46 percentage to be determined by the state treasurer, of their  
47 allocated tax credits during this period. The state  
48 treasurer may establish more than one period and reallocate  
49 more than once during each calendar year. The state  
50 treasurer shall establish the procedure described in this  
51 subsection in such a manner as to ensure that taxpayers can  
52 claim all the tax credits possible up to the cumulative  
53 amount of tax credits available for the calendar year.

54 4. A taxpayer who makes a contribution to an education  
55 assistance organization shall not designate the student who  
56 will receive a scholarship grant.

57 [5. The provisions of sections 135.712 to 135.719 and  
58 sections 166.700 to 166.720 shall be effective in any fiscal  
59 year immediately subsequent to any fiscal year in which the  
60 amount appropriated for pupil transportation under section  
61 163.161 equals or exceeds forty percent of the projected  
62 amount necessary to fully fund transportation aid funding  
63 for fiscal year 2021. If the amount appropriated for  
64 transportation under section 163.161 in any succeeding year  
65 falls below such amount, no additional scholarships for  
66 newly qualified students shall be awarded.]

135.714. 1. Each educational assistance organization  
2 shall:

3 (1) Notify the state treasurer of [its] such  
4 organization's intent to provide scholarship accounts to  
5 qualified students;

6 (2) Demonstrate to the state treasurer that [it] such  
7 organization is exempt from federal income tax under Section  
8 501(c)(3) of the Internal Revenue Code of 1986, as amended;

9 (3) Provide a state treasurer-approved receipt to  
10 taxpayers for contributions made to the organization;

11 (4) Ensure that grants are distributed to scholarship  
12 accounts of qualified students in the following order:

13 (a) Qualified students who received a scholarship  
14 grant in the previous school year;

15 (b) Qualified students who are siblings of qualified  
16 students who will receive a scholarship grant in the current  
17 school year;

18 (c) Qualified students that have an approved  
19 "individualized education plan" (IEP) developed under the  
20 federal Individuals with Disabilities Education Act (IDEA),  
21 20 U.S.C. Section 1400, et seq., as amended, [or qualified  
22 students living in a household whose total annual income  
23 does not exceed an amount equal to one hundred percent of  
24 the income standard used to qualify for free and reduced  
25 price lunches;

26 (b) Qualified students living in a household whose  
27 total annual income does not exceed an amount equal to two  
28 hundred percent of the income standard used to qualify for  
29 free and reduced price lunches; and

30 (c)] or who have been diagnosed with dyslexia, as the  
31 term "dyslexia" is defined in section 633.420;

32 (d) Qualified students who are eligible for free lunch  
33 as approved by the department of elementary and secondary  
34 education in accordance with federal regulations and who  
35 reside in an unaccredited or provisionally accredited school  
36 district;

37 (e) Qualified students who are eligible for reduced  
38 price lunch as approved by the department of elementary and  
39 secondary education in accordance with federal regulations  
40 and who reside in an unaccredited or provisionally  
41 accredited school district;

42 (f) Qualified students who are eligible for free lunch  
43 as approved by the department of elementary and secondary  
44 education in accordance with federal regulations;

45 (g) Qualified students who are eligible for reduced  
46 price lunch as approved by the department of elementary and  
47 secondary education in accordance with federal regulations;

48 (h) Qualified students who are active duty military  
49 dependents who have relocated to Missouri and are enrolling  
50 in a school in the state for the first time; and

51 (i) All other qualified students;

52 (5) Ensure that:

53 (a) One hundred percent of [its] such organization's  
54 revenues from interest or investments is spent on  
55 scholarship accounts;

56 (b) At least ninety percent of [its] such  
57 organization's revenues from qualifying contributions is  
58 spent on scholarship accounts; and

59 (c) Marketing and administrative expenses do not  
60 exceed the following limits of [its] such organization's  
61 remaining revenue from contributions:

62 a. Ten percent for the first two hundred fifty  
63 thousand dollars;

64 b. Eight percent for the next five hundred thousand  
65 dollars; and

66 c. Three percent thereafter;

67 (6) (a) Distribute scholarship account payments  
68 either four times per year or in a single lump sum at the  
69 beginning of the year as requested by the parent of a  
70 qualified student, [not to exceed a total grant amount equal  
71 to] based on the state adequacy target as defined in section  
72 163.011 and calculated by the department of elementary and  
73 secondary education, subject to the following total grant  
74 amount limits:

75           a. For a qualified student who meets the criteria to  
76 be included in a school district's limited English  
77 proficiency pupil count as set forth in subdivision (8) of  
78 section 163.011, not more than one hundred sixty percent of  
79 the state adequacy target;

80           b. For a qualified student who is eligible for free or  
81 reduced price lunch as approved by the department of  
82 elementary and secondary education in accordance with  
83 federal regulations, not more than one hundred twenty-five  
84 percent of the state adequacy target;

85           c. For a qualified student who has an approved  
86 individualized education plan developed under the federal  
87 Individuals with Disabilities Education Act (IDEA), 20  
88 U.S.C. Section 1400 et seq., as amended, not more than one  
89 hundred seventy-five percent of the state adequacy target;  
90 and

91           d. For all other qualified students, not more than the  
92 state adequacy target;

93           (b) Scholarship account payments distributed under  
94 this subdivision shall be in the form of a deposit into the  
95 scholarship account of the qualified student;

96           (7) Provide the state treasurer, upon request, with  
97 criminal background checks on all **[its]** such organization's  
98 employees and board members and exclude from employment or  
99 governance any individual who might reasonably pose a risk  
100 to the appropriate use of contributed funds;

101           (8) Demonstrate **[its]** such organization's financial  
102 accountability by:

103           (a) Submitting to the state treasurer annual audit  
104 financial statements by a certified public accountant within  
105 six months of the end of the educational assistance  
106 organization's fiscal year; and

107 (b) Having an auditor certify that the report is free  
108 of material misstatements; and

109 (9) Ensure that participating students take the state  
110 achievement tests or nationally norm-referenced tests that  
111 measure learning gains in math and English language arts,  
112 and provide for value-added assessment, in grades that  
113 require testing under the statewide assessment system set  
114 forth in section 160.518;

115 (10) Allow costs of the testing requirements to be  
116 covered by the scholarships distributed by the educational  
117 assistance organization;

118 (11) Provide the parents of each student who was  
119 tested with a copy of the results of the tests on an annual  
120 basis, beginning with the first year of testing;

121 (12) Provide the test results to the state treasurer,  
122 the department of elementary and secondary education, and  
123 the board established in section 135.715 on an annual basis,  
124 beginning with the first year of testing;

125 (13) Report student information that would allow the  
126 state treasurer, the department of elementary and secondary  
127 education, and the board established in section 135.715 to  
128 aggregate data by grade level, gender, family income level,  
129 and race;

130 (14) Provide rates of high school graduation, college  
131 attendance, and college graduation for participating  
132 students to the state treasurer, the department of  
133 elementary and secondary education, and the board  
134 established in section 135.715 in a manner consistent with  
135 nationally recognized standards;

136 (15) Provide to the state treasurer, the department of  
137 elementary and secondary education, and the board  
138 established in section 135.715 the results from an annual  
139 parental satisfaction survey, including information about

140 the number of years that the parent's child has participated  
141 in the scholarship program. The annual satisfaction survey  
142 shall ask parents of scholarship students to express:

143 (a) Their level of satisfaction with the child's  
144 academic achievement, including academic achievement at the  
145 schools the child attends through the scholarship program  
146 versus academic achievement at the school previously  
147 attended;

148 (b) Their level of satisfaction with school safety at  
149 the schools the child attends through the scholarship  
150 program versus safety at the schools previously attended;

151 (16) Demonstrate [its] such organization's financial  
152 viability, if [it] such organization is to receive donations  
153 of fifty thousand dollars or more during the school year, by  
154 filing with the state treasurer before the start of the  
155 school year a surety bond payable to the state in an amount  
156 equal to the aggregate amount of contributions expected to  
157 be received during the school year or other financial  
158 information that demonstrates the financial viability of the  
159 educational assistance organization;

160 (17) Assist the board established in section 135.715  
161 with the collection of any other data relating to  
162 empowerment scholarship accounts and participating students  
163 that is requested by the board.

164 2. The annual audit required under this section shall  
165 include:

166 (1) The name and address of the educational assistance  
167 organization;

168 (2) The name and address of each qualified student for  
169 whom a parent opened a scholarship account with the  
170 organization;

171 (3) The total number and total dollar amount of  
172 contributions received during the previous calendar year; and



173 (4) The total number and total dollar amount of  
174 scholarship accounts opened during the previous calendar  
175 year.

176 3. The state treasurer shall:

177 (1) Ensure compliance with all student privacy laws  
178 for data in the state treasurer's possession;

179 (2) Collect all test results;

180 (3) Provide the test results and associated learning  
181 gains to the public via a state website after the third year  
182 of test and test-related data collection. The findings  
183 shall be aggregated by the students' grade level, gender,  
184 family income level, number of years of participation in the  
185 scholarship program, and race; and

186 (4) Provide graduation rates to the public via a state  
187 website after the third year of test and test-related data  
188 collection.

189 4. The state treasurer shall cause the following  
190 information to be posted on the state treasurer's website  
191 annually, provided that no personally identifiable  
192 information of any student is released:

193 (1) The number of students who have been awarded a  
194 scholarship to date, and the number of students who have  
195 been awarded a scholarship in the current school year;

196 (2) The number of scholarship recipients enrolled in  
197 each qualified school, along with the number of recipients  
198 who qualify for free and reduced price lunch and the number  
199 of recipients who receive special education services and the  
200 type of special education services received. Such  
201 information shall be broken down by school year and the  
202 total to date;

203 (3) The total number of scholarship recipients who are  
204 eligible for free and reduced price lunch as approved by the  
205 department of elementary and secondary education in

206 accordance with federal guidelines, broken down by school  
207 year and the total to date;

208 (4) The total number of scholarship recipients who  
209 have an individualized education plan ("IEP") developed  
210 under the federal Individuals with Disabilities Education  
211 Act, 20 U.S.C. Section 1400, et seq., as amended, broken  
212 down by school year and the total to date;

213 (5) The number of scholarship recipients who have  
214 received a grant from each educational assistance  
215 organization, broken down by school year and the total to  
216 date;

217 (6) The student test scores required to be posted  
218 online pursuant to subdivision (3) of subsection 3 of this  
219 section;

220 (7) The results of the parent satisfaction survey  
221 required annually pursuant to subdivision (15) of subsection  
222 1 of this section;

223 (8) The average dollar amount of a scholarship grant  
224 for all students who participate in the program;

225 (9) The average dollar amount of a scholarship grant  
226 for all students who participate in the program and who have  
227 an IEP;

228 (10) The average duration of a student's participation  
229 in the program;

230 (11) The number of students who are in their first  
231 year of participation in the program;

232 (12) A list of the educational assistance  
233 organizations that make contributions to the empowerment  
234 scholarship accounts of students enrolled in each qualified  
235 school; and

236 (13) The total amount of money that has been remitted  
237 from qualified students' empowerment scholarship accounts to

238 each qualified school, broken down by school year and the  
239 total aggregate amount.

240 5. An educational assistance organization may contract  
241 with private financial management firms to manage  
242 scholarship accounts with the supervision of the state  
243 treasurer, provided that all laws and regulations that apply  
244 to employees of such educational assistance organization  
245 shall also apply to the actions of any employees of the  
246 management firm while they are conducting work relating to  
247 the direct decision-making of the operation of such  
248 educational assistance organization.

135.715. 1. ~~【Notwithstanding any provision in section~~  
2 ~~135.713 to the contrary, the annual increase to the~~  
3 ~~cumulative amount of tax credits under subsection 3 of~~  
4 ~~section 135.713 shall cease when the amount of tax credits~~  
5 ~~reaches fifty million dollars.】~~ The cumulative amount of  
6 tax credits that may be allocated to all taxpayers  
7 contributing to educational assistance organizations in the  
8 first year of the program shall not exceed twenty-five  
9 million dollars.

10 2. The state treasurer shall limit the number of  
11 educational assistance organizations that are certified to  
12 administer scholarship accounts to no more than ten such  
13 organizations in any single school year~~【, with】~~. If the  
14 total contributions to educational assistance organizations  
15 exceed twenty-five million dollars in any school year, the  
16 state treasurer may certify one additional educational  
17 assistance organization to administer scholarship accounts.  
18 No more than ~~【six】~~ seven of such organizations ~~【having】~~  
19 shall have their principal place of business in:

20 (1) A county of the first classification with more  
21 than two hundred sixty thousand but fewer than three hundred  
22 thousand inhabitants;

23 (2) A county with a charter form of government and  
24 with more than six hundred thousand but fewer than seven  
25 hundred thousand inhabitants;

26 (3) A county with a charter form of government and  
27 with more than three hundred thousand but fewer than four  
28 hundred fifty thousand inhabitants;

29 (4) A county with a charter form of government and  
30 with more than nine hundred fifty thousand inhabitants; or

31 (5) A city not within a county.

