

SENATE BILL NO. 819

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN (26).

3536S.01I

KRISTINA MARTIN, Secretary

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 certain students in nontraditional educational settings.

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166.700, 167.031, 167.042, 167.061, 167.071, 167.600, 167.619, 210.167, 210.211, 211.031, and 452.375, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 161.670, 162.996, 162.1250, 166.700, 167.031, 167.061, 167.600, 167.619, 167.790, 210.167, 210.211, 211.031, and 452.375, to read as follows:

161.670. 1. Notwithstanding any other law, prior to July 1, 2007, the state board of education shall establish the "Missouri Course Access and Virtual School Program" to serve school-age students residing in the state. The Missouri course access and virtual school program shall offer nonclassroom-based instruction in a virtual setting using technology, intranet, or internet methods of communication. Any student under the age of twenty-one in grades kindergarten through twelve who resides in this state shall be eligible to enroll in the Missouri course access and virtual school program pursuant to subsection 3 of this section.

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

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.

21 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
17 person in this state having charge, control, or custody of a
18 child between the ages of seven years of age and the
19 compulsory attendance age for the district shall cause the
20 child to attend regularly some public, private, parochial,
21 parish, home school, **FLEX school, as defined in subdivision**
22 **(2) of subsection 2 of this section**, or a combination of
23 such schools not less than the entire school term of the
24 school 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) to (c) of subdivision
67 (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, provided that any state laws or
71 regulations that apply to pupils who participate in such
72 program shall not apply to FLEX school pupils who do not
73 participate in such program. This paragraph shall not be
74 construed to grant regulatory oversight or rulemaking
75 authority over FLEX schools or FLEX school pupils to any
76 state agency unless such oversight or authority is delegated
77 under state law with specific reference to this section; and

78 (b) May enroll pupils who participate in any events or
79 activities offered by a public elementary or secondary
80 school.

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

84 (a) Maintain the following records:

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

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

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

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

93 (b) Offer at least one thousand hours of instruction,
94 at least six hundred hours of which will be in reading,

95 language arts, mathematics, social studies and science or
96 academic courses that are related to the aforementioned
97 subject areas and consonant with the pupil's age and
98 ability. At least four hundred of the six hundred hours
99 shall occur at the regular home school location.

100 ~~[(3)]~~ (4) The requirements of subdivision ~~[(2)]~~ (3) of
101 this subsection shall not apply to any pupil above the age
102 of sixteen years.

103 3. Nothing in this section shall require a private,
104 parochial, parish ~~[or]~~, home school, **or FLEX school** to
105 include in its curriculum any concept, topic, or practice in
106 conflict with the school's religious doctrines or to exclude
107 from its curriculum any concept, topic, or practice
108 consistent with the school's religious doctrines. Any other
109 provision of the law to the contrary notwithstanding, all
110 departments or agencies of the state of Missouri shall be
111 prohibited from dictating through rule, regulation or other
112 device any statewide curriculum for private, parochial,
113 parish ~~[or]~~, home schools, **or FLEX schools**.

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

116 5. The production by a parent of a daily log showing
117 that a home school **or FLEX school** has a course of
118 instruction which satisfies the requirements of this section
119 or, in the case of a pupil over the age of sixteen years who
120 attended a metropolitan school district the previous year, a
121 written statement that the pupil is attending home school **or**
122 **FLEX school** in compliance with this section shall be a
123 defense to any prosecution under this section and to any
124 charge or action for educational neglect brought pursuant to
125 chapter 210.

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

128 (1) Seventeen years of age for any metropolitan school
129 district for which the school board adopts a resolution to
130 establish such compulsory attendance age; provided that such
131 resolution shall take effect no earlier than the school year
132 next following the school year during which the resolution
133 is adopted; and

134 (2) Seventeen years of age or having successfully
135 completed sixteen credits towards high school graduation in
136 all other cases.

137 The school board of a metropolitan school district for which
138 the compulsory attendance age is seventeen years may adopt a
139 resolution to lower the compulsory attendance age to sixteen
140 years; provided that such resolution shall take effect no
141 earlier than the school year next following the school year
142 during which the resolution is adopted.

143 7. For purposes of subsection 2 of this section as
144 applied in subsection 6 herein, a "completed credit towards
145 high school graduation" shall be defined as one hundred
146 hours or more of instruction in a course. Home school **and**
147 **FLEX school** education enforcement and records pursuant to
148 this section, and sections 210.167 and 211.031, shall be
149 subject to review only by the local prosecuting attorney.

