

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILLS NOS. 411 & 230  
AN ACT

To repeal sections 161.670, 162.996, 162.1250, 166.700, 167.031, 167.042, 167.061, 167.071, 167.600, 167.619, 210.167, 210.211, 211.031, and 452.375, RSMo, and to enact in lieu thereof thirteen new sections relating to participation of elementary and secondary school students in nontraditional educational settings, with existing penalty provisions.

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

Section A. Sections 161.670, 162.996, 162.1250, 166.700, 2 167.031, 167.042, 167.061, 167.071, 167.600, 167.619, 210.167, 3 210.211, 211.031, and 452.375, RSMo, are repealed and thirteen 4 new sections enacted in lieu thereof, to be known as sections 5 161.670, 162.996, 162.1250, 166.700, 167.031, 167.061, 167.600, 6 167.619, 167.790, 210.167, 210.211, 211.031, and 452.375, to 7 read as follows:

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 students  
256 receiving instruction at a home school [students] or FLEX  
257 school, as defined in section 167.031, private school  
258 students, or students wishing to take additional courses  
259 beyond their regular course load from enrolling in Missouri  
260 course access and virtual school program courses under an  
261 agreement that includes terms for paying tuition or course  
262 fees.

263 (12) Nothing in this subsection shall require any  
264 school district, charter school, virtual program, or the  
265 state to provide computers, equipment, or internet access to  
266 any student unless required under the education services  
267 plan created for an eligible student under subdivision (4)  
268 of this subsection or for an eligible student with a  
269 disability to comply with federal law. An education  
270 services plan may require an eligible student to have access  
271 to school facilities of the resident school district during  
272 regular school hours for participation and instructional  
273 activities of a virtual program under this section, and the

274 education services plan shall provide for reimbursement of  
275 the resident school district for such access pursuant to  
276 rules adopted by the department under this section.

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

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

293 (15) Any online course or virtual program offered by a  
294 school district or charter school, including those offered  
295 prior to August 28, 2018, which meets the requirements of  
296 section 162.1250 shall be automatically approved to  
297 participate in the Missouri course access and virtual school  
298 program. Such course or program shall be subject to  
299 periodic renewal. A school district or charter school  
300 offering such a course or virtual school program shall be  
301 deemed an approved provider.

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

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

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

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

334 (4) If a full-time virtual school disenrolls a student  
335 under subdivision (3) of this subsection, the school shall  
336 immediately provide written notification to such student's  
337 school district of residence. The student's school district  
338 of residence shall then provide to the parents or guardian  
339 of the student a written list of available educational

340 options and promptly enroll the student in the selected  
341 option. Any student disenrolled from a full-time virtual  
342 school shall be prohibited from reenrolling in the same  
343 virtual school for the remainder of the school year.

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

350 6. The department shall:

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

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

357 (a) Submit all necessary information pursuant to the  
358 requirements of the process; and

359 (b) Meet the criteria described in subdivision (3) of  
360 this subsection;

361 (3) Review, pursuant to the authorization process,  
362 proposals from providers to provide a comprehensive, full-  
363 time equivalent course of study for students through the  
364 Missouri course access and virtual school program. The  
365 department shall ensure that these comprehensive courses of  
366 study align to state academic standards and that there is  
367 consistency and compatibility in the curriculum used by all  
368 providers from one grade level to the next grade level;

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

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

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

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

388           9. Except as specified in this section and as may be  
389 specified by rule of the state board of education, the  
390 Missouri course access and virtual school program shall  
391 comply with all state laws and regulations applicable to  
392 school districts, including but not limited to the Missouri  
393 school improvement program (MSIP), annual performance report  
394 (APR), teacher certification, curriculum standards, audit  
395 requirements under chapter 165, access to public records  
396 under chapter 610, and school accountability report cards  
397 under section 160.522. Teachers and administrators employed  
398 by a virtual provider shall be considered to be employed in  
399 a public school for all certification purposes under chapter  
400 168.

401           10. The department shall submit and publicly publish  
402 an annual report on the Missouri course access and virtual  
403 school program and the participation of entities to the  
404 governor, the chair and ranking member of the senate

405 education committee, and the chair and ranking member of the  
406 house of representatives elementary and secondary education  
407 committee. The report shall at a minimum include the  
408 following information:

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

412 (2) The number of authorized providers;

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

415 (4) The number of courses available by subject and  
416 grade level;

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

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

424 (7) The costs per course;

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

428 11. (1) The department shall be responsible for  
429 creating the Missouri course access and virtual school  
430 program catalog providing a listing of all courses  
431 authorized and available to students in the state, detailed  
432 information, including costs per course, about the courses  
433 to inform student enrollment decisions, and the ability for  
434 students to submit their course enrollments.

