

# SENATE BILL NO. 63

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN (26).

0514S.01I

KRISTINA MARTIN, Secretary

## AN ACT

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

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

Section A. Section 167.042, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.790, to read as follows: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 167.012;

(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

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

19 participate in any event or activity offered by the school  
20 district or an attendance center of the school district in  
21 which the student resides and where the statewide activities  
22 association exercises authority, rules, or guidelines for  
23 participating in such events or activities for any reason  
24 relating to such student's home or virtual instruction; or

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

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

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

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

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

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

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

70           7. (1) A school district may establish an attendance  
71 policy for any rehearsals, practice sessions, or training  
72 sessions that are directly related to and required for  
73 participation in an event or activity offered by the school  
74 district or an attendance center of the school district.

75           (2) Any school disciplinary policy or school  
76 attendance policy shall be applied in the same manner to all  
77 students who participate in the event or activity to which  
78 the policy applies. A school district shall not establish a  
79 separate disciplinary policy or attendance policy, or any  
80 provision thereof, for students who receive instruction at a

81 home school or at a virtual school as a full-time equivalent  
82 student.

83 8. If a student whose academic performance or  
84 disciplinary status would preclude such student from  
85 eligibility to participate in extracurricular events or  
86 activities in his resident school district disenrolls from  
87 such school district in order to receive instruction at a  
88 home school or at a virtual school as a full-time equivalent  
89 student, such student shall not be eligible to participate  
90 in public school events or activities in the district of  
91 such student's disenrollment for twelve calendar months from  
92 the date of disenrollment.

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

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

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

109 (1) Proof of the student's residency in the school  
110 district or within the boundaries of the applicable  
111 attendance center where the student seeks to participate in

112 public school events or activities shall be provided to such  
113 district pursuant to the provisions of section 167.020;

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

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

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

2 [167.042. For the purpose of minimizing  
3 unnecessary investigations due to reports of  
4 truancy, each parent, guardian, or other person  
5 responsible for the child who causes his child  
6 to attend regularly a home school may provide to  
7 the recorder of deeds of the county where the  
8 child legally resides, or to the chief school  
9 officer of the public school district where the  
10 child legally resides, a signed, written  
11 declaration of enrollment stating their intent  
12 for the child to attend a home school within  
13 thirty days after the establishment of the home  
14 school and by September first annually  
15 thereafter. The name and age of each child  
16 attending the home school, the address and  
17 telephone number of the home school, the name of  
18 each person teaching in the home school, and the  
19 name, address and signature of each person  
20 making the declaration of enrollment shall be  
21 included in said notice. A declaration of  
22 enrollment to provide a home school shall not be  
23 cause to investigate violations of section  
24 167.031. The recorder of deeds may charge a  
25 service cost of not more than one dollar for  
each notice filed.]

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