150 **8. (1) A public school, school district, charter**
151 **school, or any department, agency, or employee of the state**
152 **of Missouri, including a private agency under contract to**
153 **provide education related services to any public school,**
154 **school district, or charter school, shall not designate or**
155 **identify a FLEX school or any publicly funded education**
156 **programs, including but not limited to publicly funded**

157 virtual school programs, as "home schooling", "home
158 education", or any cognate thereof.

159 (2) A public school, school district, or any
160 department, agency, or employee of the state of Missouri,
161 including a private agency under contract to provide
162 education related services to any public school, school
163 district, or charter school, shall not designate students
164 who are enrolled in an attendance center of any public
165 school district or charter school, including students
166 enrolled in a virtual school pursuant to the provisions of
167 subsection 2 of section 161.670, or who are receiving
168 education related funding from the state of Missouri or who
169 participate in the program established in sections 135.712
170 to 135.719 and sections 166.700 to 166.720, as "home
171 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. **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) **"FLEX school", as such term is defined in section**
7 **167.031;**

8 (3) **"Full-time equivalent student", as such term is**
9 **defined in section 161.670;**

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 FLEX school or at a virtual school as a full-time
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 FLEX or virtual instruction; or

25 (2) Requires a student who is receiving instruction at
26 a FLEX 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 FLEX 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 FLEX or virtual instruction; or

43 (2) Require a student who is receiving instruction at
44 a FLEX 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 FLEX 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 FLEX 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 FLEX 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 FLEX
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.

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. There shall be a
24 rebuttable presumption that an award of equal or
25 approximately equal parenting time to each parent is in the
26 best interests of the child. Such presumption is rebuttable
27 only by a preponderance of the evidence in accordance with
28 all relevant factors, including, but not limited to, the
29 factors contained in subdivisions (1) to (8) of this
30 subsection. The presumption may be rebutted if the court
31 finds that the parents have reached an agreement on all
32 issues related to custody, or if the court finds that a
33 pattern of domestic violence has occurred as set out in
34 subdivision (6) of this subsection. When the parties have
35 not reached an agreement on all issues related to custody,
36 the court shall consider all relevant factors and enter
37 written findings of fact and conclusions of law, including,
38 but not limited to, the following:

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

41 (2) The needs of the child for a frequent, continuing
42 and meaningful relationship with both parents and the
43 ability and willingness of parents to actively perform their
44 functions as mother and father for the needs of the child;

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

48 (4) Which parent is more likely to allow the child
49 frequent, continuing and meaningful contact with the other
50 parent;

51 (5) The child's adjustment to the child's home,
52 school, and community. The fact that a parent sends his or
53 her child or children to a home school **or FLEX school**, as
54 defined in section 167.031, shall not be the sole factor
55 that a court considers in determining custody of such child
56 or children;

57 (6) The mental and physical health of all individuals
58 involved, including any history of abuse of any individuals
59 involved. If the court finds that a pattern of domestic
60 violence as defined in section 455.010 has occurred, and, if
61 the court also finds that awarding custody to the abusive
62 parent is in the best interest of the child, then the court
63 shall enter written findings of fact and conclusions of
64 law. Custody and visitation rights shall be ordered in a
65 manner that best protects the child and any other child or
66 children for whom the parent has custodial or visitation
67 rights, and the parent or other family or household member
68 who is the victim of domestic violence from any further harm;

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

71 (8) The unobstructed input of a child, free of
72 coercion and manipulation, as to the child's custodial
73 arrangement.

74 3. (1) In any court proceedings relating to custody
75 of a child, the court shall not award custody or
76 unsupervised visitation of a child to a parent if such

77 parent or any person residing with such parent has been
78 found guilty of, or pled guilty to, any of the following
79 offenses when a child was the victim:

80 (a) A felony violation of section 566.030, 566.031,
81 566.032, 566.060, 566.061, 566.062, 566.064, 566.067,
82 566.068, 566.083, 566.100, 566.101, 566.111, 566.151,
83 566.203, 566.206, 566.209, 566.211, or 566.215;

84 (b) A violation of section 568.020;

85 (c) A violation of subdivision (2) of subsection 1 of
86 section 568.060;

87 (d) A violation of section 568.065;

88 (e) A violation of section 573.200;

89 (f) A violation of section 573.205; or

90 (g) A violation of section 568.175.

