

SECOND REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 819

102ND GENERAL ASSEMBLY

3536S.02C

KRISTINA MARTIN, Secretary

AN ACT

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

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

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2 repealed and one new section enacted in lieu thereof, to be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

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

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

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

8 (3) "Home school", as such term is defined in section
9 167.031;

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

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

16 (1) Prohibits a student who is receiving instruction
17 at a home school or at a virtual school as a full-time

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

18 equivalent student from having the opportunity to
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
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
appoint and remove at pleasure one or more

4 school attendance officers and shall pay them
5 from the public school funds.

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

44 3. In any urban school district, any
45 metropolitan school district and in school
46 districts having seven or more directors and
47 which are located in a first class county having

48 a charter form of government, any duly
49 commissioned city or county police officer shall
50 be ex officio school attendance officers. Any
51 police officer exercising duties of ex officio
52 school attendance officer need not refer any
53 child apprehended pursuant to the provisions of
54 this section to juvenile court or a juvenile
55 officer, but nothing in this subsection shall be
56 construed to limit the police officer's regular
57 powers and duties as a peace officer.]

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