

SENATE SUBSTITUTE
FOR
SENATE BILL NO. 63
AN ACT

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

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

Section A. Section 167.042, RSMo, is repealed and one new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

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

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

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

8 (3) "Home school", as such term is defined in section
9 167.012;

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 an FPE school, as such term is defined in section
18 167.013, a home school, or at a virtual school as a full-
19 time equivalent student from having the opportunity to
20 participate in any event or activity offered by the school
21 district or an attendance center of the school district in

22 which the student resides and where the statewide activities
23 association exercises authority, rules, or guidelines for
24 participating in such events or activities for any reason
25 relating to such student's FPE, home, or virtual
26 instruction; or

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

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

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

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

52 4. The provisions of subsections 2 and 3 of this
53 section shall not be construed to prohibit a school district
54 from establishing an attendance policy for rehearsals,

55 practice sessions, or training sessions pursuant to
56 subsection 7 of this section.

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

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

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

77 (2) Any school disciplinary policy or school
78 attendance policy shall be applied in the same manner to all
79 students who participate in the event or activity to which
80 the policy applies. A school district shall not establish a
81 separate disciplinary policy or attendance policy, or any
82 provision thereof, for students who receive instruction at
83 an FPE school, a home school, or at a virtual school as a
84 full-time equivalent student.

85 8. If a student whose academic performance or
86 disciplinary status would preclude such student from
87 eligibility to participate in extracurricular events or

activities in his resident school district disenrolls from such school district in order to receive instruction at an FPE school, a home school, or at a virtual school as a full-time equivalent student, such student shall not be eligible to participate in public school events or activities in the district of such student's disenrollment for twelve calendar months from the date of disenrollment.

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

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

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

(1) Proof of the student's residency in the school district or within the boundaries of the applicable attendance center where the student seeks to participate in public school events or activities shall be provided to such district pursuant to the provisions of section 167.020;

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

119 (3) The student shall adhere to the same behavior,
120 responsibility, performance, and code of conduct standards
121 as those enrolled in the public school district; and
122 (4) The student shall fulfill the same nonacademic
123 standards and financial requirements as those required of
124 students enrolled in the public school district.

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