91 (2) For all other violations of offenses in chapters
92 566 and 568 not specifically listed in subdivision (1) of
93 this subsection or for a violation of an offense committed
94 in another state when a child is the victim that would be a
95 violation of chapter 566 or 568 if committed in Missouri,
96 the court may exercise its discretion in awarding custody or
97 visitation of a child to a parent if such parent or any
98 person residing with such parent has been found guilty of,
99 or pled guilty to, any such offense.

100 4. The general assembly finds and declares that it is
101 the public policy of this state that frequent, continuing
102 and meaningful contact with both parents after the parents
103 have separated or dissolved their marriage is in the best
104 interest of the child, except for cases where the court
105 specifically finds that such contact is not in the best
106 interest of the child, and that it is the public policy of
107 this state to encourage parents to participate in decisions
108 affecting the health, education and welfare of their

109 children, and to resolve disputes involving their children
110 amicably through alternative dispute resolution. In order
111 to effectuate these policies, the general assembly
112 encourages the court to enter a temporary parenting plan as
113 early as practicable in a proceeding under this chapter,
114 consistent with the provisions of subsection 2 of this
115 section, and, in so doing, the court shall determine the
116 custody arrangement which will best assure both parents
117 participate in such decisions and have frequent, continuing
118 and meaningful contact with their children so long as it is
119 in the best interests of the child.

120 5. Prior to awarding the appropriate custody
121 arrangement in the best interest of the child, the court
122 shall consider each of the following as follows:

123 (1) Joint physical and joint legal custody to both
124 parents, which shall not be denied solely for the reason
125 that one parent opposes a joint physical and joint legal
126 custody award. The residence of one of the parents shall be
127 designated as the address of the child for mailing and
128 educational purposes;

129 (2) Joint physical custody with one party granted sole
130 legal custody. The residence of one of the parents shall be
131 designated as the address of the child for mailing and
132 educational purposes;

133 (3) Joint legal custody with one party granted sole
134 physical custody;

135 (4) Sole custody to either parent; or

136 (5) Third-party custody or visitation:

137 (a) When the court finds that each parent is unfit,
138 unsuitable, or unable to be a custodian, or the welfare of
139 the child requires, and it is in the best interests of the
140 child, then custody, temporary custody or visitation may be

141 awarded to a person related by consanguinity or affinity to
142 the child. If no person related to the child by
143 consanguinity or affinity is willing to accept custody, then
144 the court may award custody to any other person or persons
145 deemed by the court to be suitable and able to provide an
146 adequate and stable environment for the child. Before the
147 court awards custody, temporary custody or visitation to a
148 third person under this subdivision, the court shall make
149 that person a party to the action;

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

153 6. If the parties have not agreed to a custodial
154 arrangement, or the court determines such arrangement is not
155 in the best interest of the child, the court shall include a
156 written finding in the judgment or order based on the public
157 policy in subsection 4 of this section and each of the
158 factors listed in subdivisions (1) to (8) of subsection 2 of
159 this section detailing the specific relevant factors that
160 made a particular arrangement in the best interest of the
161 child. If a proposed custodial arrangement is rejected by
162 the court, the court shall include a written finding in the
163 judgment or order detailing the specific relevant factors
164 resulting in the rejection of such arrangement.

165 7. Upon a finding by the court that either parent has
166 refused to exchange information with the other parent, which
167 shall include but not be limited to information concerning
168 the health, education and welfare of the child, the court
169 shall order the parent to comply immediately and to pay the
170 prevailing party a sum equal to the prevailing party's cost
171 associated with obtaining the requested information, which

172 shall include but not be limited to reasonable attorney's
173 fees and court costs.

174 8. As between the parents of a child, no preference
175 may be given to either parent in the awarding of custody
176 because of that parent's age, sex, or financial status, nor
177 because of the age or sex of the child. The court shall not
178 presume that a parent, solely because of his or her sex, is
179 more qualified than the other parent to act as a joint or
180 sole legal or physical custodian for the child.