32 3. The state treasurer may delegate any duties  
33 assigned to the state treasurer under sections 135.712 to  
34 135.719 and sections 166.700 to 166.720 to the "Missouri  
35 Empowerment Scholarship Accounts Board", which is hereby  
36 established. The Missouri empowerment scholarship accounts  
37 board shall consist of the state treasurer, who shall serve  
38 as chair, the commissioner of the department of higher  
39 education and workforce development, the commissioner of  
40 education, [the commissioner of the office of  
41 administration,] one member appointed by the president pro  
42 tempore of the senate, one member appointed by the speaker  
43 of the house of representatives, [and] one member appointed  
44 by the governor with the advice and consent of the senate,  
45 and one member appointed by the six aforementioned board  
46 members who is an employee of an educational assistance  
47 organization and whose responsibilities are directly related  
48 to such organization's involvement in the empowerment  
49 scholarship accounts program. The appointed members shall  
50 serve terms of four years or until their successors have  
51 been appointed and qualified. The board shall have all  
52 powers and duties assigned to the state treasurer under  
53 sections 135.712 to 135.719 and sections 166.700 to 166.720  
54 that are delegated to the board by the state treasurer. The  
55 board shall assist the state treasurer with data collection,

56 collaboration with the department of elementary and  
57 secondary education, making recommendations to the state  
58 treasurer regarding the promulgation of rules concerning the  
59 program, and supporting educational assistance organizations  
60 and the state treasurer with fulfilling the duties set forth  
61 in section 135.714. Members of the board shall not receive  
62 compensation for their service, but may receive  
63 reimbursement for necessary expenses.

64 4. Notwithstanding the provisions of subsection 7 of  
65 section 135.716 to the contrary, four percent of the total  
66 qualifying contributions received by each educational  
67 assistance organization per calendar year shall be deposited  
68 in the Missouri empowerment scholarship accounts fund to be  
69 used by the state treasurer for marketing and administrative  
70 expenses or the costs incurred in administering the program,  
71 whichever is less.

72 5. Notwithstanding the provisions of subdivision (5)  
73 of subsection 2 of section 135.712 to the contrary, the term  
74 "qualifying contribution" shall mean a donation of cash,  
75 including, but not limited to, checks drawn on a banking  
76 institution located in the continental United States in U.S.  
77 dollars (other than cashier checks, or third-party checks  
78 exceeding ten thousand dollars), money orders, payroll  
79 deductions, and electronic fund transfers. This term shall  
80 not include stocks, bonds, other marketable securities, or  
81 property.

160.400. 1. A charter school is an independent public  
2 school.

3 2. Except as further provided in subsection 4 of this  
4 section, charter schools may be operated only:

5 (1) In a metropolitan school district;

6 (2) In an urban school district containing most or all  
7 of a city with a population greater than three hundred fifty  
8 thousand inhabitants;

9 (3) In a school district that has been classified as  
10 unaccredited by the state board of education;

11 (4) In a school district that has been classified as  
12 provisionally accredited by the state board of education and  
13 has received scores on its annual performance report  
14 consistent with a classification of provisionally accredited  
15 or unaccredited for three consecutive school years beginning  
16 with the 2012-13 accreditation year under the following  
17 conditions:

18 (a) The eligibility for charter schools of any school  
19 district whose provisional accreditation is based in whole  
20 or in part on financial stress as defined in sections  
21 161.520 to 161.529, or on financial hardship as defined by  
22 rule of the state board of education, shall be decided by a  
23 vote of the state board of education during the third  
24 consecutive school year after the designation of provisional  
25 accreditation; and

26 (b) The sponsor is limited to the local school board  
27 or a sponsor who has met the standards of accountability and  
28 performance as determined by the department based on  
29 sections 160.400 to 160.425 and section 167.349 and properly  
30 promulgated rules of the department; [or]

31 (5) In a school district located within a county with  
32 more than one hundred fifty thousand but fewer than two  
33 hundred thousand inhabitants, provided that the provisions  
34 of subsections 15 to 18 of section 160.415 shall not apply  
35 to any charter school operated in such county; or

36 (6) In a school district that has been accredited  
37 without provisions, sponsored only by the local school  
38 board; provided that no board with a current year enrollment

39 of one thousand five hundred fifty students or greater shall  
40 permit more than thirty-five percent of its student  
41 enrollment to enroll in charter schools sponsored by the  
42 local board under the authority of this subdivision, except  
43 that this restriction shall not apply to any school district  
44 that subsequently becomes eligible under subdivision (3) or  
45 (4) of this subsection or to any district accredited without  
46 provisions that sponsors charter schools prior to having a  
47 current year student enrollment of one thousand five hundred  
48 fifty students or greater.

49 3. Except as further provided in subsection 4 of this  
50 section, the following entities are eligible to sponsor  
51 charter schools:

52 (1) The school board of the district in any district  
53 which is sponsoring a charter school as of August 27, 2012,  
54 as permitted under subdivision (1) or (2) of subsection 2 of  
55 this section, the special administrative board of a  
56 metropolitan school district during any time in which powers  
57 granted to the district's board of education are vested in a  
58 special administrative board, or if the state board of  
59 education appoints a special administrative board to retain  
60 the authority granted to the board of education of an urban  
61 school district containing most or all of a city with a  
62 population greater than three hundred fifty thousand  
63 inhabitants, the special administrative board of such school  
64 district;

65 (2) A public four-year college or university with an  
66 approved teacher education program that meets regional or  
67 national standards of accreditation;

68 (3) A community college, the service area of which  
69 encompasses some portion of the district;

70 (4) Any private four-year college or university with  
71 an enrollment of at least one thousand students, with its

72 primary campus in Missouri, and with an approved teacher  
73 preparation program;

74 (5) Any two-year private vocational or technical  
75 school designated as a 501(c)(3) nonprofit organization  
76 under the Internal Revenue Code of 1986, as amended, and  
77 accredited by the Higher Learning Commission, with its  
78 primary campus in Missouri;

79 (6) The Missouri charter public school commission  
80 created in section 160.425.

81 4. Changes in a school district's accreditation status  
82 that affect charter schools shall be addressed as follows,  
83 except for the districts described in subdivisions (1) and  
84 (2) of subsection 2 of this section:

85 (1) As a district transitions from unaccredited to  
86 provisionally accredited, the district shall continue to  
87 fall under the requirements for an unaccredited district  
88 until it achieves three consecutive full school years of  
89 provisional accreditation;

90 (2) As a district transitions from provisionally  
91 accredited to full accreditation, the district shall  
92 continue to fall under the requirements for a provisionally  
93 accredited district until it achieves three consecutive full  
94 school years of full accreditation;

95 (3) In any school district classified as unaccredited  
96 or provisionally accredited where a charter school is  
97 operating and is sponsored by an entity other than the local  
98 school board, when the school district becomes classified as  
99 accredited without provisions, a charter school may continue  
100 to be sponsored by the entity sponsoring it prior to the  
101 classification of accredited without provisions and shall  
102 not be limited to the local school board as a sponsor.

103 A charter school operating in a school district identified  
104 in subdivision (1) [or], (2), or (5) of subsection 2 of this



105 section may be sponsored by any of the entities identified  
106 in subsection 3 of this section, irrespective of the  
107 accreditation classification of the district in which it is  
108 located. A charter school in a district described in this  
109 subsection whose charter provides for the addition of grade  
110 levels in subsequent years may continue to add levels until  
111 the planned expansion is complete to the extent of grade  
112 levels in comparable schools of the district in which the  
113 charter school is operated.

114 5. The mayor of a city not within a county may request  
115 a sponsor under subdivision (2), (3), (4), (5), or (6) of  
116 subsection 3 of this section to consider sponsoring a  
117 "workplace charter school", which is defined for purposes of  
118 sections 160.400 to 160.425 as a charter school with the  
119 ability to target prospective students whose parent or  
120 parents are employed in a business district, as defined in  
121 the charter, which is located in the city.

122 6. No sponsor shall receive from an applicant for a  
123 charter school any fee of any type for the consideration of  
124 a charter, nor may a sponsor condition its consideration of  
125 a charter on the promise of future payment of any kind.

126 7. The charter school shall be organized as a Missouri  
127 nonprofit corporation incorporated pursuant to chapter 355.  
128 The charter provided for herein shall constitute a contract  
129 between the sponsor and the charter school.

130 8. As a nonprofit corporation incorporated pursuant to  
131 chapter 355, the charter school shall select the method for  
132 election of officers pursuant to section 355.326 based on  
133 the class of corporation selected. Meetings of the  
134 governing board of the charter school shall be subject to  
135 the provisions of sections 610.010 to 610.030.

136 9. A sponsor of a charter school, its agents and  
137 employees are not liable for any acts or omissions of a

138 charter school that it sponsors, including acts or omissions  
139 relating to the charter submitted by the charter school, the  
140 operation of the charter school and the performance of the  
141 charter school.

142 10. A charter school may affiliate with a four-year  
143 college or university, including a private college or  
144 university, or a community college as otherwise specified in  
145 subsection 3 of this section when its charter is granted by  
146 a sponsor other than such college, university or community  
147 college. Affiliation status recognizes a relationship  
148 between the charter school and the college or university for  
149 purposes of teacher training and staff development,  
150 curriculum and assessment development, use of physical  
151 facilities owned by or rented on behalf of the college or  
152 university, and other similar purposes. A university,  
153 college or community college may not charge or accept a fee  
154 for affiliation status.

155 11. The expenses associated with sponsorship of  
156 charter schools shall be defrayed by the department of  
157 elementary and secondary education retaining one and five-  
158 tenths percent of the amount of state and local funding  
159 allocated to the charter school under section 160.415, not  
160 to exceed one hundred twenty-five thousand dollars, adjusted  
161 for inflation. The department of elementary and secondary  
162 education shall remit the retained funds for each charter  
163 school to the school's sponsor, provided the sponsor remains  
164 in good standing by fulfilling its sponsorship obligations  
165 under sections 160.400 to 160.425 and 167.349 with regard to  
166 each charter school it sponsors, including appropriate  
167 demonstration of the following:

168 (1) Expends no less than ninety percent of its charter  
169 school sponsorship funds in support of its charter school

170 sponsorship program, or as a direct investment in the  
171 sponsored schools;

172 (2) Maintains a comprehensive application process that  
173 follows fair procedures and rigorous criteria and grants  
174 charters only to those developers who demonstrate strong  
175 capacity for establishing and operating a quality charter  
176 school;

177 (3) Negotiates contracts with charter schools that  
178 clearly articulate the rights and responsibilities of each  
179 party regarding school autonomy, expected outcomes, measures  
180 for evaluating success or failure, performance consequences  
181 based on the annual performance report, and other material  
182 terms;

183 (4) Conducts contract oversight that evaluates  
184 performance, monitors compliance, informs intervention and  
185 renewal decisions, and ensures autonomy provided under  
186 applicable law; and

187 (5) Designs and implements a transparent and rigorous  
188 process that uses comprehensive data to make merit-based  
189 renewal decisions.

190 12. Sponsors receiving funds under subsection 11 of  
191 this section shall be required to submit annual reports to  
192 the joint committee on education demonstrating they are in  
193 compliance with subsection 17 of this section.

194 13. No university, college or community college shall  
195 grant a charter to a nonprofit corporation if an employee of  
196 the university, college or community college is a member of  
197 the corporation's board of directors.

198 14. No sponsor shall grant a charter under sections  
199 160.400 to 160.425 and 167.349 without ensuring that a  
200 criminal background check and family care safety registry  
201 check are conducted for all members of the governing board  
202 of the charter schools or the incorporators of the charter

203 school if initial directors are not named in the articles of  
204 incorporation, nor shall a sponsor renew a charter without  
205 ensuring a criminal background check and family care safety  
206 registry check are conducted for each member of the  
207 governing board of the charter school.

208         15. No member of the governing board of a charter  
209 school shall hold any office or employment from the board or  
210 the charter school while serving as a member, nor shall the  
211 member have any substantial interest, as defined in section  
212 105.450, in any entity employed by or contracting with the  
213 board. No board member shall be an employee of a company  
214 that provides substantial services to the charter school.  
215 All members of the governing board of the charter school  
216 shall be considered decision-making public servants as  
217 defined in section 105.450 for the purposes of the financial  
218 disclosure requirements contained in sections 105.483,  
219 105.485, 105.487, and 105.489.

220         16. A sponsor shall develop the policies and  
221 procedures for:

222             (1) The review of a charter school proposal including  
223 an application that provides sufficient information for  
224 rigorous evaluation of the proposed charter and provides  
225 clear documentation that the education program and academic  
226 program are aligned with the state standards and grade-level  
227 expectations, and provides clear documentation of effective  
228 governance and management structures, and a sustainable  
229 operational plan;

230             (2) The granting of a charter;

231             (3) The performance contract that the sponsor will use  
232 to evaluate the performance of charter schools. Charter  
233 schools shall meet current state academic performance  
234 standards as well as other standards agreed upon by the  
235 sponsor and the charter school in the performance contract;

236 (4) The sponsor's intervention, renewal, and  
237 revocation policies, including the conditions under which  
238 the charter sponsor may intervene in the operation of the  
239 charter school, along with actions and consequences that may  
240 ensue, and the conditions for renewal of the charter at the  
241 end of the term, consistent with subsections 8 and 9 of  
242 section 160.405;

243 (5) Additional criteria that the sponsor will use for  
244 ongoing oversight of the charter; and

245 (6) Procedures to be implemented if a charter school  
246 should close, consistent with the provisions of subdivision  
247 (15) of subsection 1 of section 160.405.

