

SECOND REGULAR SESSION

HOUSE BILL NO. 1905

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HURLBERT.

3878H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 161.670, 162.996, 162.1250, 166.700, 167.031, 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 elementary and secondary school students in educational settings, with penalty provisions.

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162.1250, 166.700, 167.031, 167.061, 167.071, 167.600, 167.619, 210.167, 210.211, 211.031, and 452.375, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 161.670, 162.996, 162.1250, 166.700, 167.031, 167.061, 167.600, 167.619, 167.790,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

2. (1) For purposes of calculation and distribution of state school aid, students enrolled in the Missouri course access and virtual school program shall be included in the student enrollment of the school district in which the student is enrolled under subsection 3 of this section; provided that any such student attendance for full-time virtual program students shall only be included in any district pupil attendance calculation under chapter 163 and any

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 charter school pupil attendance calculation under section 160.415, using current-year pupil
14 attendance for such full-time virtual program pupils; and further provided that in the case of a
15 host school district enrolling one or more full-time virtual school students, such enrolling
16 district shall receive no less under the state aid calculation for such students than an amount
17 equal to the state adequacy target multiplied by the weighted average daily attendance of such
18 full-time students. Students residing in Missouri and enrolled in a full-time virtual school
19 program operated by a public institution of higher education in this state shall be counted for a
20 state aid calculation by the department, and the department shall pay, from funds dedicated to
21 state school aid payments made under section 163.031, to such institution an amount equal to
22 the state adequacy target multiplied by the weighted average daily attendance of such full-
23 time students.

24 (2) The Missouri course access and virtual school program shall report to the district
25 of residence the following information about each student served by the Missouri course
26 access and virtual school program: name, address, eligibility for free or reduced-price lunch,
27 limited English proficiency status, special education needs, and the number of courses in
28 which the student is enrolled. The Missouri course access and virtual school program shall
29 promptly notify the resident district when a student discontinues enrollment. A "full-time
30 equivalent student" is a student who is enrolled in the instructional equivalent of six credits
31 per regular term. Each Missouri course access and virtual school program course shall count
32 as one class and shall generate that portion of a full-time equivalent that a comparable course
33 offered by the school district would generate.

34 (3) Pursuant to an education services plan and collaborative agreement under
35 subsection 3 of this section, full-time equivalent students may be allowed to use a physical
36 location of the resident school district for all or some portion of ongoing instructional activity,
37 and the enrollment plan shall provide for reimbursement of costs of the resident district for
38 providing such access pursuant to rules promulgated under this section by the department.

39 (4) In no case shall more than the full-time equivalency of a regular term of
40 attendance for a single student be used to claim state aid. Full-time equivalent student credit
41 completed shall be reported to the department of elementary and secondary education in the
42 manner prescribed by the department. Nothing in this section shall prohibit students from
43 enrolling in additional courses under a separate agreement that includes terms for paying
44 tuition or course fees.

45 (5) A full-time virtual school program serving full-time equivalent students shall be
46 considered an attendance center in the host school district and shall participate in the
47 statewide assessment system as defined in section 160.518. The academic performance of
48 students enrolled in a full-time virtual school program shall be assigned to the designated
49 attendance center of the full-time virtual school program and shall be considered in like

50 manner to other attendance centers. The academic performance of any student who disenrolls
51 from a full-time virtual school program and enrolls in a public school or charter school shall
52 not be used in determining the annual performance report score of the attendance center or
53 school district in which the student enrolls for twelve months from the date of enrollment.

54 (6) For the purposes of this section, a public institution of higher education operating
55 a full-time virtual school program shall be subject to all requirements applicable to a host
56 school district with respect to its full-time equivalent students.

57 3. (1) A student who resides in this state may enroll in Missouri course access and
58 virtual school program courses of his or her choice as a part of the student's annual course
59 load each school year, with any costs associated with such course or courses to be paid by the
60 school district or charter school if:

61 (a) The student is enrolled full-time in a public school, including any charter school;
62 and

63 (b) Prior to enrolling in any Missouri course access and virtual school program
64 course, a student has received approval from his or her school district or charter school
65 through the procedure described under subdivision (2) of this subsection.

