

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

FOR

SENATE BILL NO. 63

AN ACT

To repeal sections 167.012, 167.013, and 167.042, RSMo, and to enact in lieu thereof four 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Section A. Sections 167.012, 167.013, and 167.042, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 167.012, 167.013, 167.042, and 167.790, to read as follows:

167.012. 1. For purposes of state law regarding this section and sections 161.670, 162.996, 167.013, 167.031, 167.042, 167.061, 167.600, 167.619, 167.790, 210.167, 210.211, 211.031, and 452.375, a "home school" is a school, whether incorporated or unincorporated, that:

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

(2) Enrolls children between the ages of seven years and the compulsory attendance age for the school district in which the home school is located, of which no more than four are unrelated by affinity or consanguinity in the third degree;

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

(4) Does not enroll children who participate in the program established in sections 135.712 to 135.719 and sections 166.700 to 166.720; and

(5) Is not an FPE school.

2. Except as otherwise provided in **[this]** subsection 3 of this section, as evidence that a child is receiving regular instruction, the child's parent, guardian, or other person having control or custody of the child shall:

(1) Maintain the following records:

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

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

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

(b) Other written or credible evidence equivalent to subparagraphs a. to c. of paragraph (a) of this subdivision; and

(2) Offer at least one thousand hours of instruction, at least six hundred hours of which shall be in reading, language arts, mathematics, social studies, science, or academic courses that are related to such subject areas and consonant with the child's age and ability. At least four hundred of the six hundred hours shall occur at the regular home school location[;].

[(3)] 3. The requirements of **[this]** subsection 2 of this section shall not apply to any pupil sixteen years of age or older.

[3.] 4. The production of a daily log by a parent, guardian, or other person having control or custody of a child showing that a home school has a course of instruction that satisfies the requirements of this section and section 167.031 or, in the case of a pupil sixteen years of age or

49 older who attended a metropolitan school district the
50 previous year, a written statement that the pupil is
51 attending home school in compliance with section 167.031
52 shall be a defense to any prosecution under section 167.031
53 and to any charge or action for educational neglect brought
54 under chapter 210. Home school education enforcement and
55 records pursuant to this section, and sections 210.167 and
56 211.031, shall be subject to review only by the local
57 prosecuting attorney.

167.013. 1. For purposes of state law regarding this
2 section and sections 161.670, 162.996, 166.700, 167.012,
3 167.031, 167.061, 167.600, 167.619, 167.790, 210.167,
4 210.211, 211.031, and 452.375, a "Family Paced Education
5 (FPE) school" or "FPE school" is a school, whether
6 incorporated or unincorporated, that:

7 (1) Has as its primary purpose the provision of
8 private or religious-based instruction;

9 (2) Enrolls children between the ages of seven years
10 and the compulsory attendance age for the school district in
11 which the FPE school is located, of which no more than four
12 are unrelated by affinity or consanguinity in the third
13 degree;

14 (3) Does not charge or receive consideration in the
15 form of tuition, fees, or other remuneration in a genuine
16 and fair exchange for provision of instruction; and

17 (4) May enroll children who participate in the program
18 established in sections 135.712 to 135.719 and sections
19 166.700 to 166.720 without being required to submit to a
20 background check.

21 2. Except as otherwise provided in **[this]** subsection 3
22 of this section, as evidence that a child is receiving
23 regular instruction, the child's parent, guardian, or other
24 person having control or custody of the child shall:

25 (1) Maintain the following records:

26 (a) a. A plan book, diary, or other written record
27 indicating subjects taught and activities engaged in;
28 b. A portfolio of samples of the child's academic
29 work; and
30 c. A record of evaluations of the child's academic
31 progress; or
32 (b) Other written or credible evidence equivalent to
33 subparagraphs a. to c. of paragraph (a) of this subdivision;
34 and

35 (2) Offer at least one thousand hours of instruction,
36 at least six hundred hours of which shall be in reading,
37 language arts, mathematics, social studies, science, or
38 academic courses that are related to such subject areas and
39 consonant with the child's age and ability. At least four
40 hundred of the six hundred hours shall occur at the regular
41 FPE school location[;].

42 [(3)] 3. The requirements of [this] subsection 2 of
43 this section shall not apply to any pupil sixteen years of
44 age or older.

45 [3.] 4. The production of a daily log by a parent,
46 guardian, or other person having control or custody of a
47 child showing that an FPE school has a course of instruction
48 that satisfies the requirements of this section and section
49 167.031 or, in the case of a pupil sixteen years of age or
50 older who attended a metropolitan school district the
51 previous year, a written statement that the pupil is
52 attending an FPE school in compliance with section 167.031
53 shall be a defense to any prosecution under section 167.031
54 and to any charge or action for educational neglect brought
55 under chapter 210. FPE school education enforcement and
56 records pursuant to this section, and sections 210.167 and

57 211.031, shall be subject to review only by the local
58 prosecuting attorney.

