

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
**SENATE BILL NO. 63**  
**103RD GENERAL ASSEMBLY**

0514H.14C

JOSEPH ENGLER, Chief Clerk

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**AN ACT**

To repeal sections 167.012, 167.013, 167.042, and 167.850, RSMo, and to enact in lieu thereof five new sections 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Section A. Sections 167.012, 167.013, 167.042, and 167.850, RSMo, are repealed  
2 and five new sections enacted in lieu thereof, to be known as sections 167.012, 167.013,  
3 167.042, 167.790, and 167.850, to read as follows:

167.012. 1. For purposes of state law regarding this section and sections 161.670,  
2 162.996, 167.013, 167.031, 167.042, 167.061, 167.600, 167.619, **167.790**, 210.167, 210.211,  
3 211.031, and 452.375, a "home school" is a school, whether incorporated or unincorporated,  
4 that:

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

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

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

11 (4) Does not enroll children who participate in the program established in sections  
12 135.712 to 135.719 and sections 166.700 to 166.720; and

13 (5) Is not an FPE school.

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14           2. Except as otherwise provided in ~~[this]~~ subsection **3 of this section**, as evidence that  
15 a child is receiving regular instruction, the child's parent, guardian, or other person having  
16 control or custody of the child shall:

17           (1) Maintain the following records:

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

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

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

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

24           (2) Offer at least one thousand hours of instruction, at least six hundred hours of  
25 which shall be in reading, language arts, mathematics, social studies, science, or academic  
26 courses that are related to such subject areas and consonant with the child's age and ability.  
27 At least four hundred of the six hundred hours shall occur at the regular home school location  
28 ~~[;]~~.

29           ~~[(3)]~~ **3.** The requirements of ~~[this]~~ subsection **2 of this section** shall not apply to any  
30 pupil sixteen years of age or older.

31           ~~[3-]~~ **4.** The production of a daily log by a parent, guardian, or other person having  
32 control or custody of a child showing that a home school has a course of instruction that  
33 satisfies the requirements of this section and section 167.031 or, in the case of a pupil sixteen  
34 years of age or older who attended a metropolitan school district the previous year, a written  
35 statement that the pupil is attending home school in compliance with section 167.031 shall be  
36 a defense to any prosecution under section 167.031 and to any charge or action for  
37 educational neglect brought under chapter 210. Home school education enforcement and  
38 records pursuant to this section, and sections 210.167 and 211.031, shall be subject to review  
39 only by the local prosecuting attorney.

          167.013. 1. For purposes of state law regarding this section and sections 161.670,  
2 162.996, 166.700, 167.012, 167.031, 167.061, 167.600, 167.619, **167.790**, 210.167, 210.211,  
3 211.031, and 452.375, a "Family Paced Education (FPE) school" or "FPE school" is a school,  
4 whether incorporated or unincorporated, that:

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

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

9           (3) Does not charge or receive consideration in the form of tuition, fees, or other  
10 remuneration in a genuine and fair exchange for provision of instruction; ~~[and]~~

11 (4) May enroll children who participate in the program established in sections  
12 135.712 to 135.719 and sections 166.700 to 166.720 **without being required to submit to a**  
13 **background check; and**

14 **(5) May participate in school events or activities as provided in section 167.790.**

15 2. Except as otherwise provided in ~~[this]~~ subsection **3 of this section**, as evidence that  
16 a child is receiving regular instruction, the child's parent, guardian, or other person having  
17 control or custody of the child shall:

18 (1) Maintain the following records:

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

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

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

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

25 (2) Offer at least one thousand hours of instruction, at least six hundred hours of  
26 which shall be in reading, language arts, mathematics, social studies, science, or academic  
27 courses that are related to such subject areas and consonant with the child's age and ability.  
28 At least four hundred of the six hundred hours shall occur at the regular FPE school location  
29 ~~[;]~~.

30 ~~[(3)]~~ **3.** The requirements of ~~[this]~~ subsection **2 of this section** shall not apply to any  
31 pupil sixteen years of age or older.

32 ~~[(3-)]~~ **4.** The production of a daily log by a parent, guardian, or other person having  
33 control or custody of a child showing that an FPE school has a course of instruction that  
34 satisfies the requirements of this section and section 167.031 or, in the case of a pupil sixteen  
35 years of age or older who attended a metropolitan school district the previous year, a written  
36 statement that the pupil is attending an FPE school in compliance with section 167.031 shall  
37 be a defense to any prosecution under section 167.031 and to any charge or action for  
38 educational neglect brought under chapter 210. FPE school education enforcement and  
39 records pursuant to this section, and sections 210.167 and 211.031, shall be subject to review  
40 only by the local prosecuting attorney.