248 The department shall provide guidance to sponsors in  
249 developing such policies and procedures.

250 17. (1) A sponsor shall provide timely submission to  
251 the state board of education of all data necessary to  
252 demonstrate that the sponsor is in material compliance with  
253 all requirements of sections 160.400 to 160.425 and section  
254 167.349. The state board of education shall ensure each  
255 sponsor is in compliance with all requirements under  
256 sections 160.400 to 160.425 and 167.349 for each charter  
257 school sponsored by any sponsor. The state board shall  
258 notify each sponsor of the standards for sponsorship of  
259 charter schools, delineating both what is mandated by  
260 statute and what best practices dictate. The state board  
261 shall evaluate sponsors to determine compliance with these  
262 standards every three years. The evaluation shall include a  
263 sponsor's policies and procedures in the areas of charter  
264 application approval; required charter agreement terms and  
265 content; sponsor performance evaluation and compliance  
266 monitoring; and charter renewal, intervention, and  
267 revocation decisions. Nothing shall preclude the department  
268 from undertaking an evaluation at any time for cause.

269           (2) If the department determines that a sponsor is in  
270 material noncompliance with its sponsorship duties, the  
271 sponsor shall be notified and given reasonable time for  
272 remediation. If remediation does not address the compliance  
273 issues identified by the department, the commissioner of  
274 education shall conduct a public hearing and thereafter  
275 provide notice to the charter sponsor of corrective action  
276 that will be recommended to the state board of education.  
277 Corrective action by the department may include withholding  
278 the sponsor's funding and suspending the sponsor's authority  
279 to sponsor a school that it currently sponsors or to sponsor  
280 any additional school until the sponsor is reauthorized by  
281 the state board of education under section 160.403.

282           (3) The charter sponsor may, within thirty days of  
283 receipt of the notice of the commissioner's recommendation,  
284 provide a written statement and other documentation to show  
285 cause as to why that action should not be taken. Final  
286 determination of corrective action shall be determined by  
287 the state board of education based upon a review of the  
288 documentation submitted to the department and the charter  
289 sponsor.

290           (4) If the state board removes the authority to  
291 sponsor a currently operating charter school under any  
292 provision of law, the Missouri charter public school  
293 commission shall become the sponsor of the school.

294           18. If a sponsor notifies a charter school of closure  
295 under subsection 8 of section 160.405, the department of  
296 elementary and secondary education shall exercise its  
297 financial withholding authority under subsection 12 of  
298 section 160.415 to assure all obligations of the charter  
299 school shall be met. The state, charter sponsor, or  
300 resident district shall not be liable for any outstanding  
301 liability or obligations of the charter school.

160.415. 1. For the purposes of calculation and  
2 distribution of state school aid under section 163.031,  
3 pupils enrolled in a charter school shall be included in the  
4 pupil enrollment of the school district within which each  
5 pupil resides. Each charter school shall report the  
6 eligibility for free and reduced price lunch, special  
7 education, or limited English proficiency status, as well as  
8 eligibility for categorical aid, of pupils resident in a  
9 school district who are enrolled in the charter school to  
10 the school district in which those pupils reside. The  
11 charter school shall report the average daily attendance  
12 data, free and reduced price lunch count, special education  
13 pupil count, and limited English proficiency pupil count to  
14 the state department of elementary and secondary education.  
15 Each charter school shall promptly notify the state  
16 department of elementary and secondary education and the  
17 pupil's school district when a pupil discontinues enrollment  
18 at a charter school.

19 2. Except as provided in subsections 3 and 4 of this  
20 section, the aid payments for charter schools shall be as  
21 described in this subsection.

22 (1) A school district having one or more resident  
23 pupils attending a charter school shall pay to the charter  
24 school an annual amount equal to the product of the charter  
25 school's weighted average daily attendance and the state  
26 adequacy target, multiplied by the dollar value modifier for  
27 the district, plus local tax revenues per weighted average  
28 daily attendance from the incidental and teachers' funds in  
29 excess of the performance levy as defined in section 163.011  
30 plus all other state aid attributable to such pupils.

31 (2) The district of residence of a pupil attending a  
32 charter school shall also pay to the charter school any

33 other federal or state aid that the district receives on  
34 account of such pupil.

35 (3) If the department overpays or underpays the amount  
36 due to the charter school, such overpayment or underpayment  
37 shall be repaid by the charter school or credited to the  
38 charter school in twelve equal payments in the next fiscal  
39 year.

40 (4) The amounts provided pursuant to this subsection  
41 shall be prorated for partial year enrollment for a pupil.

42 (5) A school district shall pay the amounts due  
43 pursuant to this subsection as the disbursal agent and no  
44 later than twenty days following the receipt of any such  
45 funds. The department of elementary and secondary education  
46 shall pay the amounts due when it acts as the disbursal  
47 agent within five days of the required due date.

48 3. A workplace charter school shall receive payment  
49 for each eligible pupil as provided under subsection 2 of  
50 this section, except that if the pupil is not a resident of  
51 the district and is participating in a voluntary  
52 interdistrict transfer program, the payment for such pupils  
53 shall be the same as provided under section 162.1060.

54 4. A charter school that has declared itself as a  
55 local educational agency shall receive from the department  
56 of elementary and secondary education an annual amount equal  
57 to the product of the charter school's weighted average  
58 daily attendance and the state adequacy target, multiplied  
59 by the dollar value modifier for the district, plus local  
60 tax revenues per weighted average daily attendance from the  
61 incidental and teachers funds in excess of the performance  
62 levy as defined in section 163.011 plus all other state aid  
63 attributable to such pupils. If a charter school declares  
64 itself as a local educational agency, the department of  
65 elementary and secondary education shall, upon notice of the



66 declaration, reduce the payment made to the school district  
67 by the amount specified in this subsection and pay directly  
68 to the charter school the annual amount reduced from the  
69 school district's payment.

70 5. If a school district fails to make timely payments  
71 of any amount for which it is the disbursal agent, the state  
72 department of elementary and secondary education shall  
73 authorize payment to the charter school of the amount due  
74 pursuant to subsection 2 of this section and shall deduct  
75 the same amount from the next state school aid apportionment  
76 to the owing school district. If a charter school is paid  
77 more or less than the amounts due pursuant to this section,  
78 the amount of overpayment or underpayment shall be adjusted  
79 equally in the next twelve payments by the school district  
80 or the department of elementary and secondary education, as  
81 appropriate. Any dispute between the school district and a  
82 charter school as to the amount owing to the charter school  
83 shall be resolved by the department of elementary and  
84 secondary education, and the department's decision shall be  
85 the final administrative action for the purposes of review  
86 pursuant to chapter 536. During the period of dispute, the  
87 department of elementary and secondary education shall make  
88 every administrative and statutory effort to allow the  
89 continued education of students in their current charter  
90 school setting.

91 6. The charter school and a local school board may  
92 agree by contract for services to be provided by the school  
93 district to the charter school. The charter school may  
94 contract with any other entity for services. Such services  
95 may include but are not limited to food service, custodial  
96 service, maintenance, management assistance, curriculum  
97 assistance, media services and libraries and shall be  
98 subject to negotiation between the charter school and the

99 local school board or other entity. Documented actual costs  
100 of such services shall be paid for by the charter school.

101 7. In the case of a proposed charter school that  
102 intends to contract with an education service provider for  
103 substantial educational services or management services, the  
104 request for proposals shall additionally require the charter  
105 school applicant to:

106 (1) Provide evidence of the education service  
107 provider's success in serving student populations similar to  
108 the targeted population, including demonstrated academic  
109 achievement as well as successful management of nonacademic  
110 school functions, if applicable;

111 (2) Provide a term sheet setting forth the proposed  
112 duration of the service contract; roles and responsibilities  
113 of the governing board, the school staff, and the service  
114 provider; scope of services and resources to be provided by  
115 the service provider; performance evaluation measures and  
116 time lines; compensation structure, including clear  
117 identification of all fees to be paid to the service  
118 provider; methods of contract oversight and enforcement;  
119 investment disclosure; and conditions for renewal and  
120 termination of the contract;

121 (3) Disclose any known conflicts of interest between  
122 the school governing board and proposed service provider or  
123 any affiliated business entities;

124 (4) Disclose and explain any termination or nonrenewal  
125 of contracts for equivalent services for any other charter  
126 school in the United States within the past five years;

127 (5) Ensure that the legal counsel for the charter  
128 school shall report directly to the charter school's  
129 governing board; and

130 (6) Provide a process to ensure that the expenditures  
131 that the education service provider intends to bill to the

132 charter school shall receive prior approval of the governing  
133 board or its designee.

134 8. A charter school may enter into contracts with  
135 community partnerships and state agencies acting in  
136 collaboration with such partnerships that provide services  
137 to students and their families linked to the school.

138 9. A charter school shall be eligible for  
139 transportation state aid pursuant to section 163.161 and  
140 shall be free to contract with the local district, or any  
141 other entity, for the provision of transportation to the  
142 students of the charter school.

143 10. (1) The proportionate share of state and federal  
144 resources generated by students with disabilities or staff  
145 serving them shall be paid in full to charter schools  
146 enrolling those students by their school district where such  
147 enrollment is through a contract for services described in  
148 this section. The proportionate share of money generated  
149 under other federal or state categorical aid programs shall  
150 be directed to charter schools serving such students  
151 eligible for that aid.

152 (2) A charter school shall provide the special  
153 services provided pursuant to section 162.705 and may  
154 provide the special services pursuant to a contract with a  
155 school district or any provider of such services.

156 11. A charter school shall not charge tuition or  
157 impose fees that a school district is prohibited from  
158 charging or imposing, except that a charter school may  
159 receive tuition payments from districts in the same or an  
160 adjoining county for nonresident students who transfer to an  
161 approved charter school, as defined in section 167.895, from  
162 an unaccredited district.

163 12. A charter school is authorized to incur debt in  
164 anticipation of receipt of funds. A charter school may also

165 borrow to finance facilities and other capital items. A  
166 school district may incur bonded indebtedness or take other  
167 measures to provide for physical facilities and other  
168 capital items for charter schools that it sponsors or  
169 contracts with. Except as otherwise specifically provided  
170 in sections 160.400 to 160.425, upon the dissolution of a  
171 charter school, any liabilities of the corporation will be  
172 satisfied through the procedures of chapter 355. A charter  
173 school shall satisfy all its financial obligations within  
174 twelve months of notice from the sponsor of the charter  
175 school's closure under subsection 8 of section 160.405.  
176 After satisfaction of all its financial obligations, a  
177 charter school shall return any remaining state and federal  
178 funds to the department of elementary and secondary  
179 education for disposition as stated in subdivision (17) of  
180 subsection 1 of section 160.405. The department of  
181 elementary and secondary education may withhold funding at a  
182 level the department determines to be adequate during a  
183 school's last year of operation until the department  
184 determines that school records, liabilities, and reporting  
185 requirements, including a full audit, are satisfied.

186 13. Charter schools shall not have the power to  
187 acquire property by eminent domain.

188 14. The governing board of a charter school is  
189 authorized to accept grants, gifts or donations of any kind  
190 and to expend or use such grants, gifts or donations. A  
191 grant, gift or donation shall not be accepted by the  
192 governing board if it is subject to any condition contrary  
193 to law applicable to the charter school or other public  
194 schools, or contrary to the terms of the charter.

195 15. In addition to any state aid remitted to charter  
196 schools under this section, the department of elementary and  
197 secondary education shall remit to any charter school an

198 amount equal to the weighted average daily attendance of the  
199 charter school multiplied by the difference of:

200 (1) The amount of state aid and local aid per weighted  
201 average daily attendance received by the school district in  
202 which the charter school is located, not including any funds  
203 remitted to charter schools in the district. For the  
204 purposes of this subdivision, the weighted average daily  
205 attendance of the school district shall not include the  
206 weighted average daily attendance of the charter schools  
207 located in the district; and

208 (2) The amount of state aid and local aid per weighted  
209 average daily attendance of the charter school received by  
210 the charter school.

211 16. Charter schools may adjust weighted average daily  
212 attendance pursuant to section 163.036.

213 17. When calculating the amounts in subdivisions (1)  
214 and (2) of subsection 15 of this section, the department  
215 shall utilize the most current data to which the department  
216 has access.

217 18. For the purposes of subsection 15 of this section:

218 (1) The definitions contained in section 163.011,  
219 shall apply;

220 (2) The term "local aid" shall mean all local and  
221 county revenue received, including, but not limited to, the  
222 following:

223 (a) Property taxes and delinquent taxes;

224 (b) Merchants' and manufacturers' tax revenues;

225 (c) Financial institutions' tax revenues;

226 (d) City sales tax revenue, including city sales tax  
227 collected in any city not within a county;

228 (e) Payments in lieu of taxes; and

229 (f) Revenues from state-assessed railroad and  
230 utilities tax;

231 (3) The term local aid shall not be construed to  
232 include:

233 (a) Charitable contributions, gifts, and grants made  
234 to school districts;

235 (b) Interest earnings of school districts and student  
236 fees paid to school districts;

237 (c) Debt service authorized by a public vote for the  
238 purpose of making payments on a bond issuance of a school  
239 district;

240 (d) Proposition C revenues received for school  
241 purposes from the school district trust fund under section  
242 163.087; or

243 (e) Any other funding solely intended for a particular  
244 school district or their respective employees, schools,  
245 foundations, or organizations;

246 (4) The term "state aid" shall mean any revenues  
247 received pursuant to this section and sections 163.043 and  
248 163.087.

