

## SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 819

AN ACT

To repeal sections 167.042 and 167.071, RSMo, and to enact in lieu thereof one new section relating to participation of certain students in nontraditional educational settings.

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

Section A. Sections 167.042 and 167.071, RSMo, are repealed and one new section enacted in lieu thereof, to be known as section 167.790, to read as follows:

167.790. 1. As used in this section, the following terms mean:

(1) "Fine arts activities", any student activities that include dance, theater, vocal music, performance of music, or visual arts;

(2) "Full-time equivalent student", as such term is defined in section 161.670;

(3) "Home school", as such term is defined in section 167.031;

(4) "Integrated cocurricular activities", activities that are outside of the regular school curriculum, but complement and supplement such curriculum.

2. Except as otherwise provided in this section, a school district shall not be a member of, or remit any funds to, any statewide activities association that:

(1) Prohibits a student who is receiving instruction at a home school or at a virtual school as a full-time equivalent student from having the opportunity to participate in any event or activity offered by the school district or an attendance center of the school district in which the student resides and where the statewide activities

association exercises authority, rules, or guidelines for participating in such events or activities for any reason relating to such student's home or virtual instruction; or

(2) Requires a student who is receiving instruction at a home school or at a virtual school as a full-time equivalent student to attend any class or to attend a public school for any portion of a school day in order to participate in any event or activity offered by the school district or an attendance center of the school district in which the student resides and where the statewide activities association exercises authority, rules, or guidelines for participating in such events or activities.

3. Except as otherwise provided in this section, a school district shall not:

(1) Prohibit a student who is receiving instruction at a home school or at a virtual school as a full-time equivalent student from having the opportunity to participate in any event or activity offered by the school district or an attendance center of the school district in which the student resides for any reason relating to such student's home or virtual instruction; or

(2) Require a student who is receiving instruction at a home school or at a virtual school as a full-time equivalent student to attend any class or to attend a public school for any portion of a school day in order to participate in any event or activity offered by the school district or an attendance center of the school district in which the student resides.

4. The provisions of subsections 2 and 3 of this section shall not be construed to prohibit a school district from establishing an attendance policy for rehearsals, practice sessions, or training sessions pursuant to subsection 7 of this section.

5. The provisions of subsections 2 and 3 of this section shall not be construed to prohibit a school district from requiring students to participate in any components of instruction required for participation in fine arts activities, career and technical student organizations where applied learning and engagement are integral components of instruction for an approved career and technical education program in Missouri, or integrated cocurricular activities requiring students to participate in appropriate coursework and preparation of their related activities.

6. A statewide activities association shall not prohibit or restrict any school district that is a member of such association from participating in any events sanctioned, authorized, or regulated by such association with any school that is not a member of the association.

7. (1) A school district may establish an attendance policy for any rehearsals, practice sessions, or training sessions that are directly related to and required for participation in an event or activity offered by the school district or an attendance center of the school district.

(2) Any school disciplinary policy or school attendance policy shall be applied in the same manner to all students who participate in the event or activity to which the policy applies. A school district shall not establish a separate disciplinary policy or attendance policy, or any provision thereof, for students who receive instruction at a home school or at a virtual school as a full-time equivalent student.

8. If a student whose academic performance or disciplinary status would preclude such student from eligibility to participate in extracurricular events or activities in his resident school district disenrolls from such school district in order to receive instruction at a

home school or at a virtual school as a full-time equivalent student, such student shall not be eligible to participate in public school events or activities in the district of such student's disenrollment for twelve calendar months from the date of disenrollment.

9. The parent or legal guardian providing primary instruction of a student who is receiving instruction at a home school is responsible for oversight of academic standards relating to the student's participation in an event or activity offered by a school district or attendance center of a school district.

10. Any records created by a school district or attendance center pursuant to the provisions of this section shall not be disclosed by such district or attendance center for any purpose.

11. A student who is receiving instruction at a home school or at a virtual school as a full-time equivalent student shall satisfy the following requirements in order to be eligible to participate in public school events or activities in the student's district of residence pursuant to the provisions of this section:

(1) Proof of the student's residency in the school district or within the boundaries of the applicable attendance center where the student seeks to participate in public school events or activities shall be provided to such district pursuant to the provisions of section 167.020;

(2) The student shall provide a physical to participate in sports, including details on any underlying conditions relevant to such participation;

(3) The student shall adhere to the same behavior, responsibility, performance, and code of conduct standards as those enrolled in the public school district; and

(4) The student shall fulfill the same nonacademic standards and financial requirements as those required of students enrolled in the public school district.

[167.042. For the purpose of minimizing unnecessary investigations due to reports of truancy, each parent, guardian, or other person responsible for the child who causes his child to attend regularly a home school may provide to the recorder of deeds of the county where the child legally resides, or to the chief school officer of the public school district where the child legally resides, a signed, written declaration of enrollment stating their intent for the child to attend a home school within thirty days after the establishment of the home school and by September first annually thereafter. The name and age of each child attending the home school, the address and telephone number of the home school, the name of each person teaching in the home school, and the name, address and signature of each person making the declaration of enrollment shall be included in said notice. A declaration of enrollment to provide a home school shall not be cause to investigate violations of section 167.031. The recorder of deeds may charge a service cost of not more than one dollar for each notice filed.]

[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 duties. He shall investigate the claims of children for exemptions under section 167.031, and report his findings to the person authorized by that section to grant the exemption sought. He shall refer all cases involving an alleged violation of section 167.031 involving a public school to the superintendent of the public school of the district where the child legally resides and all cases involving an alleged

violation of section 167.031 involving a private, parochial, parish or home school to the prosecuting attorney of the county wherein the child legally resides. When reasonable doubt exists as to the age of any such child he may require a properly attested birth certificate or an affidavit stating the child's age, date of birth, physical characteristics and bearing the signature of the child. He may visit and enter any mine, office, factory, workshop, business house, place of amusement, or other place in which children are employed or engaged in any kind of service, or any place or building in which children loiter or idle during school hours; may require a properly attested certificate of the attendance of any child at school; may arrest, without warrant, any truant, or nonattendants or other juvenile disorderly persons, and place them in some school or take them to their homes, or take them to any place of detention provided for neglected children in the county or school district. He shall serve in the cases which he prosecutes without additional fee or compensation. Each attendance officer appointed by a school board shall carry into effect the regulations lawfully prescribed by the board by which he was appointed.

3. In any urban school district, any metropolitan school district and in school districts having seven or more directors and which are located in a first class county having a charter form of government, any duly commissioned city or county police officer shall be ex officio school attendance officers. Any police officer exercising duties of ex officio school attendance officer need not refer any child apprehended pursuant to the provisions of this section to juvenile court or a juvenile officer, but nothing in this subsection shall be construed to limit the police officer's regular powers and duties as a peace officer.]