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

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

3 (1) "Athletics", any interscholastic athletic games,
4 contests, programs, activities, exhibitions, or other
5 similar competitions for students;

6 (2) "Event or activity", athletics, fine arts
7 activities, integrated cocurricular activities, or other
8 extracurricular occurrences directly related to such
9 athletics, fine arts activities, or integrated cocurricular
10 activities that are sponsored, organized, or provided for
11 students by a school district, charter school, or attendance
12 center of a school district;

13 (3) "Fine arts activities", any student activities
14 that include dance, theater, vocal music, performance of
15 music, or visual arts;

16 (4) "FPE school", as such term is defined in section
17 167.013;

18 (5) "Full-time equivalent student", as such term is
19 defined in section 161.670;

20 (6) "Home school", as such term is defined in section
21 167.012;

22 (7) "Integrated cocurricular activities", activities
23 that are outside of the regular school curriculum but
24 complement and supplement such curriculum.

25 2. A school district or charter school shall not be a
26 member of, or remit any funds to, any statewide activities
27 association that would cause such school district or charter
28 school to violate the provisions of this section.

29 3. Except as otherwise provided in subsections 4 and 5
30 of this section, a school district or charter school shall
31 not:

32 (1) Prohibit a student who is receiving instruction at
33 an FPE school, a home school, or at a virtual school as a
34 full-time equivalent student from having the opportunity to
35 participate, contingent upon the successful completion of a
36 tryout if applicable, in any event or activity offered by
37 the charter school or by the school district or an
38 attendance center of the school district in which the

39 student resides for any reason relating to such student's
40 FPE, home, or virtual instruction; or

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

49 4. The provisions of subsection 3 of this section
50 shall not be construed to prohibit a school district or
51 charter school from requiring students to participate in any
52 components of instruction required for participation in:

53 (1) Fine arts activities with integral components of
54 instruction provided during a course held during the school
55 day;

56 (2) Career and technical student organizations where
57 applied learning and engagement are integral components of
58 instruction for an approved career and technical education
59 program in Missouri; or

60 (3) Integrated cocurricular activities requiring
61 students to participate in appropriate coursework and
62 preparation of their related activities during the school
63 day.

64 5. (1) A school district or charter school may
65 establish a disciplinary policy or an attendance policy, or
66 both, for any required coursework, rehearsals, practice
67 sessions, or training sessions that are directly related to
68 and required for trying out for or participation in an event
69 or activity offered by the charter school or by the school
70 district or an attendance center of the school district.

71 (2) A school district or charter school shall apply
72 such disciplinary policy or attendance policy that is
73 directly related to and required for trying out for or
74 participation in the same manner to all students who try out
75 for or participate in the event or activity to which the
76 policy applies.

77 (3) A school district or charter school shall neither
78 establish nor apply a separate disciplinary policy or
79 attendance policy, or any provision thereof, for students
80 who receive instruction at an FPE school, a home school, or
81 at a virtual school as a full-time equivalent student.

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

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

101 8. (1) A student who is receiving instruction at an
102 FPE school, a home school, or at a virtual school as a full-
103 time equivalent student shall satisfy the following

requirements in order to be eligible to try out for and,
contingent upon the successful completion of a tryout if
applicable, participate in a charter school or public school
event or activity in the charter school or the student's
school district of residence pursuant to the provisions of
this section:

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

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

(c) The student shall adhere to the same behavior,
responsibility, performance, and code of conduct standards
directly related to the event or activity as those enrolled
in the charter school or public school district; and

(d) The student shall fulfill the same financial
requirements as those required of students enrolled in the
charter school or public school district.

(2) Any records created or retained by a charter
school, school district, or attendance center under this
section shall not be disclosed by such charter school,
district, or attendance center for any purpose except for
compliance with federal or state law.

9. (1) The term "event or activity" shall not be
construed to include other extracurricular gatherings or
special occasions sponsored, organized, or provided for
students by a school district, charter school, or attendance
center of a school district that are not athletics, fine
arts activities, integrated cocurricular activities, or

137 other extracurricular occurrences directly related to such
138 athletics, fine arts activities, or integrated cocurricular
139 activities.

140 (2) No charter school, school district, or attendance
141 center of a school district shall be required to establish
142 or prohibited from establishing a policy that includes or
143 excludes the participation of a student who receives
144 instruction at an FPE school, a home school, or at a virtual
145 school as a full-time equivalent student in such other
146 extracurricular gatherings or special occasions.

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Dirk Deaton