249 19. Notwithstanding any other provision of law to the  
250 contrary, subsections 15 to 18 of this section shall be  
251 applicable to charter schools operated only in the following  
252 school districts, provided that no such school district  
253 shall be located in a county with more than one hundred  
254 fifty thousand but fewer than two hundred thousand  
255 inhabitants:

256 (1) In a metropolitan school district;

257 (2) In an urban school district containing most or all  
258 of a city with more than four hundred thousand inhabitants  
259 and located in more than one county;

260 (3) In a school district that has been classified as  
261 unaccredited by the state board of education;

262 (4) In a school district that has been classified as  
263 provisionally accredited by the state board of education and

264 has received scores on its annual performance report  
265 consistent with a classification of provisionally accredited  
266 or unaccredited for three consecutive school years beginning  
267 with the 2012-13 accreditation year under the conditions  
268 described in paragraphs (a) and (b) of subdivision (4) of  
269 subsection 2 of section 160.400; or

270 (5) In a school district that has been accredited  
271 without provisions, sponsored only by the local school board  
272 under the conditions described in subdivision (5) of  
273 subsection 2 of section 160.400.

274 20. (1) The members of the governing board of a  
275 charter school shall be residents of the state of Missouri.

276 (2) Any current member of a governing board of a  
277 charter school who does not meet the requirements in  
278 subdivision (1) of this subsection may complete their term.  
279 Such individual shall not be renominated as a member of the  
280 governing board on which he or she sits.

281 21. (1) Any charter school management company  
282 operating a charter school in the state shall be a nonprofit  
283 corporation incorporated pursuant to chapter 355.

284 (2) Notwithstanding any provision of law to the  
285 contrary, if a charter school is operated by a charter  
286 school management company, all laws and regulations that  
287 apply to employees of such charter school shall apply to the  
288 actions of any employees of the management company while  
289 they are conducting any work relating to the direct decision-  
290 making of the operation of such charter school.

291 22. Beginning July 1, 2023, the provisions of section  
292 160.995 shall be applicable to charter schools.

293 23. Each charter school shall publish its annual  
294 performance report on the school's website in a downloadable  
295 format.

161.670. 1. Notwithstanding any other law, prior to  
2 July 1, 2007, the state board of education shall establish  
3 the "Missouri Course Access and Virtual School Program" to  
4 serve school-age students residing in the state. The  
5 Missouri course access and virtual school program shall  
6 offer nonclassroom-based instruction in a virtual setting  
7 using technology, intranet, or internet methods of  
8 communication. Any student under the age of twenty-one in  
9 grades kindergarten through twelve who resides in this state  
10 shall be eligible to enroll in the Missouri course access  
11 and virtual school program pursuant to subsection 3 of this  
12 section.

13 2. (1) For purposes of calculation and distribution  
14 of state school aid, students enrolled in the Missouri  
15 course access and virtual school program shall be included  
16 in the student enrollment of the school district in which  
17 the student is enrolled under subsection 3 of this section;  
18 provided that any such student attendance for full-time  
19 virtual program students shall only be included in any  
20 district pupil attendance calculation under chapter 163 and  
21 any charter school pupil attendance calculation under  
22 section 160.415, using current-year pupil attendance for  
23 such full-time virtual program pupils; and further provided  
24 that in the case of a host school district enrolling one or  
25 more full-time virtual school students, such enrolling  
26 district shall receive no less under the state aid  
27 calculation for such students than an amount equal to the  
28 state adequacy target multiplied by the weighted average  
29 daily attendance of such full-time students. Students  
30 residing in Missouri and enrolled in a full-time virtual  
31 school program operated by a public institution of higher  
32 education in this state shall be counted for a state aid  
33 calculation by the department, and the department shall pay,



34 from funds dedicated to state school aid payments made under  
35 section 163.031, to such institution an amount equal to the  
36 state adequacy target multiplied by the weighted average  
37 daily attendance of such full-time students.

38 (2) The Missouri course access and virtual school  
39 program shall report to the district of residence the  
40 following information about each student served by the  
41 Missouri course access and virtual school program: name,  
42 address, eligibility for free or reduced-price lunch,  
43 limited English proficiency status, special education needs,  
44 and the number of courses in which the student is enrolled.  
45 The Missouri course access and virtual school program shall  
46 promptly notify the resident district when a student  
47 discontinues enrollment. A "full-time equivalent student"  
48 is a student who is enrolled in the instructional equivalent  
49 of six credits per regular term. Each Missouri course  
50 access and virtual school program course shall count as one  
51 class and shall generate that portion of a full-time  
52 equivalent that a comparable course offered by the school  
53 district would generate.

54 (3) Pursuant to an education services plan and  
55 collaborative agreement under subsection 3 of this section,  
56 full-time equivalent students may be allowed to use a  
57 physical location of the resident school district for all or  
58 some portion of ongoing instructional activity, and the  
59 enrollment plan shall provide for reimbursement of costs of  
60 the resident district for providing such access pursuant to  
61 rules promulgated under this section by the department.

62 (4) In no case shall more than the full-time  
63 equivalency of a regular term of attendance for a single  
64 student be used to claim state aid. Full-time equivalent  
65 student credit completed shall be reported to the department  
66 of elementary and secondary education in the manner

67 prescribed by the department. Nothing in this section shall  
68 prohibit students from enrolling in additional courses under  
69 a separate agreement that includes terms for paying tuition  
70 or course fees.

71 (5) A full-time virtual school program serving full-  
72 time equivalent students shall be considered an attendance  
73 center in the host school district and shall participate in  
74 the statewide assessment system as defined in section  
75 160.518. The academic performance of students enrolled in a  
76 full-time virtual school program shall be assigned to the  
77 designated attendance center of the full-time virtual school  
78 program and shall be considered in like manner to other  
79 attendance centers. The academic performance of any student  
80 who disenrolls from a full-time virtual school program and  
81 enrolls in a public school or charter school shall not be  
82 used in determining the annual performance report score of  
83 the attendance center or school district in which the  
84 student enrolls for twelve months from the date of  
85 enrollment.

86 (6) For the purposes of this section, a public  
87 institution of higher education operating a full-time  
88 virtual school program shall be subject to all requirements  
89 applicable to a host school district with respect to its  
90 full-time equivalent students.

91 3. (1) A student who resides in this state may enroll  
92 in Missouri course access and virtual school program courses  
93 of his or her choice as a part of the student's annual  
94 course load each school year, with any costs associated with  
95 such course or courses to be paid by the school district or  
96 charter school if:

97 (a) The student is enrolled full-time in a public  
98 school, including any charter school; and

99           (b) Prior to enrolling in any Missouri course access  
100 and virtual school program course, a student has received  
101 approval from his or her school district or charter school  
102 through the procedure described under subdivision (2) of  
103 this subsection.

104           (2) Each school district or charter school shall adopt  
105 a policy that delineates the process by which a student may  
106 enroll in courses provided by the Missouri course access and  
107 virtual school program that is substantially similar to the  
108 typical process by which a district student would enroll in  
109 courses offered by the school district and a charter school  
110 student would enroll in courses offered by the charter  
111 school. The policy may include consultation with the  
112 school's counselor and may include parental notification or  
113 authorization. The policy shall ensure that available  
114 opportunities for in-person instruction are considered prior  
115 to moving a student to virtual courses. The policy shall  
116 allow for continuous enrollment throughout the school year.  
117 If the school district or charter school disapproves a  
118 student's request to enroll in a course or courses provided  
119 by the Missouri course access and virtual school program,  
120 the reason shall be provided in writing and it shall be for  
121 good cause. Good cause justification to disapprove a  
122 student's request for enrollment in a course shall be a  
123 determination that doing so is not in the best educational  
124 interest of the student, and shall be consistent with the  
125 determination that would be made for such course request  
126 under the process by which a district student would enroll  
127 in a similar course offered by the school district and a  
128 charter school student would enroll in a similar course  
129 offered by the charter school, except that the determination  
130 may consider the suitability of virtual courses for the  
131 student based on prior participation in virtual courses by

132 the student. Appeals of any course denials under this  
133 subsection shall be considered under a policy that is  
134 substantially similar to the typical process by which  
135 appeals would be considered for a student seeking to enroll  
136 in courses offered by the school district and a charter  
137 school student seeking to enroll in courses offered by the  
138 charter school.

139 (3) For students enrolled in any Missouri course  
140 access and virtual school program course in which costs  
141 associated with such course are to be paid by the school  
142 district or charter school as described under this  
143 subdivision, the school district or charter school shall pay  
144 the content provider directly on a pro rata monthly basis  
145 based on a student's completion of assignments and  
146 assessments. If a student discontinues enrollment, the  
147 district or charter school may stop making monthly payments  
148 to the content provider. No school district or charter  
149 school shall pay, for any one course for a student, more  
150 than the market necessary costs but in no case shall pay  
151 more than fourteen percent of the state adequacy target, as  
152 defined under section 163.011, as calculated at the end of  
153 the most recent school year for any single, year-long course  
154 and no more than seven percent of the state adequacy target  
155 as described above for any single semester equivalent course.

156 (4) For students enrolling in a full-time virtual  
157 program, the department of elementary and secondary  
158 education shall adopt a policy that delineates the process  
159 by which a student who lives in this state may enroll in a  
160 virtual program of their choice as provided in this  
161 subdivision. Each host school district operating a full-  
162 time virtual program under this section shall operate and  
163 implement the state enrollment policy, subject to the  
164 provisions of this subdivision. The policy shall:

165 (a) Require the good faith collaboration of the  
166 student, the student's parent or guardian if the student is  
167 not considered homeless, the virtual program, the host  
168 district, and the resident district;

169 (b) Specify timelines for timely participation by the  
170 virtual program, the host district, and resident district;  
171 provided that the resident district shall provide any  
172 relevant information and input on the enrollment within ten  
173 business days of notice from the virtual program of the  
174 enrollment application;

175 (c) Include a survey of the reasons for the student's  
176 and parent's interests in participating in the virtual  
177 program;

178 (d) Include consideration of available opportunities  
179 for in-person instruction prior to enrolling a student in a  
180 virtual program;

181 (e) Evaluate requests for enrollment based on meeting  
182 the needs for a student to be successful considering all  
183 relevant factors;

184 (f) Ensure that, for any enrolling student, an  
185 education services plan and collaborative agreement is  
186 created to provide all services required to ensure a free  
187 and appropriate public education, including financial terms  
188 for reimbursement by the host district for the necessary  
189 costs of any virtual program, school district, or public or  
190 private entity providing all or a portion of such services;

191 (g) Require the virtual program to determine whether  
192 an enrolling student will be admitted, based on the  
193 enrollment policy, in consideration of all relevant factors  
194 and provide the basis for its determination and any service  
195 plan for the student, in writing, to the student, the  
196 student's parent or guardian, the host district, and the  
197 resident district;

198 (h) Provide a process for reviewing appeals of  
199 decisions made under this subdivision; and

200 (i) Require the department to publish an annual report  
201 based on the enrollments and enrollment surveys conducted  
202 under this subdivision that provides data at the statewide  
203 and district levels of sufficient detail to allow analysis  
204 of trends regarding the reasons for participation in the  
205 virtual program at the statewide and district levels;  
206 provided that no such survey results will be published in a  
207 manner that reveals individual student information. The  
208 department shall also include, in the annual report, data at  
209 the statewide and district levels of sufficient detail to  
210 allow detection and analysis of the racial, ethnic, and  
211 socio-economic balance of virtual program participation  
212 among schools and districts at the statewide and district  
213 levels, provided that no such survey results will be  
214 published in a manner that reveals individual student  
215 information.

216 (5) In the case of a student who is a candidate for A+  
217 tuition reimbursement and taking a virtual course under this  
218 section, the school shall attribute no less than ninety-five  
219 percent attendance to any such student who has completed  
220 such virtual course.

221 (6) The Missouri course access and virtual school  
222 program shall ensure that individual learning plans designed  
223 by certified teachers and professional staff are developed  
224 for all students enrolled in more than two full-time course  
225 access program courses or a full-time virtual school.

226 (7) Virtual school programs shall monitor individual  
227 student success and engagement of students enrolled in their  
228 program, provide regular student progress reports for each  
229 student at least four times per school year to the school  
230 district or charter school, provide the host school district

231 and the resident school district ongoing access to academic  
232 and other relevant information on student success and  
233 engagement, and shall terminate or alter the course offering  
234 if it is found the course or full-time virtual school is not  
235 meeting the educational needs of the students enrolled in  
236 the course.

237 (8) The department of elementary and secondary  
238 education shall monitor the aggregate performance of  
239 providers and make such information available to the public  
240 under subsection 11 of this section.

241 (9) Pursuant to rules to be promulgated by the  
242 department of elementary and secondary education, when a  
243 student transfers into a school district or charter school,  
244 credits previously gained through successful passage of  
245 approved courses under the Missouri course access and  
246 virtual school program shall be accepted by the school  
247 district or charter school.

248 (10) Pursuant to rules to be promulgated by the  
249 department of elementary and secondary education, if a  
250 student transfers into a school district or charter school  
251 while enrolled in a Missouri course access and virtual  
252 school program course or full-time virtual school, the  
253 student shall continue to be enrolled in such course or  
254 school.

255 (11) Nothing in this section shall prohibit home  
256 school or FPE school students, private school students, or  
257 students wishing to take additional courses beyond their  
258 regular course load from enrolling in Missouri course access  
259 and virtual school program courses under an agreement that  
260 includes terms for paying tuition or course fees.

261 (12) Nothing in this subsection shall require any  
262 school district, charter school, virtual program, or the  
263 state to provide computers, equipment, or internet access to

264 any student unless required under the education services  
265 plan created for an eligible student under subdivision (4)  
266 of this subsection or for an eligible student with a  
267 disability to comply with federal law. An education  
268 services plan may require an eligible student to have access  
269 to school facilities of the resident school district during  
270 regular school hours for participation and instructional  
271 activities of a virtual program under this section, and the  
272 education services plan shall provide for reimbursement of  
273 the resident school district for such access pursuant to  
274 rules adopted by the department under this section.