167.042. ~~[For the purpose of minimizing unnecessary investigations due to reports of~~  
2 ~~truancy, each]~~ **If a parent, guardian, or other person [responsible for the] having charge,**  
3 **control, or custody of the child [who causes his child to attend regularly a home school may**  
4 ~~provide to the recorder of deeds of the county where the child legally resides, or to the chief~~  
5 ~~school officer of]~~ **makes a written notification of their intent to pursue other educational**  
6 **options under section 167.031, and requests that the child be dropped from the public**  
7 **school district rolls** where the child legally resides, ~~[a signed, written declaration of~~

~~8 enrollment stating their intent for the child to attend a home school within thirty days after the~~  
~~9 establishment of the home school and by September first annually thereafter. The name and~~  
~~10 age of each child attending the home school, the address and telephone number of the home~~  
~~11 school, the name of each person teaching in the home school, and the name, address and~~  
~~12 signature of each person making the declaration of enrollment shall be included in said notice.~~  
~~13 A declaration of enrollment to provide a home school shall not be cause to investigate~~  
~~14 violations of section 167.031. The recorder of deeds may charge a service cost of not more~~  
~~15 than one dollar for each notice filed]~~ **such school shall comply with the request and remove**  
**16 said child from the rolls promptly.**

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

- 2 (1) "Athletics", any interscholastic athletic games, contests, programs, activities,**  
**3 exhibitions, or other similar competitions for students;**
- 4 (2) "Event or activity", athletics, fine arts activities, integrated cocurricular**  
**5 activities, or other extracurricular occurrences directly related to such athletics, fine**  
**6 arts activities, or integrated cocurricular activities that are sponsored, organized, or**  
**7 provided for students by a school district, charter school, or attendance center of a**  
**8 school district;**
- 9 (3) "Fine arts activities", any student activities that include dance, theater, vocal**  
**10 music, performance of music, or visual arts;**
- 11 (4) "FPE school", as such term is defined in section 167.013;**
- 12 (5) "Full-time equivalent student", as such term is defined in section 161.670;**
- 13 (6) "Home school", as such term is defined in section 167.012;**
- 14 (7) "Integrated cocurricular activities", activities that are outside of the regular**  
**15 school curriculum but complement and supplement such curriculum.**

**16 2. A school district or charter school shall not be a member of, or remit any**  
**17 funds to, any statewide activities association that would cause such school district or**  
**18 charter school to violate the provisions of this section.**

**19 3. Except as otherwise provided in subsections 4 and 5 of this section, a school**  
**20 district or charter school shall not:**

- 21 (1) Prohibit a student who is receiving instruction at an FPE school, a home**  
**22 school, or at a virtual school as a full-time equivalent student from having the**  
**23 opportunity to participate in any event or activity offered by the charter school or by the**  
**24 school district or an attendance center of the school district in which the student resides**  
**25 for any reason relating to such student's FPE, home, or virtual instruction; or**
- 26 (2) Require a student who is receiving instruction at an FPE school, a home**  
**27 school, or at a virtual school as a full-time equivalent student to attend any class or to**  
**28 attend a charter school or public school for any portion of a school day in order to**

29 participate in any event or activity offered by the charter school or by the school district  
30 or an attendance center of the school district in which the student resides.

31 4. The provisions of subsection 3 of this section shall not be construed to prohibit  
32 a school district or charter school from requiring students to participate in any  
33 components of instruction required for participation in:

34 (1) Fine arts activities with integral components of instruction provided during a  
35 course held during the school day;

36 (2) Career and technical student organizations where applied learning and  
37 engagement are integral components of instruction for an approved career and  
38 technical education program in Missouri; or

39 (3) Integrated cocurricular activities requiring students to participate in  
40 appropriate coursework and preparation of their related activities during the school  
41 day.

42 5. (1) A school district or charter school may establish a disciplinary policy or  
43 an attendance policy, or both, for any required coursework, rehearsals, practice  
44 sessions, or training sessions that are directly related to and required for trying out for  
45 or participation in an event or activity offered by the charter school or by the school  
46 district or an attendance center of the school district.

47 (2) A school district or charter school shall apply such disciplinary policy or  
48 attendance policy that is directly related to and required for participation in the same  
49 manner to all students who participate in the event or activity to which the policy  
50 applies.

51 (3) A school district or charter school shall neither establish nor apply a separate  
52 disciplinary policy or attendance policy, or any provision thereof, for students who  
53 receive instruction at an FPE school, a home school, or at a virtual school as a full-time  
54 equivalent student.