66 (2) Each school district or charter school shall adopt a policy that delineates the
67 process by which a student may enroll in courses provided by the Missouri course access and
68 virtual school program that is substantially similar to the typical process by which a district
69 student would enroll in courses offered by the school district and a charter school student
70 would enroll in courses offered by the charter school. The policy may include consultation
71 with the school's counselor and may include parental notification or authorization. The policy
72 shall ensure that available opportunities for in-person instruction are considered prior to
73 moving a student to virtual courses. The policy shall allow for continuous enrollment
74 throughout the school year. If the school district or charter school disapproves a student's
75 request to enroll in a course or courses provided by the Missouri course access and virtual
76 school program, the reason shall be provided in writing and it shall be for good cause. Good
77 cause justification to disapprove a student's request for enrollment in a course shall be a
78 determination that doing so is not in the best educational interest of the student, and shall be
79 consistent with the determination that would be made for such course request under the
80 process by which a district student would enroll in a similar course offered by the school
81 district and a charter school student would enroll in a similar course offered by the charter
82 school, except that the determination may consider the suitability of virtual courses for the
83 student based on prior participation in virtual courses by the student. Appeals of any course
84 denials under this subsection shall be considered under a policy that is substantially similar to
85 the typical process by which appeals would be considered for a student seeking to enroll in

86 courses offered by the school district and a charter school student seeking to enroll in courses
87 offered by the charter school.

88 (3) For students enrolled in any Missouri course access and virtual school program
89 course in which costs associated with such course are to be paid by the school district or
90 charter school as described under this subdivision, the school district or charter school shall
91 pay the content provider directly on a pro rata monthly basis based on a student's completion
92 of assignments and assessments. If a student discontinues enrollment, the district or charter
93 school may stop making monthly payments to the content provider. No school district or
94 charter school shall pay, for any one course for a student, more than the market necessary
95 costs but in no case shall pay more than fourteen percent of the state adequacy target, as
96 defined under section 163.011, as calculated at the end of the most recent school year for any
97 single, year-long course and no more than seven percent of the state adequacy target as
98 described above for any single semester equivalent course.

99 (4) For students enrolling in a full-time virtual program, the department of elementary
100 and secondary education shall adopt a policy that delineates the process by which a student
101 who lives in this state may enroll in a virtual program of their choice as provided in this
102 subdivision. Each host school district operating a full-time virtual program under this section
103 shall operate and implement the state enrollment policy, subject to the provisions of this
104 subdivision. The policy shall:

105 (a) Require the good faith collaboration of the student, the student's parent or
106 guardian if the student is not considered homeless, the virtual program, the host district, and
107 the resident district;

108 (b) Specify timelines for timely participation by the virtual program, the host district,
109 and resident district; provided that the resident district shall provide any relevant information
110 and input on the enrollment within ten business days of notice from the virtual program of the
111 enrollment application;

112 (c) Include a survey of the reasons for the student's and parent's interests in
113 participating in the virtual program;

114 (d) Include consideration of available opportunities for in-person instruction prior to
115 enrolling a student in a virtual program;

116 (e) Evaluate requests for enrollment based on meeting the needs for a student to be
117 successful considering all relevant factors;

118 (f) Ensure that, for any enrolling student, an education services plan and collaborative
119 agreement is created to provide all services required to ensure a free and appropriate public
120 education, including financial terms for reimbursement by the host district for the necessary
121 costs of any virtual program, school district, or public or private entity providing all or a
122 portion of such services;

123 (g) Require the virtual program to determine whether an enrolling student will be
124 admitted, based on the enrollment policy, in consideration of all relevant factors and provide
125 the basis for its determination and any service plan for the student, in writing, to the student,
126 the student's parent or guardian, the host district, and the resident district;

127 (h) Provide a process for reviewing appeals of decisions made under this subdivision;
128 and

129 (i) Require the department to publish an annual report based on the enrollments and
130 enrollment surveys conducted under this subdivision that provides data at the statewide and
131 district levels of sufficient detail to allow analysis of trends regarding the reasons for
132 participation in the virtual program at the statewide and district levels; provided that no such
133 survey results will be published in a manner that reveals individual student information. The
134 department shall also include, in the annual report, data at the statewide and district levels of
135 sufficient detail to allow detection and analysis of the racial, ethnic, and socio-economic
136 balance of virtual program participation among schools and districts at the statewide and
137 district levels, provided that no such survey results will be published in a manner that reveals
138 individual student information.