275 (13) The authorization process shall provide for  
276 continuous monitoring of approved providers and courses.  
277 The department shall revoke or suspend or take other  
278 corrective action regarding the authorization of any course  
279 or provider no longer meeting the requirements of the  
280 program. Unless immediate action is necessary, prior to  
281 revocation or suspension, the department shall notify the  
282 provider and give the provider a reasonable time period to  
283 take corrective action to avoid revocation or suspension.  
284 The process shall provide for periodic renewal of  
285 authorization no less frequently than once every three years.

286 (14) Courses approved as of August 28, 2018, by the  
287 department to participate in the Missouri virtual  
288 instruction program shall be automatically approved to  
289 participate in the Missouri course access and virtual school  
290 program, but shall be subject to periodic renewal.

291 (15) Any online course or virtual program offered by a  
292 school district or charter school, including those offered  
293 prior to August 28, 2018, which meets the requirements of  
294 section 162.1250 shall be automatically approved to  
295 participate in the Missouri course access and virtual school  
296 program. Such course or program shall be subject to



297 periodic renewal. A school district or charter school  
298 offering such a course or virtual school program shall be  
299 deemed an approved provider.

300 4. (1) As used in this subsection, the term  
301 "instructional activities" means classroom-based or  
302 nonclassroom-based activities that a student shall be  
303 expected to complete, participate in, or attend during any  
304 given school day, such as:

- 305 (a) Online logins to curricula or programs;
- 306 (b) Offline activities;
- 307 (c) Completed assignments within a particular program,  
308 curriculum, or class;
- 309 (d) Testing;
- 310 (e) Face-to-face communications or meetings with  
311 school staff;
- 312 (f) Telephone or video conferences with school staff;
- 313 (g) School-sanctioned field trips; or
- 314 (h) Orientation.

315 (2) A full-time virtual school shall submit a  
316 notification to the parent or guardian of any student who is  
317 not consistently engaged in instructional activities.

318 (3) Each full-time virtual school shall develop,  
319 adopt, and post on the school's website a policy setting  
320 forth the consequences for a student who fails to complete  
321 the required instructional activities. Such policy shall  
322 state, at a minimum, that if a student fails to complete the  
323 instructional activities after receiving a notification  
324 under subdivision (2) of this subsection, and after  
325 reasonable intervention strategies have been implemented,  
326 that the student shall be subject to certain consequences  
327 which may include disenrollment from the school. Prior to  
328 any disenrollment, the parent or guardian shall have the  
329 opportunity to present any information that the parent deems

330 relevant, and such information shall be considered prior to  
331 any final decision.

332 (4) If a full-time virtual school disenrolls a student  
333 under subdivision (3) of this subsection, the school shall  
334 immediately provide written notification to such student's  
335 school district of residence. The student's school district  
336 of residence shall then provide to the parents or guardian  
337 of the student a written list of available educational  
338 options and promptly enroll the student in the selected  
339 option. Any student disenrolled from a full-time virtual  
340 school shall be prohibited from reenrolling in the same  
341 virtual school for the remainder of the school year.

342 5. School districts or charter schools shall inform  
343 parents of their child's right to participate in the  
344 program. Availability of the program shall be made clear in  
345 the parent handbook, registration documents, and featured on  
346 the home page of the school district or charter school's  
347 website.

348 6. The department shall:

349 (1) Establish an authorization process for course or  
350 full-time virtual school providers that includes multiple  
351 opportunities for submission each year;

352 (2) Pursuant to the time line established by the  
353 department, authorize course or full-time virtual school  
354 providers that:

355 (a) Submit all necessary information pursuant to the  
356 requirements of the process; and

357 (b) Meet the criteria described in subdivision (3) of  
358 this subsection;

359 (3) Review, pursuant to the authorization process,  
360 proposals from providers to provide a comprehensive, full-  
361 time equivalent course of study for students through the  
362 Missouri course access and virtual school program. The

363 department shall ensure that these comprehensive courses of  
364 study align to state academic standards and that there is  
365 consistency and compatibility in the curriculum used by all  
366 providers from one grade level to the next grade level;

367 (4) Within thirty days of any denial, provide a  
368 written explanation to any course or full-time virtual  
369 school providers that are denied authorization;

370 (5) Allow a course or full-time virtual school  
371 provider denied authorization to reapply at any point in the  
372 future.

373 7. The department shall publish the process  
374 established under this section, including any deadlines and  
375 any guidelines applicable to the submission and  
376 authorization process for course or full-time virtual school  
377 providers on its website.

378 8. If the department determines that there are  
379 insufficient funds available for evaluating and authorizing  
380 course or full-time virtual school providers, the department  
381 may charge applicant course or full-time virtual school  
382 providers a fee up to, but no greater than, the amount of  
383 the costs in order to ensure that evaluation occurs. The  
384 department shall establish and publish a fee schedule for  
385 purposes of this subsection.

386 9. Except as specified in this section and as may be  
387 specified by rule of the state board of education, the  
388 Missouri course access and virtual school program shall  
389 comply with all state laws and regulations applicable to  
390 school districts, including but not limited to the Missouri  
391 school improvement program (MSIP), annual performance report  
392 (APR), teacher certification, curriculum standards, audit  
393 requirements under chapter 165, access to public records  
394 under chapter 610, and school accountability report cards  
395 under section 160.522. Teachers and administrators employed

396 by a virtual provider shall be considered to be employed in  
397 a public school for all certification purposes under chapter  
398 168.

399 10. The department shall submit and publicly publish  
400 an annual report on the Missouri course access and virtual  
401 school program and the participation of entities to the  
402 governor, the chair and ranking member of the senate  
403 education committee, and the chair and ranking member of the  
404 house of representatives elementary and secondary education  
405 committee. The report shall at a minimum include the  
406 following information:

407 (1) The annual number of unique students participating  
408 in courses authorized under this section and the total  
409 number of courses in which students are enrolled in;

410 (2) The number of authorized providers;

411 (3) The number of authorized courses and the number of  
412 students enrolled in each course;

413 (4) The number of courses available by subject and  
414 grade level;

415 (5) The number of students enrolled in courses broken  
416 down by subject and grade level;

417 (6) Student outcome data, including completion rates,  
418 student learning gains, student performance on state or  
419 nationally accepted assessments, by subject and grade level  
420 per provider. This outcome data shall be published in a  
421 manner that protects student privacy;

422 (7) The costs per course;

423 (8) Evaluation of in-school course availability  
424 compared to course access availability to ensure gaps in  
425 course access are being addressed statewide.

426 11. (1) The department shall be responsible for  
427 creating the Missouri course access and virtual school  
428 program catalog providing a listing of all courses

429 authorized and available to students in the state, detailed  
430 information, including costs per course, about the courses  
431 to inform student enrollment decisions, and the ability for  
432 students to submit their course enrollments.

433 (2) On or before January 1, 2023, the department shall  
434 publish on its website, and distribute to all school  
435 districts and charter schools in this state, a guidance  
436 document that details the options for virtual course access  
437 and full-time virtual course access for all students in the  
438 state. The guidance document shall include a complete and  
439 readily understood description of the applicable enrollment  
440 processes including the opportunity for students to enroll  
441 and the roles and responsibilities of the student, parent,  
442 virtual provider, school district or districts, and charter  
443 schools, as appropriate. The guidance document shall be  
444 distributed in written and electronic form to all school  
445 districts, charter schools, and virtual providers. School  
446 districts and charter schools shall provide a copy of the  
447 guidance document to every pupil and parent or legal  
448 guardian of every pupil enrolled in the district or charter  
449 school at the beginning of each school year and upon  
450 enrollment for every pupil enrolling at a different time of  
451 the school year. School districts and charter schools shall  
452 provide a readily viewable link to the electronic version of  
453 the guidance document on the main page of the district's or  
454 charter school's website.

455 12. The state board of education through the  
456 rulemaking process and the department of elementary and  
457 secondary education in its policies and procedures shall  
458 ensure that multiple content providers and learning  
459 management systems are allowed, ensure digital content  
460 conforms to accessibility requirements, provide an easily  
461 accessible link for providers to submit courses or full-time

462 virtual schools on the Missouri course access and virtual  
463 school program website, and allow any person, organization,  
464 or entity to submit courses or full-time virtual schools for  
465 approval. No content provider shall be allowed that is  
466 unwilling to accept payments in the amount and manner as  
467 described under subdivision (3) of subsection 3 of this  
468 section or does not meet performance or quality standards  
469 adopted by the state board of education.

470 13. Any rule or portion of a rule, as that term is  
471 defined in section 536.010, that is created under the  
472 authority delegated in this section shall become effective  
473 only if it complies with and is subject to all of the  
474 provisions of chapter 536 and, if applicable, section  
475 536.028. This section and chapter 536 are nonseverable and  
476 if any of the powers vested with the general assembly  
477 pursuant to chapter 536 to review, to delay the effective  
478 date, or to disapprove and annul a rule are subsequently  
479 held unconstitutional, then the grant of rulemaking  
480 authority and any rule proposed or adopted after August 28,  
481 2006, shall be invalid and void.

162.996. 1. Special educational services may be  
2 offered during the regular school day. Children who attend  
3 special educational services in the district and who  
4 otherwise attend a private, parochial, parish [or], home  
5 school, or FPE school shall be in compliance with section  
6 167.031.

7 2. A public school district shall be entitled to state  
8 aid for resident handicapped children who attend special  
9 educational services and who otherwise attend private,  
10 parochial, parish, FPE, or home schools. State aid shall be  
11 calculated on the basis of full-time equivalent average  
12 daily attendance of part-time students as provided in  
13 section 163.011.

14           3. Nothing in this section shall change the authority  
15 of a public school board to set the schedule of classes for  
16 full-time or part-time public school pupils including pupils  
17 receiving services under this section.

18           4. Nothing herein shall be construed to require  
19 transportation for these services.

20           5. No resident child shall be denied or discriminated  
21 against in special educational services offered by a school  
22 district on the grounds that the child regularly attends a  
23 private, parochial, parish [or], home school, or FPE school.

          166.700. As used in sections 166.700 to 166.720, the  
2 following terms mean:

3           (1) "Curriculum", a complete course of study for a  
4 particular content area or grade level, including any  
5 supplemental materials;

6           (2) "District", the same meaning as used in section  
7 160.011;

8           (3) "Educational assistance organization", the same  
9 meaning as used in section 135.712;

10           (4) "Illegal alien", any person who is not lawfully  
11 present in the United States, according to the terms of 8  
12 U.S.C. 1101, et seq., as in existence on January 1, 2024;

13           (5) "Parent", the same meaning as used in section  
14 135.712;

15           [(5)] (6) "Private school", a school that is not a  
16 part of the public school system of the state of Missouri  
17 and that charges tuition for the rendering of elementary or  
18 secondary educational services;

19           [(6)] (7) "Program", the same meaning as used in  
20 section 135.712;

21           [(7)] (8) "Qualified school", [a home school as  
22 defined in section 167.031] an FPE school or any of the  
23 following entities that is incorporated in Missouri and that

24 does not discriminate on the basis of race, color, or  
25 national origin:

- 26 (a) A charter school as defined in section 160.400;
- 27 (b) A private school;
- 28 (c) A public school as defined in section 160.011; or
- 29 (d) A public or private virtual school;

30 ~~[(8)]~~ (9) "Qualified student", any elementary or  
31 secondary school student who is a resident of this state,  
32 who is not an illegal alien, and [resides in any county with  
33 a charter form of government or any city with at least  
34 thirty thousand inhabitants] who:

35 (a) Has an approved "individualized education plan"  
36 (IEP) developed under the federal Individuals with  
37 Disabilities Education Act (IDEA), 20 U.S.C. Section 1400~~[,]~~  
38 et seq., as amended; or

39 (b) Is a member of a household whose total annual  
40 income does not exceed an amount equal to ~~[two]~~ three  
41 hundred percent of the income standard used to qualify for  
42 free and reduced price lunches, and that meets at least one  
43 of the following qualifications:

44 a. Attended a public school as a full-time student for  
45 at least one semester during the previous twelve months; ~~[or]~~

46 b. Is a child who is eligible to begin kindergarten or  
47 first grade under sections 160.051 to 160.055; or

48 c. Is a sibling of a qualified student who received a  
49 scholarship grant in the previous school year and will  
50 receive a scholarship grant in the current school year.

167.012. 1. For purposes of state law, a "home  
2 school" is a school, whether incorporated or unincorporated,  
3 that:

4 (1) Has as its primary purpose the provision of  
5 private or religious-based instruction;



6           (2) Enrolls children between the ages of seven years  
7 and the compulsory attendance age for the school district in  
8 which the home school is located, of which no more than four  
9 are unrelated by affinity or consanguinity in the third  
10 degree;

11           (3) Does not charge or receive consideration in the  
12 form of tuition, fees, or other remuneration in a genuine  
13 and fair exchange for provision of instruction;

14           (4) Does not enroll children who participate in the  
15 program established in sections 135.712 to 135.719 and  
16 sections 166.700 to 166.720; and

17           (5) Is not an FPE school.