55 6. If a student whose academic performance or disciplinary status would  
56 preclude such student from eligibility to participate in any extracurricular event or  
57 activity in the student's charter school or resident school district disenrolls from such  
58 charter school or school district in order to receive instruction at an FPE school, a home  
59 school, or at a virtual school as a full-time equivalent student, such student shall not be  
60 eligible to participate in a charter school or public school event or activity in the charter  
61 school or school district of such student's disenrollment for twelve calendar months  
62 from the date of disenrollment.

63 7. The parent or legal guardian providing primary instruction of a student who  
64 is receiving instruction at an FPE school or a home school is responsible for oversight of

65 academic standards directly relating to the student's participation in an event or activity  
66 offered by a charter school or school district or attendance center of a school district.

67 8. (1) A student who is receiving instruction at an FPE school, a home school, or  
68 at a virtual school as a full-time equivalent student shall satisfy the following  
69 requirements in order to be eligible to participate in a charter school or public school  
70 event or activity in the charter school or the student's school district of residence  
71 pursuant to the provisions of this section:

72 (a) Proof of the student's residency in the school district or within the  
73 boundaries of the applicable attendance center or charter school where the student  
74 seeks to participate in a public school or charter school event or activity shall be  
75 provided to such district or charter school pursuant to the provisions of section 167.020;

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

78 (c) The student shall adhere to the same behavior, responsibility, performance,  
79 and code of conduct standards directly related to the event or activity as those enrolled  
80 in the charter school or public school district; and

81 (d) The student shall fulfill the same financial requirements as those required of  
82 students enrolled in the charter school or public school district.

83 (2) Any records created or retained by a charter school, school district, or  
84 attendance center under this section shall not be disclosed by such charter school,  
85 district, or attendance center for any purpose except for compliance with federal or  
86 state law.

87 9. (1) The term "event or activity" shall not be construed to include other  
88 extracurricular gatherings or special occasions sponsored, organized, or provided for  
89 students by a school district, charter school, or attendance center of a school district that  
90 are not athletics, fine arts activities, integrated cocurricular activities, or other  
91 extracurricular occurrences directly related to such athletics, fine arts activities, or  
92 integrated cocurricular activities.

93 (2) No charter school, school district, or attendance center of a school district  
94 shall be required to establish or prohibited from establishing a policy that includes or  
95 excludes the participation of a student who receives instruction at an FPE school, a  
96 home school, or at a virtual school as a full-time equivalent student in such other  
97 extracurricular gatherings or special occasions.

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

2 (1) "Board", the state board of education;

3 (2) "Commissioner", the commissioner of education;

4 (3) "Recovery high school", a ~~[public]~~ high school that serves eligible students  
5 diagnosed with substance use disorder or dependency as defined by the most recent  
6 Diagnostic and Statistical Manual of Mental Disorders and that provides both a  
7 comprehensive four-year high school education in an alternative ~~[public]~~ school setting  
8 and a structured plan of recovery;

9 (4) "Sending district", the school district where a student attending or planning to  
10 attend the recovery high school resides and from which the student is referred for enrollment  
11 in a recovery high school;

12 (5) **"Sponsoring entity", the state department of elementary and secondary**  
13 **education, a school district, a magnet school, a charter school, a private school as**  
14 **defined in section 166.700, or any combination of such entities.**

15 2. (1) The commissioner may approve and authorize up to four pilot recovery high  
16 schools, geographically located in metropolitan areas throughout the state, to be established  
17 by ~~[school districts or groups of school districts]~~ **a sponsoring entity** for the purpose of  
18 demonstrating the effectiveness of the recovery high school model in this state. The  
19 commissioner shall issue a request for proposals from ~~[school districts]~~ **sponsoring entities**  
20 to operate a pilot recovery high school. Such proposals may be submitted by an individual  
21 ~~[school district]~~ **sponsoring entity** proposing to operate a recovery high school or by a group  
22 of ~~[school districts]~~ **sponsoring entities** proposing to jointly operate such a school. Such  
23 proposals shall be submitted to the commissioner no later than July first of the school year  
24 prior to the school year in which the recovery high school is proposed to begin operation. The  
25 approval of the board shall be required for the recovery high school to begin operation.

26 (2) Proposals shall detail how the ~~[district or districts]~~ **sponsoring entity** will satisfy  
27 the criteria for a high school education program under state law and board rule and how the  
28 recovery high school will satisfy the requirements for accreditation by the Association of  
29 Recovery Schools or another recovery school accreditation organization authorized by the  
30 board. The proposal shall include a financial plan outlining the anticipated public and private  
31 funding that will allow the recovery high school to operate and meet the school's educational  
32 and recovery criteria. The ~~[district or districts]~~ **sponsoring entity** may partner with one or  
33 more local nonprofit organizations or other local educational agencies regarding  
34 establishment and operation of a recovery high school and may establish a joint board to  
35 oversee the operation of the recovery high school as provided in a memorandum of  
36 understanding entered with such organization or organizations.