435 (2) On or before January 1, 2023, the department shall  
436 publish on its website, and distribute to all school  
437 districts and charter schools in this state, a guidance

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

457 12. The state board of education through the  
458 rulemaking process and the department of elementary and  
459 secondary education in its policies and procedures shall  
460 ensure that multiple content providers and learning  
461 management systems are allowed, ensure digital content  
462 conforms to accessibility requirements, provide an easily  
463 accessible link for providers to submit courses or full-time  
464 virtual schools on the Missouri course access and virtual  
465 school program website, and allow any person, organization,  
466 or entity to submit courses or full-time virtual schools for  
467 approval. No content provider shall be allowed that is  
468 unwilling to accept payments in the amount and manner as  
469 described under subdivision (3) of subsection 3 of this

470 section or does not meet performance or quality standards  
471 adopted by the state board of education.

472 13. Any rule or portion of a rule, as that term is  
473 defined in section 536.010, that is created under the  
474 authority delegated in this section shall become effective  
475 only if it complies with and is subject to all of the  
476 provisions of chapter 536 and, if applicable, section  
477 536.028. This section and chapter 536 are nonseverable and  
478 if any of the powers vested with the general assembly  
479 pursuant to chapter 536 to review, to delay the effective  
480 date, or to disapprove and annul a rule are subsequently  
481 held unconstitutional, then the grant of rulemaking  
482 authority and any rule proposed or adopted after August 28,  
483 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 FLEX school as defined in section 167.031 shall  
6 be in compliance with section 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 [or], home schools, or FLEX schools.  
11 State aid shall be calculated on the basis of full-time  
12 equivalent average daily attendance of part-time students as  
13 provided in 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 FLEX school.

          162.1250. 1. School districts shall receive state  
2 school funding under sections 163.031, 163.043, and 163.087  
3 for resident students who are enrolled in the school  
4 district and who are taking a virtual course or full-time  
5 virtual program offered by the school district. The school  
6 district may offer instruction in a virtual setting using  
7 technology, intranet, and internet methods of communications  
8 that could take place outside of the regular school district  
9 facility. The school district may develop a virtual program  
10 for any grade level, kindergarten through twelfth grade,  
11 with the courses available in accordance with district  
12 policy to any resident student of the district who is  
13 enrolled in the school district. Nothing in this section  
14 shall preclude a student receiving instruction at a private,  
15 parochial, [or] home school [student], or FLEX school as  
16 defined in section 167.031 residing within a school district  
17 offering virtual courses or virtual programs from enrolling  
18 in the school district in accordance with the combined  
19 enrollment provisions of section 167.031 for the purposes of  
20 participating in the virtual courses or virtual programs.

          2. Charter schools shall receive state school funding  
22 under section 160.415 for students enrolled in the charter  
23 school who are completing a virtual course or full-time  
24 virtual program offered by the charter school. Charter  
25 schools may offer instruction in a virtual setting using  
26 technology, intranet, and internet methods of  
27 communications. The charter school may develop a virtual  
28 program for any grade level, kindergarten through twelfth  
29 grade, with the courses available in accordance with school

30 policy and the charter school's charter to any student  
31 enrolled in the charter school.

32 3. For purposes of calculation and distribution of  
33 state school funding, attendance of a student enrolled in a  
34 district or charter school virtual class shall equal, upon  
35 course completion, ninety-four percent of the hours of  
36 attendance possible for such class delivered in the  
37 nonvirtual program in the student's resident district or  
38 charter school. Course completion shall be calculated in  
39 two increments, fifty percent completion and one hundred  
40 percent completion, based on the student's completion of  
41 defined assignments and assessments, with distribution of  
42 state funding to a school district or charter school at each  
43 increment equal to forty-seven percent of hours of  
44 attendance possible for such course delivered in the  
45 nonvirtual program in a student's school district of  
46 residence or charter school.

47 4. When courses are purchased from an outside vendor,  
48 the district or charter school shall ensure that they are  
49 aligned with the show-me curriculum standards and comply  
50 with state requirements for teacher certification. The  
51 state board of education reserves the right to request  
52 information and materials sufficient to evaluate the online  
53 course. Online classes should be considered like any other  
54 class offered by the school district or charter school.