181 9. Any judgment providing for custody shall include a
182 specific written parenting plan setting forth the terms of
183 such parenting plan arrangements specified in subsection 8
184 of section 452.310. Such plan may be a parenting plan
185 submitted by the parties pursuant to section 452.310 or, in
186 the absence thereof, a plan determined by the court, but in
187 all cases, the custody plan approved and ordered by the
188 court shall be in the court's discretion and shall be in the
189 best interest of the child.

190 10. After August 28, 2016, every court order
191 establishing or modifying custody or visitation shall
192 include the following language: "In the event of
193 noncompliance with this order, the aggrieved party may file
194 a verified motion for contempt. If custody, visitation, or
195 third-party custody is denied or interfered with by a parent
196 or third party without good cause, the aggrieved person may
197 file a family access motion with the court stating the
198 specific facts that constitute a violation of the custody
199 provisions of the judgment of dissolution, legal separation,
200 or judgment of paternity. The circuit clerk will provide
201 the aggrieved party with an explanation of the procedures
202 for filing a family access motion and a simple form for use
203 in filing the family access motion. A family access motion

204 does not require the assistance of legal counsel to prepare
205 and file.".

206 11. No court shall adopt any local rule, form, or
207 practice requiring a standardized or default parenting plan
208 for interim, temporary, or permanent orders or judgments.
209 Notwithstanding any other provision of law to the contrary,
210 a court may enter an interim order in a proceeding under
211 this chapter, provided that the interim order shall not
212 contain any provisions about child custody or a parenting
213 schedule or plan without first providing the parties with
214 notice and a hearing, unless the parties otherwise agree.

215 12. Unless a parent has been denied custody rights
216 pursuant to this section or visitation rights under section
217 452.400, both parents shall have access to records and
218 information pertaining to a minor child including, but not
219 limited to, medical, dental, and school records. If the
220 parent without custody has been granted restricted or
221 supervised visitation because the court has found that the
222 parent with custody or any child has been the victim of
223 domestic violence, as defined in section 455.010, by the
224 parent without custody, the court may order that the reports
225 and records made available pursuant to this subsection not
226 include the address of the parent with custody or the
227 child. A court shall order that the reports and records
228 made available under this subsection not include the address
229 of the parent with custody if the parent with custody is a
230 participant in the address confidentiality program under
231 section 589.663. Unless a parent has been denied custody
232 rights pursuant to this section or visitation rights under
233 section 452.400, any judgment of dissolution or other
234 applicable court order shall specifically allow both parents
235 access to such records and reports.

236 13. Except as otherwise precluded by state or federal
237 law, if any individual, professional, public or private
238 institution or organization denies access or fails to
239 provide or disclose any and all records and information,
240 including, but not limited to, past and present dental,
241 medical and school records pertaining to a minor child, to
242 either parent upon the written request of such parent, the
243 court shall, upon its finding that the individual,
244 professional, public or private institution or organization
245 denied such request without good cause, order that party to
246 comply immediately with such request and to pay to the
247 prevailing party all costs incurred, including, but not
248 limited to, attorney's fees and court costs associated with
249 obtaining the requested information.

250 14. An award of joint custody does not preclude an
251 award of child support pursuant to section 452.340 and
252 applicable supreme court rules. The court shall consider
253 the factors contained in section 452.340 and applicable
254 supreme court rules in determining an amount reasonable or
255 necessary for the support of the child.

256 15. If the court finds that domestic violence or abuse
257 as defined in section 455.010 has occurred, the court shall
258 make specific findings of fact to show that the custody or
259 visitation arrangement ordered by the court best protects
260 the child and the parent or other family or household member
261 who is the victim of domestic violence, as defined in
262 section 455.010, and any other children for whom such parent
263 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
to the recorder of deeds of the county where the

7 child legally resides, or to the chief school
8 officer of the public school district where the
9 child legally resides, a signed, written
10 declaration of enrollment stating their intent
11 for the child to attend a home school within
12 thirty days after the establishment of the home
13 school and by September first annually
14 thereafter. The name and age of each child
15 attending the home school, the address and
16 telephone number of the home school, the name
17 of each person teaching in the home school, and
18 the name, address and signature of each person
19 making the declaration of enrollment shall be
20 included in said notice. A declaration of
21 enrollment to provide a home school shall not
22 be cause to investigate violations of section
23 167.031. The recorder of deeds may charge a
24 service cost of not more than one dollar for
25 each notice filed.]

[167.071. 1. In school districts having
2 seven or more directors the school board may
3 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.]

✓