37 (3) By approval of the proposal upon the recommendation of the commissioner, the  
38 board shall be deemed to have authorized all necessary equivalencies and waivers of  
39 regulations enumerated in the proposal.

40 (4) The commissioner may specify an authorization period for the recovery high  
41 school, which shall be no less than four years. Before July first of each year the recovery high  
42 school is in operation, the ~~[school district or group of school districts]~~ **sponsoring entity**, in  
43 consultation with the recovery high school, shall submit to the commissioner an analysis of  
44 the recovery high school's educational, recovery, and other related outcomes as specified in  
45 the proposal. The commissioner shall review the analysis and renew any recovery high  
46 school meeting the requirements of this section and the requirements of the school's proposal  
47 and may include terms and conditions to address areas needing correction or improvement.  
48 The commissioner may revoke or suspend the authorization of a recovery high school not  
49 meeting the requirements of this section or the requirements of the school's proposal.

50 (5) Pupil attendance, dropout rate, student performance on statewide assessments, and  
51 other data considered in the Missouri school improvement program and school accreditation  
52 shall not be attributed to the general accreditation of either a sending district or the ~~[district or~~  
53 ~~districts]~~ **sponsoring entity** operating the recovery high school and may be used by the  
54 commissioner only in the renewal process for the recovery high school as provided in this  
55 subsection.

56 3. (1) A school district may enter into an agreement with a ~~[district or districts]~~  
57 **sponsoring entity** operating a recovery high school for the enrollment of an eligible student  
58 who is currently enrolled in or resides in the sending district.

59 (2) A parent or guardian may seek to enroll an eligible student residing in a sending  
60 district in a recovery high school created under this section. A student over eighteen years of  
61 age residing in a sending district may seek to enroll in a recovery high school.

62 (3) An "eligible student" shall mean a student who is in recovery from substance use  
63 disorder or substance dependency, or such a condition along with co-occurring disorders such  
64 as anxiety, depression, and attention deficit hyperactivity disorder, and who is determined by  
65 the recovery high school to be a student who would academically and clinically benefit from  
66 placement in the recovery high school and is committed to working on the student's recovery.  
67 The recovery high school shall consider available information including, but not limited to,  
68 any recommendation of a drug counselor, alcoholism counselor, or substance abuse counselor  
69 licensed or certified under applicable laws and regulations.

70 (4) A recovery high school shall not limit or deny admission to an eligible student  
71 based on race, ethnicity, national origin, disability, income level, proficiency in the English  
72 language, or athletic ability.

73 4. (1) The recovery high school shall annually adopt a policy establishing a tuition  
74 rate for its students no later than February first of the preceding school year.

75 (2) The sending district of an eligible student who is enrolled in and attending a  
76 recovery high school shall pay tuition to the recovery high school equal to the lesser of:



77           (a) The tuition rate established under subdivision (1) of this subsection; or  
78           (b) The state adequacy target, as defined in section 163.011, plus the average sum  
79 produced per child by the local tax effort above the state adequacy target of the sending  
80 district.

81           (3) If costs associated with the provision of special education and related disability  
82 services to the student exceed the tuition to be paid under subdivision (2) of this subsection,  
83 the sending district shall remain responsible for paying the excess cost to the recovery high  
84 school.

85           (4) The commissioner may enter into an agreement with the appropriate official or  
86 agency of another state to develop a reciprocity agreement for otherwise eligible, nonresident  
87 students seeking to attend a recovery high school in this state. A recovery high school may  
88 enroll otherwise eligible students residing in a state other than this state as provided in such  
89 reciprocity agreement. Such reciprocity agreement shall require the out-of-state student's  
90 district of residence to pay to the recovery high school an annual amount equal to one hundred  
91 five percent of the tuition rate for the recovery high school established under this subsection.  
92 If an otherwise eligible student resides in a state that is not subject to a reciprocity agreement,  
93 such student may attend a recovery high school provided such student pays to the school one  
94 hundred five percent of the tuition rate for the recovery high school established under this  
95 subsection. No student enrolled and attending a recovery high school under this subdivision  
96 shall be included as a resident pupil for any state aid purpose under chapter 163.

97           5. The board, in consultation with the department of mental health, may promulgate  
98 rules to implement the provisions of this section. Any rule or portion of a rule, as that term is  
99 defined in section 536.010, that is created under the authority delegated in this section shall  
100 become effective only if it complies with and is subject to all of the provisions of chapter 536  
101 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any  
102 of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the  
103 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then  
104 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2022,  
105 shall be invalid and void.

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