55 5. Any school district or charter school that offers  
56 instruction in a virtual setting, develops a virtual course  
57 or courses, or develops a virtual program of instruction  
58 shall ensure that the following standards are satisfied:

59 (1) The virtual course or virtual program utilizes  
60 appropriate content-specific tools and software;

61 (2) Orientation training is available for teachers,  
62 instructors, and students as needed;

63           (3) Privacy policies are stated and made available to  
64 teachers, instructors, and students;

65           (4) Academic integrity and internet etiquette  
66 expectations regarding lesson activities, discussions,  
67 electronic communications, and plagiarism are stated to  
68 teachers, instructors, and students prior to the beginning  
69 of the virtual course or virtual program;

70           (5) Computer system requirements, including hardware,  
71 web browser, and software, are specified to participants;

72           (6) The virtual course or virtual program  
73 architecture, software, and hardware permit the online  
74 teacher or instructor to add content, activities, and  
75 assessments to extend learning opportunities;

76           (7) The virtual course or virtual program makes  
77 resources available by alternative means, including but not  
78 limited to, video and podcasts;

79           (8) Resources and notes are available for teachers and  
80 instructors in addition to assessment and assignment answers  
81 and explanations;

82           (9) Technical support and course management are  
83 available to the virtual course or virtual program teacher  
84 and school coordinator;

85           (10) The virtual course or virtual program includes  
86 assignments, projects, and assessments that are aligned with  
87 students' different visual, auditory, and hands-on learning  
88 styles;

89           (11) The virtual course or virtual program  
90 demonstrates the ability to effectively use and incorporate  
91 subject-specific and developmentally appropriate software in  
92 an online learning module; and

93           (12) The virtual course or virtual program arranges  
94 media and content to help transfer knowledge most  
95 effectively in the online environment.

96           6. Any special school district shall count any  
97 student's completion of a virtual course or program in the  
98 same manner as the district counts completion of any other  
99 course or program for credit.

100           7. A school district or charter school may contract  
101 with multiple providers of virtual courses or virtual  
102 programs, provided they meet the criteria for virtual  
103 courses or virtual programs under this section.

          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) "Parent", the same meaning as used in section  
11 135.712;

12           (5) "Private school", a school that is not a part of  
13 the public school system of the state of Missouri and that  
14 charges tuition for the rendering of elementary or secondary  
15 educational services;

16           (6) "Program", the same meaning as used in section  
17 135.712;

18           (7) "Qualified school", a [home] FLEX school as  
19 defined in section 167.031 or any of the following entities  
20 that is incorporated in Missouri and that does not  
21 discriminate on the basis of race, color, or national origin:

22           (a) A charter school as defined in section 160.400;

23           (b) A private school;

24           (c) A public school as defined in section 160.011; or

25           (d) A public or private virtual school;

26 (8) "Qualified student", any elementary or secondary  
27 school student who is a resident of this state and resides  
28 in any county with a charter form of government or any city  
29 with at least thirty thousand inhabitants who:

30 (a) Has an approved "individualized education plan"  
31 (IEP) developed under the federal Individuals with  
32 Disabilities Education Act (IDEA), 20 U.S.C. Section 1400,  
33 et seq., as amended; or

34 (b) Is a member of a household whose total annual  
35 income does not exceed an amount equal to two hundred  
36 percent of the income standard used to qualify for free and  
37 reduced price lunches, and meets at least one of the  
38 following qualifications:

39 a. Attended a public school as a full-time student for  
40 at least one semester during the previous twelve months; or

41 b. Is a child who is eligible to begin kindergarten or  
42 first grade under sections 160.051 to 160.055.

167.031. 1. Every parent, guardian or other person in  
2 this state having charge, control or custody of a child not  
3 enrolled in a public, private, parochial, parish school or  
4 full-time equivalent attendance in a combination of such  
5 schools and between the ages of seven years and the  
6 compulsory attendance age for the district is responsible  
7 for enrolling the child in a program of academic instruction  
8 which complies with subsection 2 of this section. Any  
9 parent, guardian or other person who enrolls a child between  
10 the ages of five and seven years in a public school program  
11 of academic instruction shall cause such child to attend the  
12 academic program on a regular basis, according to this  
13 section. Nonattendance by such child shall cause such  
14 parent, guardian or other responsible person to be in  
15 violation of the provisions of section 167.061, except as  
16 provided by this section. A parent, guardian or other person

17 in this state having charge, control, or custody of a child  
18 between the ages of seven years of age and the compulsory  
19 attendance age for the district shall cause the child to  
20 attend regularly some public, private, parochial, parish,  
21 home school, FLEX school, as defined in subdivision (2) of  
22 subsection 2 of this section, or a combination of such  
23 schools not less than the entire school term of the school  
24 which the child attends; except that:

25 (1) A child who, to the satisfaction of the  
26 superintendent of public schools of the district in which he  
27 resides, or if there is no superintendent then the chief  
28 school officer, is determined to be mentally or physically  
29 incapacitated may be excused from attendance at school for  
30 the full time required, or any part thereof;

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

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

45 2. (1) As used in sections 167.031 to 167.071, a  
46 "home school" is a school, whether incorporated or  
47 unincorporated, that:

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

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

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

57 (d) Does not enroll pupils who participate in the  
58 program established in sections 135.712 to 135.719 and  
59 sections 166.700 to 166.720; and

60 (e) Does not enroll pupils who participate in any  
61 events or activities offered by a public elementary or  
62 secondary school.

63 (2) As used in sections 167.031 to 167.071, a "Family-  
64 Led Educational eXperience (FLEX) school" or "FLEX school"  
65 is a school, whether incorporated or unincorporated, that  
66 meets the criteria of paragraphs (a) through (c) of  
67 subdivision (1) of this subsection, but:

68 (a) May enroll pupils who participate in the program  
69 established in sections 135.712 to 135.719 and sections  
70 166.700 to 166.720; and

71 (b) May enroll pupils who participate in any events or  
72 activities offered by a public elementary or secondary  
73 school.

74 (3) As evidence that a child is receiving regular  
75 instruction, the parent shall, except as otherwise provided  
76 in this subsection:

77 (a) Maintain the following records:

78 a. A plan book, diary, or other written record  
79 indicating subjects taught and activities engaged in; and

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

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

84 d. Other written, or credible evidence equivalent to  
85 subparagraphs a., b. and c.; and

86 (b) Offer at least one thousand hours of instruction,  
87 at least six hundred hours of which will be in reading,  
88 language arts, mathematics, social studies and science or  
89 academic courses that are related to the aforementioned  
90 subject areas and consonant with the pupil's age and  
91 ability. At least four hundred of the six hundred hours  
92 shall occur at the regular home school location.

93 [(3)] (4) The requirements of subdivision [(2)] (3) of  
94 this subsection shall not apply to any pupil above the age  
95 of sixteen years.

96 3. Nothing in this section shall require a private,  
97 parochial, parish [or], home school, or FLEX school to  
98 include in its curriculum any concept, topic, or practice in  
99 conflict with the school's religious doctrines or to exclude  
100 from its curriculum any concept, topic, or practice  
101 consistent with the school's religious doctrines. Any other  
102 provision of the law to the contrary notwithstanding, all  
103 departments or agencies of the state of Missouri shall be  
104 prohibited from dictating through rule, regulation or other  
105 device any statewide curriculum for private, parochial,  
106 parish [or], home schools, or FLEX schools.

107 4. A school year begins on the first day of July and  
108 ends on the thirtieth day of June following.

109 5. The production by a parent of a daily log showing  
110 that a home school or FLEX school has a course of  
111 instruction which satisfies the requirements of this section  
112 or, in the case of a pupil over the age of sixteen years who  
113 attended a metropolitan school district the previous year, a  
114 written statement that the pupil is attending home school or



115 FLEX school in compliance with this section shall be a  
116 defense to any prosecution under this section and to any  
117 charge or action for educational neglect brought pursuant to  
118 chapter 210.

119 6. As used in sections 167.031 to 167.051, the term  
120 "compulsory attendance age for the district" shall mean:

121 (1) Seventeen years of age for any metropolitan school  
122 district for which the school board adopts a resolution to  
123 establish such compulsory attendance age; provided that such  
124 resolution shall take effect no earlier than the school year  
125 next following the school year during which the resolution  
126 is adopted; and

127 (2) Seventeen years of age or having successfully  
128 completed sixteen credits towards high school graduation in  
129 all other cases.

130 The school board of a metropolitan school district for which  
131 the compulsory attendance age is seventeen years may adopt a  
132 resolution to lower the compulsory attendance age to sixteen  
133 years; provided that such resolution shall take effect no  
134 earlier than the school year next following the school year  
135 during which the resolution is adopted.

136 7. For purposes of subsection 2 of this section as  
137 applied in subsection 6 herein, a "completed credit towards  
138 high school graduation" shall be defined as one hundred  
139 hours or more of instruction in a course. Home school and  
140 FLEX school education enforcement and records pursuant to  
141 this section, and sections 210.167 and 211.031, shall be  
142 subject to review only by the local prosecuting attorney.

