

SENATE BILL NO. 1641

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

6839S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 167.790, RSMo, and to enact in lieu thereof one new section relating to participation of private school students in public school activities.

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

Section A. Section 167.790, RSMo, is repealed and one new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) "Athletics", any interscholastic athletic games,
4 contests, programs, activities, exhibitions, or other
5 similar competitions for students;

6 (2) "**Eligible school**", any of the following schools or
7 **learning environments**:

8 (a) **An FPE school, as defined in section 167.013;**

9 (b) **A full-time virtual course or program providing**
10 **instruction to a full-time equivalent student, as provided**
11 **in section 161.670; or**

12 (c) **A home school, as defined in section 167.012;**

13 (3) "**Eligible student**", a student who is enrolled in
14 **or receives instruction in an eligible school;**

15 (4) "Event or activity", athletics, fine arts
16 activities, integrated cocurricular activities, or other
17 extracurricular occurrences directly related to such

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

18 athletics, fine arts activities, or integrated cocurricular
19 activities that are sponsored, organized, or provided for
20 students by a school district, charter school, or attendance
21 center of a school district;

22 [(3)] (5) "Fine arts activities", any student
23 activities that include dance, theater, vocal music,
24 performance of music, or visual arts;

25 [(4) "FPE school", as such term is defined in section
26 167.013;

27 (5) "Full-time equivalent student", as such term is
28 defined in section 161.670;]

29 (6) "[Home] Private school", as [such term is] defined
30 in section [167.012] 166.700;

31 (7) "Integrated cocurricular activities", activities
32 that are outside of the regular school curriculum but
33 complement and supplement such curriculum.

34 2. A school district or charter school shall not be a
35 member of, or remit any funds to, any statewide activities
36 association that would cause such school district or charter
37 school to violate the provisions of this section.

38 3. Except as otherwise provided in subsections [4 and]
39 5 and 6 of this section, a school district or charter school
40 shall not:

41 (1) Prohibit [a student who is receiving instruction
42 at an FPE school, a home school, or at a virtual school as a
43 full-time equivalent student] an eligible student from
44 having the opportunity to participate, contingent upon the
45 successful completion of a tryout if applicable, in any
46 event or activity offered by the charter school or by the
47 school district or an attendance center of the school
48 district in which the student resides for any reason

49 relating to such student's [FPE, home, or virtual]
50 instruction **in an eligible school**; or

51 (2) Require [a student who is receiving instruction at
52 an FPE school, a home school, or at a virtual school as a
53 full-time equivalent student] **an eligible student** to attend
54 any class or to attend a charter school or public school for
55 any portion of a school day in order to participate in any
56 event or activity offered by the charter school or by the
57 school district or an attendance center of the school
58 district in which the student resides.

59 4. **For purposes of this section, a student enrolled in**
60 **a private school shall be deemed an eligible student, and**
61 **the private school shall, with respect to such student, be**
62 **deemed an eligible school, if the event or activity in which**
63 **such student seeks to participate is not offered by such**
64 **private school, but is offered by the charter school or by**
65 **the school district or an attendance center of the school**
66 **district in which such student resides.**

67 5. The provisions of subsection 3 of this section
68 shall not be construed to prohibit a school district or
69 charter school from requiring students to participate in any
70 components of instruction required for participation in:

71 (1) Fine arts activities with integral components of
72 instruction provided during a course held during the school
73 day;

74 (2) Career and technical student organizations where
75 applied learning and engagement are integral components of
76 instruction for an approved career and technical education
77 program in Missouri; or

78 (3) Integrated cocurricular activities requiring
79 students to participate in appropriate coursework and

80 preparation of their related activities during the school
81 day.

82 [5.] 6. (1) A school district or charter school may
83 establish a disciplinary policy or an attendance policy, or
84 both, for any required coursework, rehearsals, practice
85 sessions, or training sessions that are directly related to
86 and required for trying out for or participation in an event
87 or activity offered by the charter school or by the school
88 district or an attendance center of the school district.

89 (2) A school district or charter school shall apply
90 such disciplinary policy or attendance policy that is
91 directly related to and required for trying out for or
92 participation in the same manner to all students who try out
93 for or participate in the event or activity to which the
94 policy applies.

95 (3) A school district or charter school shall neither
96 establish nor apply a separate disciplinary policy or
97 attendance policy, or any provision thereof, for **eligible**
98 students [who receive instruction at an FPE school, a home
99 school, or at a virtual school as a full-time equivalent
100 student].

101 [6.] 7. If a student whose academic performance or
102 disciplinary status would preclude such student from
103 eligibility to participate in any extracurricular event or
104 activity in the student's charter school or resident school
105 district disenrolls from such charter school or school
106 district in order to receive instruction at an [FPE school,
107 a home school, or at a virtual school as a full-time
108 equivalent student] **eligible school**, such student shall not
109 be eligible to participate in a charter school or public
110 school event or activity in the charter school or school

111 district of such student's disenrollment for twelve calendar
112 months from the date of disenrollment.

113 [7.] 8. The parent or legal guardian providing primary
114 instruction of a student who is receiving instruction at an
115 FPE school or a home school is responsible for oversight of
116 academic standards directly relating to the student's
117 participation in an event or activity offered by a charter
118 school or school district or attendance center of a school
119 district.

120 [8.] 9. (1) [A student who is receiving instruction
121 at an FPE school, a home school, or at a virtual school as a
122 full-time equivalent student] **An eligible student** shall
123 satisfy the following requirements in order to be eligible
124 to try out for and, contingent upon the successful
125 completion of a tryout if applicable, participate in a
126 charter school or public school event or activity in the
127 charter school or the student's school district of residence
128 pursuant to the provisions of this section:

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

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

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

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

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

150 [9.] 10. (1) [The term event or activity] **As used in**
151 **this section, the term "event or activity"** shall not be
152 construed to include other extracurricular gatherings or
153 special occasions sponsored, organized, or provided for
154 students by a school district, charter school, or attendance
155 center of a school district that are not athletics, fine
156 arts activities, integrated cocurricular activities, or
157 other extracurricular occurrences directly related to such
158 athletics, fine arts activities, or integrated cocurricular
159 activities.

160 (2) No charter school, school district, or attendance
161 center of a school district shall be required to establish
162 or prohibited from establishing a policy that includes or
163 excludes the participation of [a student who receives
164 instruction at an FPE school, a home school, or at a virtual
165 school as a full-time equivalent] **an eligible** student in
166 such other extracurricular gatherings or special occasions.

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