18           2. Except as otherwise provided in this subsection, as  
19 evidence that a child is receiving regular instruction, the  
20 child's parent, guardian, or other person having control or  
21 custody of the child shall:

22           (1) Maintain the following records:

23           (a) a. A plan book, diary, or other written record  
24 indicating subjects taught and activities engaged in;

25           b. A portfolio of samples of the child's academic  
26 work; and

27           c. A record of evaluations of the child's academic  
28 progress; or

29           (b) Other written or credible evidence equivalent to  
30 subparagraphs a. to c. of paragraph (a) of this subdivision;  
31 and

32           (2) Offer at least one thousand hours of instruction,  
33 at least six hundred hours of which shall be in reading,  
34 language arts, mathematics, social studies, science, or  
35 academic courses that are related to such subject areas and  
36 consonant with the child's age and ability. At least four  
37 hundred of the six hundred hours shall occur at the regular  
38 home school location;

39           (3) The requirements of this subsection shall not  
40 apply to any pupil sixteen years of age or older.

41           3. The production of a daily log by a parent,  
42 guardian, or other person having control or custody of a  
43 child showing that a home school has a course of instruction  
44 that satisfies the requirements of this section and section  
45 167.031 or, in the case of a pupil sixteen years of age or  
46 older who attended a metropolitan school district the  
47 previous year, a written statement that the pupil is  
48 attending home school in compliance with section 167.031  
49 shall be a defense to any prosecution under section 167.031  
50 and to any charge or action for educational neglect brought  
51 under chapter 210. Home school education enforcement and  
52 records pursuant to this section, and sections 210.167 and  
53 211.031, shall be subject to review only by the local  
54 prosecuting attorney.

167.013. 1. For purposes of state law, a "Family  
2 Paced Education (FPE) school" or "FPE school" is a school,  
3 whether incorporated or unincorporated, that:

4           (1) Has as its primary purpose the provision of  
5 private or religious-based instruction;

6           (2) Enrolls children between the ages of seven years  
7 and the compulsory attendance age for the school district in  
8 which the FPE school is located, of which no more than four  
9 are unrelated by affinity or consanguinity in the third  
10 degree;

11           (3) Does not charge or receive consideration in the  
12 form of tuition, fees, or other remuneration in a genuine  
13 and fair exchange for provision of instruction; and

14           (4) May enroll children who participate in the program  
15 established in sections 135.712 to 135.719 and sections  
16 166.700 to 166.720.

17           2. Except as otherwise provided in this subsection, as  
18 evidence that a child is receiving regular instruction, the  
19 child's parent, guardian, or other person having control or  
20 custody of the child shall:

21           (1) Maintain the following records:

22           (a) a. A plan book, diary, or other written record  
23 indicating subjects taught and activities engaged in;

24           b. A portfolio of samples of the child's academic  
25 work; and

26           c. A record of evaluations of the child's academic  
27 progress; or

28           (b) Other written or credible evidence equivalent to  
29 subparagraphs a. to c. of paragraph (a) of this subdivision;  
30 and

31           (2) Offer at least one thousand hours of instruction,  
32 at least six hundred hours of which shall be in reading,  
33 language arts, mathematics, social studies, science, or  
34 academic courses that are related to such subject areas and  
35 consonant with the child's age and ability. At least four  
36 hundred of the six hundred hours shall occur at the regular  
37 FPE school location;

38           (3) The requirements of this subsection shall not  
39 apply to any pupil sixteen years of age or older.

40           3. The production of a daily log by a parent,  
41 guardian, or other person having control or custody of a  
42 child showing that a FPE school has a course of instruction  
43 that satisfies the requirements of this section and section  
44 167.031 or, in the case of a pupil sixteen years of age or  
45 older who attended a metropolitan school district the  
46 previous year, a written statement that the pupil is  
47 attending a FPE school in compliance with section 167.031  
48 shall be a defense to any prosecution under section 167.031  
49 and to any charge or action for educational neglect brought

50 under chapter 210. FPE school education enforcement and  
51 records pursuant to this section, and sections 210.167 and  
52 211.031, shall be subject to review only by the local  
53 prosecuting attorney.

167.031. 1. (1) Every parent, guardian, or other  
2 person in this state having charge, control, or custody of a  
3 child [not enrolled] is responsible for enrolling the child  
4 in a program of academic instruction in a public, private,  
5 parochial, parish school, home school, FPE school, or full-  
6 time equivalent attendance in a combination of such schools  
7 [and] between the ages of seven years and the compulsory  
8 attendance age for the district [is responsible for  
9 enrolling the child in a program of academic instruction  
10 which complies with subsection 2 of this section].

(2) Any parent, guardian, or other person who enrolls  
12 a child between the ages of five and seven years in a public  
13 school program of academic instruction shall cause such  
14 child to attend the academic program on a regular basis,  
15 according to this section. Nonattendance by such child  
16 shall cause such parent, guardian, or other responsible  
17 person to be in violation of the provisions of section  
18 167.061, except as provided by this section. A parent,  
19 guardian, or other person in this state having charge,  
20 control, or custody of a child between the ages of seven  
21 years of age and the compulsory attendance age for the  
22 district shall cause the child to attend regularly some  
23 public, private, parochial, parish, home school, FPE school,  
24 or a combination of such schools not less than the entire  
25 school term of the school [which] that the child attends;  
26 except that:

[(1)] (a) A child who, to the satisfaction of the  
28 superintendent of public schools of the district in which  
29 [he] such child resides, or if there is no superintendent

30 then the chief school officer, is determined to be mentally  
31 or physically incapacitated may be excused from attendance  
32 at school for the full time required, or any part thereof;

33 [(2)] (b) A child between fourteen years of age and  
34 the compulsory attendance age for the district may be  
35 excused from attendance at school for the full time  
36 required, or any part thereof, by the superintendent of  
37 public schools of the district, or if there is none then by  
38 a court of competent jurisdiction, when legal employment has  
39 been obtained by the child and found to be desirable, and  
40 after the parents or guardian of the child have been advised  
41 of the pending action; or

42 [(3)] (c) A child between five and seven years of age  
43 shall be excused from attendance at school if a parent,  
44 guardian, or other person having charge, control, or custody  
45 of the child makes a written request that the child be  
46 dropped from the school's rolls.

47 2. [(1) As used in sections 167.031 to 167.071, a  
48 "home school" is a school, whether incorporated or  
49 unincorporated, that:

50 (a) Has as its primary purpose the provision of  
51 private or religious-based instruction;

52 (b) Enrolls pupils between the ages of seven years and  
53 the compulsory attendance age for the district, of which no  
54 more than four are unrelated by affinity or consanguinity in  
55 the third degree; and

56 (c) Does not charge or receive consideration in the  
57 form of tuition, fees, or other remuneration in a genuine  
58 and fair exchange for provision of instruction.

59 (2) As evidence that a child is receiving regular  
60 instruction, the parent shall, except as otherwise provided  
61 in this subsection:

62 (a) Maintain the following records:

- 63 a. A plan book, diary, or other written record  
64 indicating subjects taught and activities engaged in; and  
65 b. A portfolio of samples of the child's academic  
66 work; and  
67 c. A record of evaluations of the child's academic  
68 progress; or  
69 d. Other written, or credible evidence equivalent to  
70 subparagraphs a., b. and c.; and

71 (b) Offer at least one thousand hours of instruction,  
72 at least six hundred hours of which will be in reading,  
73 language arts, mathematics, social studies and science or  
74 academic courses that are related to the aforementioned  
75 subject areas and consonant with the pupil's age and  
76 ability. At least four hundred of the six hundred hours  
77 shall occur at the regular home school location.

78 (3) The requirements of subdivision (2) of this  
79 subsection shall not apply to any pupil above the age of  
80 sixteen years.

81 3.] Nothing in this section shall require a private,  
82 parochial, parish [or], home school, or FPE school to  
83 include in its curriculum any concept, topic, or practice in  
84 conflict with the school's religious doctrines or to exclude  
85 from its curriculum any concept, topic, or practice  
86 consistent with the school's religious doctrines. Any other  
87 provision of the law to the contrary notwithstanding, all  
88 departments or agencies of the state of Missouri shall be  
89 prohibited from dictating through rule, regulation, or other  
90 device any statewide curriculum for private, parochial,  
91 parish [or], home schools, or FPE schools.

92 [4.] 3. A school year begins on the first day of July  
93 and ends on the thirtieth day of June following.

94 [5. The production by a parent of a daily log showing  
95 that a home school has a course of instruction which

96 satisfies the requirements of this section or, in the case  
97 of a pupil over the age of sixteen years who attended a  
98 metropolitan school district the previous year, a written  
99 statement that the pupil is attending home school in  
100 compliance with this section shall be a defense to any  
101 prosecution under this section and to any charge or action  
102 for educational neglect brought pursuant to chapter 210.

103 6.] 4. (1) As used in [sections 167.031 to 167.051]  
104 this section, the term "compulsory attendance age for the  
105 district" shall mean:

106 [(1)] (a) Seventeen years of age for any metropolitan  
107 school district for which the school board adopts a  
108 resolution to establish such compulsory attendance age;  
109 provided that such resolution shall take effect no earlier  
110 than the school year next following the school year during  
111 which the resolution is adopted; and

112 [(2)] (b) Seventeen years of age or having  
113 successfully completed sixteen credits towards high school  
114 graduation in all other cases.

115 (2) The school board of a metropolitan school district  
116 for which the compulsory attendance age is seventeen years  
117 may adopt a resolution to lower the compulsory attendance  
118 age to sixteen years; provided that such resolution shall  
119 take effect no earlier than the school year next following  
120 the school year during which the resolution is adopted.

121 [7.] 5. For purposes of [subsection 2 of this section]  
122 home school or FPE school credits toward high school  
123 graduation, as applied in subsection [6 herein] 4 of this  
124 section, a "completed credit towards high school graduation"  
125 shall be defined as one hundred hours or more of instruction  
126 in a course. [Home school education enforcement and records  
127 pursuant to this section, and sections 210.167 and 211.031,

128 shall be subject to review only by the local prosecuting  
129 attorney.]

167.061. Any parent, guardian or other person having  
2 charge, control or custody of a child, who violates the  
3 provisions of section 167.031 is guilty of a class C  
4 misdemeanor. Upon conviction and pending any judicial  
5 appeal, the defendant shall be required to enroll the child  
6 in a public, private, parochial, parish [or], home school,  
7 or FPE school within three public school days, after which  
8 each successive school day shall constitute a separate  
9 violation of section 167.031. The fine or imprisonment, or  
10 both, may be suspended and finally remitted by the court,  
11 with or without the payment of costs, at the discretion of  
12 the court, if the child is immediately placed and kept in  
13 regular attendance at a public, private, parochial, parish  
14 [or], home school, or FPE school and if the fact of regular  
15 attendance is proved subsequently to the satisfaction of the  
16 court. A certificate stating that the child is regularly  
17 attending a public, private, parochial or parish school and  
18 properly attested by the superintendent, principal or person  
19 in charge of the school is prima facie evidence of regular  
20 attendance by the child.

167.600. 1. As used in sections 167.600 to 167.621,  
2 the following terms mean:

3 (1) "Family practitioner", a primary care provider,  
4 including a licensed physician, nurse practitioner or  
5 primary care physician sponsor as defined in subdivision (4)  
6 of subsection 1 of section 208.166, or a primary care  
7 contracted health provider plan, approved by the parent,  
8 guardian or legal custodian of a school age child pursuant  
9 to section 167.611;

10 (2) "Most accessible care", that care or services  
11 which reach the most children where they normally are during



12 school hours or where children are most likely to  
13 participate with the least obstacles to participation and  
14 may include, but shall not be limited to, private, public or  
15 parochial schools, learning centers, preschools, child care  
16 facilities, common community gathering places, licensed  
17 health care facilities, physicians' offices and community  
18 centers and may also include the use of traveling medical  
19 professionals;

20 (3) "School age children", all children under the age  
21 of nineteen without regard to whether they are currently  
22 enrolled in any school and without regard to what public,  
23 private, parochial [or], home school, or FPE school they may  
24 attend;

25 (4) "School children health services", services,  
26 including immunization, screening for physical or mental  
27 disease, disability or injury, treatment of pathological  
28 disease or injury, emergency medical treatment or first aid,  
29 or administration of drugs or treatment as ordered by the  
30 child's family practitioner, provided that the term shall  
31 only include the enumerated services and services directly  
32 related to the services enumerated herein;

33 (5) "Service area", the public school district, if the  
34 school district elects to be a Medicaid provider, or an area  
35 determined by the department of social services at the time  
36 a public school within a school district elects to be a  
37 Medicaid provider.

38 2. Sections 167.600 to 167.621 shall not be severable  
39 from each other.

167.619. When a school or school district enrolls as a  
2 Medicaid provider pursuant to section 167.606 or receives a  
3 grant under section 167.603, the department of social  
4 services shall assure that the grants or funds are used to  
5 provide the most accessible care to school age children. No

6 resident child shall be denied or discriminated against in  
7 school children health services or Medicaid services offered  
8 by a school district or a local health department under  
9 sections 167.600 to 167.621 on the grounds that the child  
10 regularly attends or does not attend a public, private,  
11 parochial, parish [or], home school, or an FPE school.

210.167. If an investigation conducted by the  
2 children's division under section 210.145 reveals that the  
3 only basis for action involves a question of an alleged  
4 violation of section 167.031, then the local office of the  
5 division shall send the report to the school district in  
6 which the child resides. The school district shall  
7 immediately refer all private, parochial, parish [or], home  
8 school, or FPE school matters to the prosecuting attorney of  
9 the county wherein the child legally resides. The school  
10 district may refer public school violations of section  
11 167.031 to the prosecuting attorney.