143 8. (1) A public school, school district, charter  
144 school, or any department, agency, or employee of the state  
145 of Missouri, including a private agency under contract to  
146 provide education related services to any public school,  
147 school district, or charter school, shall not designate or

148 identify a FLEX school or any publicly funded education  
149 programs, including but not limited to publicly funded  
150 virtual school programs, as "home schooling", "home  
151 education", or any cognate thereof.

152 (2) A public school, school district, or any  
153 department, agency, or employee of the state of Missouri,  
154 including a private agency under contract to provide  
155 education related services to any public school, school  
156 district, or charter school, shall not designate students  
157 who are enrolled in an attendance center of any public  
158 school district or charter school, including students  
159 enrolled in a virtual school pursuant to the provisions of  
160 subsection 2 of section 161.670, or who are receiving  
161 education related funding from the state of Missouri or who  
162 participate in the program established in sections 135.712  
163 to 135.719 and sections 166.700 to 166.720 as "home  
164 schooled", "home educated", or any cognate thereof.

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 FLEX school as defined in section 167.031 within three  
8 public school days, after which each successive school day  
9 shall constitute a separate violation of section 167.031.  
10 The fine or imprisonment, or both, may be suspended and  
11 finally remitted by the court, with or without the payment  
12 of costs, at the discretion of the court, if the child is  
13 immediately placed and kept in regular attendance at a  
14 public, private, parochial, parish [or], home school, or  
15 FLEX school and if the fact of regular attendance is proved  
16 subsequently to the satisfaction of the court. A

17 certificate stating that the child is regularly attending a  
18 public, private, parochial or parish school and properly  
19 attested by the superintendent, principal or person in  
20 charge of the school is prima facie evidence of regular  
21 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 FLEX school as  
24 defined in section 167.031 they may 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 FLEX school as  
12 defined in section 167.031.

167.790. 1. A school district shall not be a member  
2 of, or remit any funds to, any statewide activities  
3 association that:

4 (1) Prohibits a student who is receiving instruction  
5 at a FLEX school, as defined in section 167.031, or a  
6 virtual school as a full-time equivalent student, as defined  
7 in section 161.670, from having the opportunity to  
8 participate in any event or activity offered by the school  
9 district or an attendance center of the school district in  
10 which the student resides and where the statewide activities

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

14 (2) Requires a student who is receiving instruction at  
15 a FLEX school, as defined in section 167.031, or a virtual  
16 school as a full-time equivalent student, as defined in  
17 section 161.670, to attend any class or to attend the public  
18 school of residence for any portion of a school day in order  
19 to participate in any event or activity offered by the  
20 school district or an attendance center of the school  
21 district in which the student resides and where the  
22 statewide activities association exercises authority, rules,  
23 or guidelines for participating in such events or activities.

24 2. A school district shall not:

25 (1) Prohibit a student who is receiving instruction at  
26 a FLEX school, as defined in section 167.031, or a virtual  
27 school as a full-time equivalent student, as defined in  
28 section 161.670, from having the opportunity to participate  
29 in any event or activity offered by the school district or  
30 an attendance center of the school district in which the  
31 student resides for any reason relating to such student's  
32 FLEX or virtual instruction; or

33 (2) Require a student who is receiving instruction at  
34 a FLEX school, as defined in section 167.031, or a virtual  
35 school as a full-time equivalent student, as defined in  
36 section 161.670, to attend any class or to attend the public  
37 school of residence for any portion of a school day in order  
38 to participate in any event or activity offered by the  
39 school district or an attendance center of the school  
40 district.

41 3. The provisions of subsections 1 and 2 of this  
42 section shall not be construed to prohibit a school district  
43 from establishing an attendance policy for rehearsals,

44 practice sessions, and training sessions pursuant to  
45 subsection 5 of this section.

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

51 5. (1) A school district may establish an attendance  
52 policy for any rehearsals, practice sessions, or training  
53 sessions that are directly related to and required for  
54 participation in an event or activity offered by the school  
55 district or an attendance center of the school district.

56 (2) Any school disciplinary policy or school  
57 attendance policy shall be applied in the same manner to all  
58 students who participate in the event or activity to which  
59 the policy applies. A school district shall not establish a  
60 separate disciplinary policy or attendance policy, or any  
61 provision thereof, for students who receive instruction at a  
62 FLEX school, as defined in section 167.031, or a virtual  
63 school as a full-time equivalent student, as defined in  
64 section 161.670.

