

FIRST REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE FOR

SENATE BILL NO. 63

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN (26).

0514S.03P

KRISTINA MARTIN, Secretary

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Section A. Section 167.042, RSMo, is repealed and one new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 or charter school shall not be a member of,

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

15 or remit any funds to, any statewide activities association
16 that:

17 (1) Prohibits a student who is receiving instruction
18 at an FPE school, as such term is defined in section
19 167.013, a home school, or at a virtual school as a full-
20 time equivalent student from having the opportunity to
21 participate in any event or activity offered by the charter
22 school or by the school district or an attendance center of
23 the school district in which the student resides and where
24 the statewide activities association exercises authority,
25 rules, or guidelines for participating in such events or
26 activities for any reason relating to such student's FPE,
27 home, or virtual instruction; or

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

38 3. Except as otherwise provided in this section, a
39 school district or charter school shall not:

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

reason relating to such student's FPE, home, or virtual instruction; or

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

4. The provisions of subsections 2 and 3 of this section shall not be construed to prohibit a school district or charter school from establishing an attendance policy for required coursework, rehearsals, practice sessions, or training sessions pursuant to subsection 7 of this section.

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

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

78 7. (1) A school district or charter school may
79 establish an attendance policy for any required coursework,
80 rehearsals, practice sessions, or training sessions that are
81 directly related to and required for participation in an
82 event or activity offered by the charter school or by the
83 school district or an attendance center of the school
84 district.

85 (2) Any school disciplinary policy or school
86 attendance policy shall be applied in the same manner to all
87 students who participate in the event or activity to which
88 the policy applies. A school district or charter school
89 shall not establish a separate disciplinary policy or
90 attendance policy, or any provision thereof, for students
91 who receive instruction at an FPE school, a home school, or
92 at a virtual school as a full-time equivalent student.

93 8. If a student whose academic performance or
94 disciplinary status would preclude such student from
95 eligibility to participate in extracurricular events or
96 activities in his charter school or resident school district
97 disenrolls from such charter school or school district in
98 order to receive instruction at an FPE school, a home
99 school, or at a virtual school as a full-time equivalent
100 student, such student shall not be eligible to participate
101 in charter school or public school events or activities in
102 the charter school or district of such student's
103 disenrollment for twelve calendar months from the date of
104 disenrollment.

105 9. The parent or legal guardian providing primary
106 instruction of a student who is receiving instruction at a
107 home school is responsible for oversight of academic
108 standards relating to the student's participation in an

event or activity offered by a charter school or school district or attendance center of a school district.

10. Any records created by a charter school, school district, or attendance center pursuant to the provisions of this section shall not be disclosed by such charter school, 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 charter school or public school events or activities in the charter school or 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 or charter school where the student seeks to participate in public school or charter school events or activities shall be provided to such district or charter school 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;

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

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

[167.042. For the purpose of minimizing unnecessary investigations due to reports of

3 truancy, each parent, guardian, or other person
4 responsible for the child who causes his child
5 to attend regularly a home school may provide to
6 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 of
17 each person teaching in the home school, and the
18 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 be
22 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.]

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