210.211. 1. It shall be unlawful for any person to  
2 establish, maintain or operate a child-care facility for  
3 children, or to advertise or hold himself or herself out as  
4 being able to perform any of the services as defined in  
5 section 210.201, without having in effect a written license  
6 granted by the department of elementary and secondary  
7 education; except that nothing in sections 210.203 to  
8 210.245 shall apply to:

(1) Any person who is caring for six or fewer  
9 children, including a maximum of three children under the  
10 age of two, at the same physical address. For purposes of  
11 this subdivision, children who live in the caregiver's home  
12 and who are eligible for enrollment in a public  
13 kindergarten, elementary, or high school shall not be  
14 considered in the total number of children being cared for;  
15

16           (2) Any person who receives free of charge, and not as  
17 a business, for periods not exceeding ninety consecutive  
18 days, as bona fide, occasional and personal guests the child  
19 or children of personal friends of such person, and who  
20 receives custody of no other unrelated child or children;

21           (3) Any graded boarding school that is conducted in  
22 good faith primarily to provide education;

23           (4) Any summer or day camp that is conducted in good  
24 faith primarily to provide recreation;

25           (5) Any hospital, sanitarium, or home that is  
26 conducted in good faith primarily to provide medical  
27 treatment or nursing or convalescent care for children;

28           (6) Any residential facility or day program licensed  
29 by the department of mental health under sections 630.705 to  
30 630.760 that provides care, treatment, and habilitation  
31 exclusively to children who have a primary diagnosis of  
32 mental disorder, mental illness, intellectual disability, or  
33 developmental disability, as those terms are defined in  
34 section 630.005;

35           (7) Any school system as defined in section 210.201;

36           (8) Any Montessori school as defined in section  
37 210.201;

38           (9) Any business that operates a child care program  
39 for the convenience of its customers or its employees if the  
40 following conditions are met:

41           (a) The business provides child care for customers' or  
42 employees' children for no more than four hours per day; and

43           (b) Customers or employees remain on site while their  
44 children are being cared for by the business establishment;

45           (10) Any home school [as defined in section 167.031];

46           (11) Any religious organization academic preschool or  
47 kindergarten for four- and five-year-old children;

48 (12) Any weekly Sunday or Sabbath school, a vacation  
49 bible school, or child care made available while the parents  
50 or guardians are attending worship services or other  
51 meetings and activities conducted or sponsored by a  
52 religious organization;

53 (13) Any neighborhood youth development program under  
54 section 210.278;

55 (14) Any religious organization elementary or  
56 secondary school;

57 (15) Any private organization elementary or secondary  
58 school system providing child care to children younger than  
59 school age. If a facility or program is exempt from  
60 licensure based upon this exception, such facility or  
61 program shall submit documentation annually to the  
62 department to verify its licensure-exempt status;

63 (16) Any nursery school as defined in section 210.201;  
64 [and]

65 (17) Any child care facility maintained or operated  
66 under the exclusive control of a religious organization. If  
67 a nonreligious organization having as its principal purpose  
68 the provision of child care services enters into an  
69 arrangement with a religious organization for the  
70 maintenance or operation of a child care facility, the  
71 facility is not under the exclusive control of the religious  
72 organization; and

73 (18) Any FPE school.

74 2. Notwithstanding the provisions of subsection 1 of  
75 this section, no child-care facility shall be exempt from  
76 licensure if such facility receives any state or federal  
77 funds for providing care for children, except for federal  
78 funds for those programs which meet the requirements for  
79 participation in the Child and Adult Care Food Program  
80 pursuant to 42 U.S.C. Section 1766. Grants to parents for

81 child care pursuant to sections 210.201 to 210.257 shall not  
82 be construed to be funds received by a person or facility  
83 listed in [subdivisions (1) and (17) of] subsection 1 of  
84 this section.

85 3. Every child care facility shall disclose the  
86 licensure status of the facility to the parents or guardians  
87 of children for which the facility provides care. No child  
88 care facility exempt from licensure shall represent to any  
89 parent or guardian of children for which the facility  
90 provides care that the facility is licensed when such  
91 facility is in fact not licensed. A parent or guardian  
92 utilizing an unlicensed child care facility shall sign a  
93 written notice indicating he or she is aware of the  
94 unlicensed status of the facility. The facility shall keep  
95 a copy of this signed written notice on file. All child  
96 care facilities shall provide the parent or guardian  
97 enrolling a child in the facility with a written explanation  
98 of the disciplinary philosophy and policies of the child  
99 care facility.

100 4. Up to two children who are five years of age or  
101 older and who are related within the third degree of  
102 consanguinity or affinity to, adopted by, or under court  
103 appointed guardianship or legal custody of a child care  
104 provider who is responsible for the daily operation of a  
105 licensed family child care home that is organized as a  
106 corporation, association, firm, partnership, limited  
107 liability company, sole proprietorship, or any other type of  
108 business entity in this state shall not be included in the  
109 number of children counted toward the maximum number of  
110 children for which the family child care home is licensed  
111 under section 210.221. If more than one member of the  
112 corporation, association, firm, partnership, limited  
113 liability company, or other business entity is responsible

114 for the daily operation of the licensed family child care  
115 home, then the related children of only one such member  
116 shall be excluded. A family child care home caring for  
117 children not counted in the maximum number of children, as  
118 permitted under this subsection, shall disclose this to  
119 parents or guardians on the written notice required under  
120 subsection 3 of this section. If a family child care home  
121 begins caring for children not counted in the maximum number  
122 of children after a parent or guardian has signed the  
123 written notice required under subsection 3 of this section,  
124 the family child care home shall provide a separate notice  
125 to the parent or guardian that the family child care home is  
126 caring for children not counted in the maximum number of  
127 children for which the family child care home is licensed  
128 and shall keep a copy of the signed notice on file.

129 5. Nothing in this section shall prevent the  
130 department from enforcing licensing regulations promulgated  
131 under this chapter, including, but not limited to,  
132 supervision requirements and capacity limitations based on  
133 the amount of child care space available.

211.031. 1. Except as otherwise provided in this  
2 chapter, the juvenile court or the family court in circuits  
3 that have a family court as provided in chapter 487 shall  
4 have exclusive original jurisdiction in proceedings:

5 (1) Involving any child who may be a resident of or  
6 found within the county and who is alleged to be in need of  
7 care and treatment because:

8 (a) The parents, or other persons legally responsible  
9 for the care and support of the child, neglect or refuse to  
10 provide proper support, education which is required by law,  
11 medical, surgical or other care necessary for his or her  
12 well-being; except that reliance by a parent, guardian or  
13 custodian upon remedial treatment other than medical or

14 surgical treatment for a child shall not be construed as  
15 neglect when the treatment is recognized or permitted  
16 pursuant to the laws of this state;

17 (b) The child is otherwise without proper care,  
18 custody or support;

19 (c) The child was living in a room, building or other  
20 structure at the time such dwelling was found by a court of  
21 competent jurisdiction to be a public nuisance pursuant to  
22 section 195.130; or

23 (d) The child is in need of mental health services and  
24 the parent, guardian or custodian is unable to afford or  
25 access appropriate mental health treatment or care for the  
26 child;

27 (2) Involving any child who may be a resident of or  
28 found within the county and who is alleged to be in need of  
29 care and treatment because:

30 (a) The child while subject to compulsory school  
31 attendance is repeatedly and without justification absent  
32 from school;

33 (b) The child disobeys the reasonable and lawful  
34 directions of his or her parents or other custodian and is  
35 beyond their control;

36 (c) The child is habitually absent from his or her  
37 home without sufficient cause, permission, or justification;

38 (d) The behavior or associations of the child are  
39 otherwise injurious to his or her welfare or to the welfare  
40 of others; or

41 (e) The child is charged with an offense not  
42 classified as criminal, or with an offense applicable only  
43 to children; except that, the juvenile court shall not have  
44 jurisdiction over any child fifteen years of age who is  
45 alleged to have violated a state or municipal traffic  
46 ordinance or regulation, the violation of which does not

47 constitute a felony, or any child who is alleged to have  
48 violated a state or municipal ordinance or regulation  
49 prohibiting possession or use of any tobacco product;

50 (3) Involving any child who is alleged to have  
51 violated a state law or municipal ordinance, or any person  
52 who is alleged to have violated a state law or municipal  
53 ordinance prior to attaining the age of eighteen years, in  
54 which cases jurisdiction may be taken by the court of the  
55 circuit in which the child or person resides or may be found  
56 or in which the violation is alleged to have occurred;  
57 except that, the juvenile court shall not have jurisdiction  
58 over any child fifteen years of age who is alleged to have  
59 violated a state or municipal traffic ordinance or  
60 regulation, the violation of which does not constitute a  
61 felony, and except that the juvenile court shall have  
62 concurrent jurisdiction with the municipal court over any  
63 child who is alleged to have violated a municipal curfew  
64 ordinance, and except that the juvenile court shall have  
65 concurrent jurisdiction with the circuit court on any child  
66 who is alleged to have violated a state or municipal  
67 ordinance or regulation prohibiting possession or use of any  
68 tobacco product;

69 (4) For the adoption of a person;

70 (5) For the commitment of a child to the guardianship  
71 of the department of social services as provided by law;

72 (6) Involving an order of protection pursuant to  
73 chapter 455 when the respondent is less than eighteen years  
74 of age; and

75 (7) Involving a child who has been a victim of sex  
76 trafficking or sexual exploitation.

77 2. Transfer of a matter, proceeding, jurisdiction or  
78 supervision for a child who resides in a county of this  
79 state shall be made as follows:



80 (1) Prior to the filing of a petition and upon request  
81 of any party or at the discretion of the juvenile officer,  
82 the matter in the interest of a child may be transferred by  
83 the juvenile officer, with the prior consent of the juvenile  
84 officer of the receiving court, to the county of the child's  
85 residence or the residence of the person eighteen years of  
86 age for future action;

87 (2) Upon the motion of any party or on its own motion  
88 prior to final disposition on the pending matter, the court  
89 in which a proceeding is commenced may transfer the  
90 proceeding of a child to the court located in the county of  
91 the child's residence, or the county in which the offense  
92 pursuant to subdivision (3) of subsection 1 of this section  
93 is alleged to have occurred for further action;

94 (3) Upon motion of any party or on its own motion, the  
95 court in which jurisdiction has been taken pursuant to  
96 subsection 1 of this section may at any time thereafter  
97 transfer jurisdiction of a child to the court located in the  
98 county of the child's residence for further action with the  
99 prior consent of the receiving court;

100 (4) Upon motion of any party or upon its own motion at  
101 any time following a judgment of disposition or treatment  
102 pursuant to section 211.181, the court having jurisdiction  
103 of the cause may place the child under the supervision of  
104 another juvenile court within or without the state pursuant  
105 to section 210.570 with the consent of the receiving court;

106 (5) Upon motion of any child or his or her parent, the  
107 court having jurisdiction shall grant one change of judge  
108 pursuant to Missouri supreme court rules;

109 (6) Upon the transfer of any matter, proceeding,  
110 jurisdiction or supervision of a child, certified copies of  
111 all legal and social documents and records pertaining to the

112 case on file with the clerk of the transferring juvenile  
113 court shall accompany the transfer.

114 3. In any proceeding involving any child taken into  
115 custody in a county other than the county of the child's  
116 residence, the juvenile court of the county of the child's  
117 residence shall be notified of such taking into custody  
118 within seventy-two hours.

119 4. When an investigation by a juvenile officer  
120 pursuant to this section reveals that the only basis for  
121 action involves an alleged violation of section 167.031  
122 involving a child who alleges to be [home schooled]  
123 receiving instruction at a home school or an FPE school, the  
124 juvenile officer shall contact a parent or parents of such  
125 child to verify that the child is [being home schooled]  
126 receiving instruction at such school and not in violation of  
127 section 167.031 before making a report of such a violation.  
128 Any report of a violation of section 167.031 made by a  
129 juvenile officer regarding a child who is [being home  
130 schooled] receiving instruction at a home school or an FPE  
131 school shall be made to the prosecuting attorney of the  
132 county where the child legally resides.

133 5. The disability or disease of a parent shall not  
134 constitute a basis for a determination that a child is a  
135 child in need of care or for the removal of custody of a  
136 child from the parent without a specific showing that there  
137 is a causal relation between the disability or disease and  
138 harm to the child.

452.375. 1. As used in this chapter, unless the  
2 context clearly indicates otherwise:

3 (1) "Custody" means joint legal custody, sole legal  
4 custody, joint physical custody or sole physical custody or  
5 any combination thereof;

6           (2) "Joint legal custody" means that the parents share  
7 the decision-making rights, responsibilities, and authority  
8 relating to the health, education and welfare of the child,  
9 and, unless allocated, apportioned, or decreed, the parents  
10 shall confer with one another in the exercise of decision-  
11 making rights, responsibilities, and authority;

12           (3) "Joint physical custody" means an order awarding  
13 each of the parents significant, but not necessarily equal,  
14 periods of time during which a child resides with or is  
15 under the care and supervision of each of the parents.  
16 Joint physical custody shall be shared by the parents in  
17 such a way as to assure the child of frequent, continuing  
18 and meaningful contact with both parents;

19           (4) "Third-party custody" means a third party  
20 designated as a legal and physical custodian pursuant to  
21 subdivision (5) of subsection 5 of this section.