65 6. The parent or legal guardian providing primary  
66 instruction of a student who is receiving instruction at a  
67 FLEX school, as defined in section 167.031, is responsible  
68 for oversight of academic standards relating to the  
69 student's participation in an activity.

70 7. Any records created by a school district or  
71 attendance center under this section shall not be disclosed  
72 by such district or attendance center for any purpose.

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 matters involving the child's  
8 attendance at a private, parochial, parish [or], home school  
9 [matters], or FLEX school as defined in section 167.031 to  
10 the prosecuting attorney of the county wherein the child  
11 legally resides. The school district may refer public  
12 school violations of section 167.031 to the prosecuting  
13 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:

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

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 or FLEX school as defined in  
46 section 167.031;
- 47           (11) Any religious organization academic preschool or  
48 kindergarten for four- and five-year-old children;
- 49           (12) Any weekly Sunday or Sabbath school, a vacation  
50 bible school, or child care made available while the parents  
51 or guardians are attending worship services or other  
52 meetings and activities conducted or sponsored by a  
53 religious organization;
- 54           (13) Any neighborhood youth development program under  
55 section 210.278;
- 56           (14) Any religious organization elementary or  
57 secondary school;



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

64           (16) Any nursery school as defined in section 210.201;  
65 and

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

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 this  
84 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 a FLEX school, as  
124 those terms are defined in section 167.031, the juvenile  
125 officer shall contact a parent or parents of such child to  
126 verify that the child is [being home schooled] receiving  
127 instruction at such school and not in violation of section  
128 167.031 before making a report of such a violation. Any  
129 report of a violation of section 167.031 made by a juvenile  
130 officer regarding a child who is [being home schooled]  
131 receiving instruction at a home school or FLEX school shall  
132 be made to the prosecuting attorney of the county where the  
133 child legally resides.

134 5. The disability or disease of a parent shall not  
135 constitute a basis for a determination that a child is a  
136 child in need of care or for the removal of custody of a  
137 child from the parent without a specific showing that there  
138 is a causal relation between the disability or disease and  
139 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. When the parties have  
24 not reached an agreement on all issues related to custody,  
25 the court shall consider all relevant factors and enter  
26 written findings of fact and conclusions of law, including,  
27 but not limited to, the following:

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

30 (2) The needs of the child for a frequent, continuing  
31 and meaningful relationship with both parents and the  
32 ability and willingness of parents to actively perform their  
33 functions as mother and father for the needs of the child;

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

37 (4) Which parent is more likely to allow the child  
38 frequent, continuing and meaningful contact with the other  
39 parent;

40 (5) The child's adjustment to the child's home,  
41 school, and community;

42 (6) The mental and physical health of all individuals  
43 involved, including any history of abuse of any individuals  
44 involved. If the court finds that a pattern of domestic  
45 violence as defined in section 455.010 has occurred, and, if  
46 the court also finds that awarding custody to the abusive  
47 parent is in the best interest of the child, then the court  
48 shall enter written findings of fact and conclusions of



49 law. Custody and visitation rights shall be ordered in a  
50 manner that best protects the child and any other child or  
51 children for whom the parent has custodial or visitation  
52 rights, and the parent or other family or household member  
53 who is the victim of domestic violence from any further harm;

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

56 (8) The wishes of a child as to the child's  
57 custodian. The fact that a parent sends his or her child or  
58 children to a home school or FLEX school, as defined in  
59 section 167.031, shall not be the sole factor that a court  
60 considers in determining custody of such child or children.

61 3. (1) In any court proceedings relating to custody  
62 of a child, the court shall not award custody or  
63 unsupervised visitation of a child to a parent if such  
64 parent or any person residing with such parent has been  
65 found guilty of, or pled guilty to, any of the following  
66 offenses when a child was the victim:

67 (a) A felony violation of section 566.030, 566.031,  
68 566.032, 566.060, 566.061, 566.062, 566.064, 566.067,  
69 566.068, 566.083, 566.100, 566.101, 566.111, 566.151,  
70 566.203, 566.206, 566.209, 566.211, or 566.215;

71 (b) A violation of section 568.020;

72 (c) A violation of subdivision (2) of subsection 1 of  
73 section 568.060;

74 (d) A violation of section 568.065;

75 (e) A violation of section 573.200;

76 (f) A violation of section 573.205; or

77 (g) A violation of section 568.175.

78 (2) For all other violations of offenses in chapters  
79 566 and 568 not specifically listed in subdivision (1) of  
80 this subsection or for a violation of an offense committed  
81 in another state when a child is the victim that would be a

82 violation of chapter 566 or 568 if committed in Missouri,  
83 the court may exercise its discretion in awarding custody or  
84 visitation of a child to a parent if such parent or any  
85 person residing with such parent has been found guilty of,  
86 or pled guilty to, any such offense.

87 4. The general assembly finds and declares that it is  
88 the public policy of this state that frequent, continuing  
89 and meaningful contact with both parents after the parents  
90 have separated or dissolved their marriage is in the best  
91 interest of the child, except for cases where the court  
92 specifically finds that such contact is not in the best  
93 interest of the child, and that it is the public policy of  
94 this state to encourage parents to participate in decisions  
95 affecting the health, education and welfare of their  
96 children, and to resolve disputes involving their children  
97 amicably through alternative dispute resolution. In order  
98 to effectuate these policies, the court shall determine the  
99 custody arrangement which will best assure both parents  
100 participate in such decisions and have frequent, continuing  
101 and meaningful contact with their children so long as it is  
102 in the best interests of the child.

103 5. Prior to awarding the appropriate custody  
104 arrangement in the best interest of the child, the court  
105 shall consider each of the following as follows:

106 (1) Joint physical and joint legal custody to both  
107 parents, which shall not be denied solely for the reason  
108 that one parent opposes a joint physical and joint legal  
109 custody award. The residence of one of the parents shall be  
110 designated as the address of the child for mailing and  
111 educational purposes;

112 (2) Joint physical custody with one party granted sole  
113 legal custody. The residence of one of the parents shall be

114 designated as the address of the child for mailing and  
115 educational purposes;

116 (3) Joint legal custody with one party granted sole  
117 physical custody;

118 (4) Sole custody to either parent; or

119 (5) Third-party custody or visitation:

120 (a) When the court finds that each parent is unfit,  
121 unsuitable, or unable to be a custodian, or the welfare of  
122 the child requires, and it is in the best interests of the  
123 child, then custody, temporary custody or visitation may be  
124 awarded a person related by consanguinity or affinity to the  
125 child. If no person related to the child by consanguinity  
126 or affinity is willing to accept custody, then the court may  
127 award custody to any other person or persons deemed by the  
128 court to be suitable and able to provide an adequate and  
129 stable environment for the child. Before the court awards  
130 custody, temporary custody or visitation to a third person  
131 under this subdivision, the court shall make that person a  
132 party to the action;

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

136 6. If the parties have not agreed to a custodial  
137 arrangement, or the court determines such arrangement is not  
138 in the best interest of the child, the court shall include a  
139 written finding in the judgment or order based on the public  
140 policy in subsection 4 of this section and each of the  
141 factors listed in subdivisions (1) to (8) of subsection 2 of  
142 this section detailing the specific relevant factors that  
143 made a particular arrangement in the best interest of the  
144 child. If a proposed custodial arrangement is rejected by  
145 the court, the court shall include a written finding in the

146 judgment or order detailing the specific relevant factors  
147 resulting in the rejection of such arrangement.

148 7. Upon a finding by the court that either parent has  
149 refused to exchange information with the other parent, which  
150 shall include but not be limited to information concerning  
151 the health, education and welfare of the child, the court  
152 shall order the parent to comply immediately and to pay the  
153 prevailing party a sum equal to the prevailing party's cost  
154 associated with obtaining the requested information, which  
155 shall include but not be limited to reasonable attorney's  
156 fees and court costs.

157 8. As between the parents of a child, no preference  
158 may be given to either parent in the awarding of custody  
159 because of that parent's age, sex, or financial status, nor  
160 because of the age or sex of the child. The court shall not  
161 presume that a parent, solely because of his or her sex, is  
162 more qualified than the other parent to act as a joint or  
163 sole legal or physical custodian for the child.

164 9. Any judgment providing for custody shall include a  
165 specific written parenting plan setting forth the terms of  
166 such parenting plan arrangements specified in subsection 8  
167 of section 452.310. Such plan may be a parenting plan  
168 submitted by the parties pursuant to section 452.310 or, in  
169 the absence thereof, a plan determined by the court, but in  
170 all cases, the custody plan approved and ordered by the  
171 court shall be in the court's discretion and shall be in the  
172 best interest of the child.