22           2. The court shall determine custody in accordance  
23 with the best interests of the child. There shall be a  
24 rebuttable presumption that an award of equal or  
25 approximately equal parenting time to each parent is in the  
26 best interests of the child. Such presumption is rebuttable  
27 only by a preponderance of the evidence in accordance with  
28 all relevant factors, including, but not limited to, the  
29 factors contained in subdivisions (1) to (8) of this  
30 subsection. The presumption may be rebutted if the court  
31 finds that the parents have reached an agreement on all  
32 issues related to custody, or if the court finds that a  
33 pattern of domestic violence has occurred as set out in  
34 subdivision (6) of this subsection. When the parties have  
35 not reached an agreement on all issues related to custody,  
36 the court shall consider all relevant factors and enter  
37 written findings of fact and conclusions of law, including,  
38 but not limited to, the following:

39           (1) The wishes of the child's parents as to custody  
40 and the proposed parenting plan submitted by both parties;

41           (2) The needs of the child for a frequent, continuing  
42 and meaningful relationship with both parents and the  
43 ability and willingness of parents to actively perform their  
44 functions as mother and father for the needs of the child;

45           (3) The interaction and interrelationship of the child  
46 with parents, siblings, and any other person who may  
47 significantly affect the child's best interests;

48           (4) Which parent is more likely to allow the child  
49 frequent, continuing and meaningful contact with the other  
50 parent;

51           (5) The child's adjustment to the child's home,  
52 school, and community. The fact that a parent sends his or  
53 her child or children to a home school[, as defined in  
54 section 167.031,] or FPE school shall not be the sole factor  
55 that a court considers in determining custody of such child  
56 or children;

57           (6) The mental and physical health of all individuals  
58 involved, including any history of abuse of any individuals  
59 involved. If the court finds that a pattern of domestic  
60 violence as defined in section 455.010 has occurred, and, if  
61 the court also finds that awarding custody to the abusive  
62 parent is in the best interest of the child, then the court  
63 shall enter written findings of fact and conclusions of  
64 law. Custody and visitation rights shall be ordered in a  
65 manner that best protects the child and any other child or  
66 children for whom the parent has custodial or visitation  
67 rights, and the parent or other family or household member  
68 who is the victim of domestic violence from any further harm;

69           (7) The intention of either parent to relocate the  
70 principal residence of the child; and

71           (8) The unobstructed input of a child, free of  
72 coercion and manipulation, as to the child's custodial  
73 arrangement.

74           3. (1) In any court proceedings relating to custody  
75 of a child, the court shall not award custody or  
76 unsupervised visitation of a child to a parent if such  
77 parent or any person residing with such parent has been  
78 found guilty of, or pled guilty to, any of the following  
79 offenses when a child was the victim:

80           (a) A felony violation of section 566.030, 566.031,  
81 566.032, 566.060, 566.061, 566.062, 566.064, 566.067,  
82 566.068, 566.083, 566.100, 566.101, 566.111, 566.151,  
83 566.203, 566.206, 566.209, 566.211, or 566.215;

84           (b) A violation of section 568.020;

85           (c) A violation of subdivision (2) of subsection 1 of  
86 section 568.060;

87           (d) A violation of section 568.065;

88           (e) A violation of section 573.200;

89           (f) A violation of section 573.205; or

90           (g) A violation of section 568.175.

91           (2) For all other violations of offenses in chapters  
92 566 and 568 not specifically listed in subdivision (1) of  
93 this subsection or for a violation of an offense committed  
94 in another state when a child is the victim that would be a  
95 violation of chapter 566 or 568 if committed in Missouri,  
96 the court may exercise its discretion in awarding custody or  
97 visitation of a child to a parent if such parent or any  
98 person residing with such parent has been found guilty of,  
99 or pled guilty to, any such offense.

100           4. The general assembly finds and declares that it is  
101 the public policy of this state that frequent, continuing  
102 and meaningful contact with both parents after the parents  
103 have separated or dissolved their marriage is in the best

104 interest of the child, except for cases where the court  
105 specifically finds that such contact is not in the best  
106 interest of the child, and that it is the public policy of  
107 this state to encourage parents to participate in decisions  
108 affecting the health, education and welfare of their  
109 children, and to resolve disputes involving their children  
110 amicably through alternative dispute resolution. In order  
111 to effectuate these policies, the general assembly  
112 encourages the court to enter a temporary parenting plan as  
113 early as practicable in a proceeding under this chapter,  
114 consistent with the provisions of subsection 2 of this  
115 section, and, in so doing, the court shall determine the  
116 custody arrangement which will best assure both parents  
117 participate in such decisions and have frequent, continuing  
118 and meaningful contact with their children so long as it is  
119 in the best interests of the child.

120 5. Prior to awarding the appropriate custody  
121 arrangement in the best interest of the child, the court  
122 shall consider each of the following as follows:

123 (1) Joint physical and joint legal custody to both  
124 parents, which shall not be denied solely for the reason  
125 that one parent opposes a joint physical and joint legal  
126 custody award. The residence of one of the parents shall be  
127 designated as the address of the child for mailing and  
128 educational purposes;

129 (2) Joint physical custody with one party granted sole  
130 legal custody. The residence of one of the parents shall be  
131 designated as the address of the child for mailing and  
132 educational purposes;

133 (3) Joint legal custody with one party granted sole  
134 physical custody;

135 (4) Sole custody to either parent; or

136 (5) Third-party custody or visitation:

137           (a) When the court finds that each parent is unfit,  
138 unsuitable, or unable to be a custodian, or the welfare of  
139 the child requires, and it is in the best interests of the  
140 child, then custody, temporary custody or visitation may be  
141 awarded to a person related by consanguinity or affinity to  
142 the child. If no person related to the child by  
143 consanguinity or affinity is willing to accept custody, then  
144 the court may award custody to any other person or persons  
145 deemed by the court to be suitable and able to provide an  
146 adequate and stable environment for the child. Before the  
147 court awards custody, temporary custody or visitation to a  
148 third person under this subdivision, the court shall make  
149 that person a party to the action;

150           (b) Under the provisions of this subsection, any  
151 person may petition the court to intervene as a party in  
152 interest at any time as provided by supreme court rule.

153           6. If the parties have not agreed to a custodial  
154 arrangement, or the court determines such arrangement is not  
155 in the best interest of the child, the court shall include a  
156 written finding in the judgment or order based on the public  
157 policy in subsection 4 of this section and each of the  
158 factors listed in subdivisions (1) to (8) of subsection 2 of  
159 this section detailing the specific relevant factors that  
160 made a particular arrangement in the best interest of the  
161 child. If a proposed custodial arrangement is rejected by  
162 the court, the court shall include a written finding in the  
163 judgment or order detailing the specific relevant factors  
164 resulting in the rejection of such arrangement.

165           7. Upon a finding by the court that either parent has  
166 refused to exchange information with the other parent, which  
167 shall include but not be limited to information concerning  
168 the health, education and welfare of the child, the court  
169 shall order the parent to comply immediately and to pay the

170 prevailing party a sum equal to the prevailing party's cost  
171 associated with obtaining the requested information, which  
172 shall include but not be limited to reasonable attorney's  
173 fees and court costs.

174 8. As between the parents of a child, no preference  
175 may be given to either parent in the awarding of custody  
176 because of that parent's age, sex, or financial status, nor  
177 because of the age or sex of the child. The court shall not  
178 presume that a parent, solely because of his or her sex, is  
179 more qualified than the other parent to act as a joint or  
180 sole legal or physical custodian for the child.

181 9. Any judgment providing for custody shall include a  
182 specific written parenting plan setting forth the terms of  
183 such parenting plan arrangements specified in subsection 8  
184 of section 452.310. Such plan may be a parenting plan  
185 submitted by the parties pursuant to section 452.310 or, in  
186 the absence thereof, a plan determined by the court, but in  
187 all cases, the custody plan approved and ordered by the  
188 court shall be in the court's discretion and shall be in the  
189 best interest of the child.

190 10. After August 28, 2016, every court order  
191 establishing or modifying custody or visitation shall  
192 include the following language: "In the event of  
193 noncompliance with this order, the aggrieved party may file  
194 a verified motion for contempt. If custody, visitation, or  
195 third-party custody is denied or interfered with by a parent  
196 or third party without good cause, the aggrieved person may  
197 file a family access motion with the court stating the  
198 specific facts that constitute a violation of the custody  
199 provisions of the judgment of dissolution, legal separation,  
200 or judgment of paternity. The circuit clerk will provide  
201 the aggrieved party with an explanation of the procedures  
202 for filing a family access motion and a simple form for use



203 in filing the family access motion. A family access motion  
204 does not require the assistance of legal counsel to prepare  
205 and file."

206 11. No court shall adopt any local rule, form, or  
207 practice requiring a standardized or default parenting plan  
208 for interim, temporary, or permanent orders or judgments.  
209 Notwithstanding any other provision of law to the contrary,  
210 a court may enter an interim order in a proceeding under  
211 this chapter, provided that the interim order shall not  
212 contain any provisions about child custody or a parenting  
213 schedule or plan without first providing the parties with  
214 notice and a hearing, unless the parties otherwise agree.

215 12. Unless a parent has been denied custody rights  
216 pursuant to this section or visitation rights under section  
217 452.400, both parents shall have access to records and  
218 information pertaining to a minor child including, but not  
219 limited to, medical, dental, and school records. If the  
220 parent without custody has been granted restricted or  
221 supervised visitation because the court has found that the  
222 parent with custody or any child has been the victim of  
223 domestic violence, as defined in section 455.010, by the  
224 parent without custody, the court may order that the reports  
225 and records made available pursuant to this subsection not  
226 include the address of the parent with custody or the  
227 child. A court shall order that the reports and records  
228 made available under this subsection not include the address  
229 of the parent with custody if the parent with custody is a  
230 participant in the address confidentiality program under  
231 section 589.663. Unless a parent has been denied custody  
232 rights pursuant to this section or visitation rights under  
233 section 452.400, any judgment of dissolution or other  
234 applicable court order shall specifically allow both parents  
235 access to such records and reports.

236 13. Except as otherwise precluded by state or federal  
237 law, if any individual, professional, public or private  
238 institution or organization denies access or fails to  
239 provide or disclose any and all records and information,  
240 including, but not limited to, past and present dental,  
241 medical and school records pertaining to a minor child, to  
242 either parent upon the written request of such parent, the  
243 court shall, upon its finding that the individual,  
244 professional, public or private institution or organization  
245 denied such request without good cause, order that party to  
246 comply immediately with such request and to pay to the  
247 prevailing party all costs incurred, including, but not  
248 limited to, attorney's fees and court costs associated with  
249 obtaining the requested information.

250 14. An award of joint custody does not preclude an  
251 award of child support pursuant to section 452.340 and  
252 applicable supreme court rules. The court shall consider  
253 the factors contained in section 452.340 and applicable  
254 supreme court rules in determining an amount reasonable or  
255 necessary for the support of the child.

256 15. If the court finds that domestic violence or abuse  
257 as defined in section 455.010 has occurred, the court shall  
258 make specific findings of fact to show that the custody or  
259 visitation arrangement ordered by the court best protects  
260 the child and the parent or other family or household member  
261 who is the victim of domestic violence, as defined in  
262 section 455.010, and any other children for whom such parent  
263 has custodial or visitation rights from any further harm.

[167.071. 1. In school districts having  
seven or more directors the school board may  
appoint and remove at pleasure one or more  
school attendance officers and shall pay them  
from the public school funds.

2. Each attendance officer has the powers  
of a deputy sheriff in the performance of his

8 duties. He shall investigate the claims of  
9 children for exemptions under section 167.031,  
10 and report his findings to the person authorized  
11 by that section to grant the exemption sought.  
12 He shall refer all cases involving an alleged  
13 violation of section 167.031 involving a public  
14 school to the superintendent of the public  
15 school of the district where the child legally  
16 resides and all cases involving an alleged  
17 violation of section 167.031 involving a  
18 private, parochial, parish or home school to the  
19 prosecuting attorney of the county wherein the  
20 child legally resides. When reasonable doubt  
21 exists as to the age of any such child he may  
22 require a properly attested birth certificate or  
23 an affidavit stating the child's age, date of  
24 birth, physical characteristics and bearing the  
25 signature of the child. He may visit and enter  
26 any mine, office, factory, workshop, business  
27 house, place of amusement, or other place in  
28 which children are employed or engaged in any  
29 kind of service, or any place or building in  
30 which children loiter or idle during school  
31 hours; may require a properly attested  
32 certificate of the attendance of any child at  
33 school; may arrest, without warrant, any truant,  
34 or nonattendants or other juvenile disorderly  
35 persons, and place them in some school or take  
36 them to their homes, or take them to any place  
37 of detention provided for neglected children in  
38 the county or school district. He shall serve  
39 in the cases which he prosecutes without  
40 additional fee or compensation. Each attendance  
41 officer appointed by a school board shall carry  
42 into effect the regulations lawfully prescribed  
43 by the board by which he was appointed.

44 3. In any urban school district, any  
45 metropolitan school district and in school  
46 districts having seven or more directors and  
47 which are located in a first class county having  
48 a charter form of government, any duly  
49 commissioned city or county police officer shall  
50 be ex officio school attendance officers. Any  
51 police officer exercising duties of ex officio  
52 school attendance officer need not refer any  
53 child apprehended pursuant to the provisions of

54 this section to juvenile court or a juvenile  
55 officer, but nothing in this subsection shall be  
56 construed to limit the police officer's regular  
57 powers and duties as a peace officer.]