173 10. After August 28, 2016, every court order  
174 establishing or modifying custody or visitation shall  
175 include the following language: "In the event of  
176 noncompliance with this order, the aggrieved party may file  
177 a verified motion for contempt. If custody, visitation, or  
178 third-party custody is denied or interfered with by a parent

179 or third party without good cause, the aggrieved person may  
180 file a family access motion with the court stating the  
181 specific facts that constitute a violation of the custody  
182 provisions of the judgment of dissolution, legal separation,  
183 or judgment of paternity. The circuit clerk will provide  
184 the aggrieved party with an explanation of the procedures  
185 for filing a family access motion and a simple form for use  
186 in filing the family access motion. A family access motion  
187 does not require the assistance of legal counsel to prepare  
188 and file."

189 11. No court shall adopt any local rule, form, or  
190 practice requiring a standardized or default parenting plan  
191 for interim, temporary, or permanent orders or judgments.  
192 Notwithstanding any other provision to the contrary, a court  
193 may enter an interim order in a proceeding under this  
194 chapter, provided that the interim order shall not contain  
195 any provisions about child custody or a parenting schedule  
196 or plan without first providing the parties with notice and  
197 a hearing, unless the parties otherwise agree.

198 12. Unless a parent has been denied custody rights  
199 pursuant to this section or visitation rights under section  
200 452.400, both parents shall have access to records and  
201 information pertaining to a minor child including, but not  
202 limited to, medical, dental, and school records. If the  
203 parent without custody has been granted restricted or  
204 supervised visitation because the court has found that the  
205 parent with custody or any child has been the victim of  
206 domestic violence, as defined in section 455.010, by the  
207 parent without custody, the court may order that the reports  
208 and records made available pursuant to this subsection not  
209 include the address of the parent with custody or the  
210 child. A court shall order that the reports and records  
211 made available under this subsection not include the address

212 of the parent with custody if the parent with custody is a  
213 participant in the address confidentiality program under  
214 section 589.663. Unless a parent has been denied custody  
215 rights pursuant to this section or visitation rights under  
216 section 452.400, any judgment of dissolution or other  
217 applicable court order shall specifically allow both parents  
218 access to such records and reports.

219 13. Except as otherwise precluded by state or federal  
220 law, if any individual, professional, public or private  
221 institution or organization denies access or fails to  
222 provide or disclose any and all records and information,  
223 including, but not limited to, past and present dental,  
224 medical and school records pertaining to a minor child, to  
225 either parent upon the written request of such parent, the  
226 court shall, upon its finding that the individual,  
227 professional, public or private institution or organization  
228 denied such request without good cause, order that party to  
229 comply immediately with such request and to pay to the  
230 prevailing party all costs incurred, including, but not  
231 limited to, attorney's fees and court costs associated with  
232 obtaining the requested information.

233 14. An award of joint custody does not preclude an  
234 award of child support pursuant to section 452.340 and  
235 applicable supreme court rules. The court shall consider  
236 the factors contained in section 452.340 and applicable  
237 supreme court rules in determining an amount reasonable or  
238 necessary for the support of the child.

239 15. If the court finds that domestic violence or abuse  
240 as defined in section 455.010 has occurred, the court shall  
241 make specific findings of fact to show that the custody or  
242 visitation arrangement ordered by the court best protects  
243 the child and the parent or other family or household member  
244 who is the victim of domestic violence, as defined in

245 section 455.010, and any other children for whom such parent  
246 has custodial or visitation rights from any further harm.

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  
7 to 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  
18 of each person teaching in the home school, and  
19 the 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  
23 be 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.]

2 [167.071. 1. In school districts having  
3 seven or more directors the school board may  
4 appoint and remove at pleasure one or more  
5 school attendance officers and shall pay them  
6 from the public school funds.  
7 2. Each attendance officer has the powers  
8 of a deputy sheriff in the performance of his  
9 duties. He shall investigate the claims of  
10 children for exemptions under section 167.031,  
11 and report his findings to the person authorized  
12 by that section to grant the exemption sought.  
13 He shall refer all cases involving an alleged  
14 violation of section 167.031 involving a public  
15 school to the superintendent of the public  
16 school of the district where the child legally  
17 resides and all cases involving an alleged  
18 violation of section 167.031 involving a  
19 private, parochial, parish or home school to the  
20 prosecuting attorney of the county wherein the  
21 child legally resides. When reasonable doubt  
22 exists as to the age of any such child he may  
23 require a properly attested birth certificate or  
24 an affidavit stating the child's age, date of  
25 birth, physical characteristics and bearing the  
26 signature of the child. He may visit and enter  
27 any mine, office, factory, workshop, business  
28 house, place of amusement, or other place in  
29 which children are employed or engaged in any  
30 kind of service, or any place or building in  
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.]