139 (5) In the case of a student who is a candidate for A+ tuition reimbursement and
140 taking a virtual course under this section, the school shall attribute no less than ninety-five
141 percent attendance to any such student who has completed such virtual course.

142 (6) The Missouri course access and virtual school program shall ensure that
143 individual learning plans designed by certified teachers and professional staff are developed
144 for all students enrolled in more than two full-time course access program courses or a full-
145 time virtual school.

146 (7) Virtual school programs shall monitor individual student success and engagement
147 of students enrolled in their program, provide regular student progress reports for each student
148 at least four times per school year to the school district or charter school, provide the host
149 school district and the resident school district ongoing access to academic and other relevant
150 information on student success and engagement, and shall terminate or alter the course
151 offering if it is found the course or full-time virtual school is not meeting the educational
152 needs of the students enrolled in the course.

153 (8) The department of elementary and secondary education shall monitor the
154 aggregate performance of providers and make such information available to the public under
155 subsection 11 of this section.

156 (9) Pursuant to rules to be promulgated by the department of elementary and
157 secondary education, when a student transfers into a school district or charter school, credits
158 previously gained through successful passage of approved courses under the Missouri course
159 access and virtual school program shall be accepted by the school district or charter school.

160 (10) Pursuant to rules to be promulgated by the department of elementary and
161 secondary education, if a student transfers into a school district or charter school while
162 enrolled in a Missouri course access and virtual school program course or full-time virtual
163 school, the student shall continue to be enrolled in such course or school.

164 (11) Nothing in this section shall prohibit **students receiving instruction at a home**
165 **school [students] or FLEX school, as defined in section 167.031**, private school students, or
166 students wishing to take additional courses beyond their regular course load from enrolling in
167 Missouri course access and virtual school program courses under an agreement that includes
168 terms for paying tuition or course fees.

169 (12) Nothing in this subsection shall require any school district, charter school, virtual
170 program, or the state to provide computers, equipment, or internet access to any student
171 unless required under the education services plan created for an eligible student under
172 subdivision (4) of this subsection or for an eligible student with a disability to comply with
173 federal law. An education services plan may require an eligible student to have access to
174 school facilities of the resident school district during regular school hours for participation
175 and instructional activities of a virtual program under this section, and the education services
176 plan shall provide for reimbursement of the resident school district for such access pursuant to
177 rules adopted by the department under this section.

178 (13) The authorization process shall provide for continuous monitoring of approved
179 providers and courses. The department shall revoke or suspend or take other corrective action
180 regarding the authorization of any course or provider no longer meeting the requirements of
181 the program. Unless immediate action is necessary, prior to revocation or suspension, the
182 department shall notify the provider and give the provider a reasonable time period to take
183 corrective action to avoid revocation or suspension. The process shall provide for periodic
184 renewal of authorization no less frequently than once every three years.

185 (14) Courses approved as of August 28, 2018, by the department to participate in the
186 Missouri virtual instruction program shall be automatically approved to participate in the
187 Missouri course access and virtual school program, but shall be subject to periodic renewal.

188 (15) Any online course or virtual program offered by a school district or charter
189 school, including those offered prior to August 28, 2018, which meets the requirements of
190 section 162.1250 shall be automatically approved to participate in the Missouri course access
191 and virtual school program. Such course or program shall be subject to periodic renewal. A
192 school district or charter school offering such a course or virtual school program shall be
193 deemed an approved provider.

194 4. (1) As used in this subsection, the term "instructional activities" means classroom-
195 based or nonclassroom-based activities that a student shall be expected to complete,
196 participate in, or attend during any given school day, such as:

- 197 (a) Online logins to curricula or programs;
198 (b) Offline activities;
199 (c) Completed assignments within a particular program, curriculum, or class;
200 (d) Testing;
201 (e) Face-to-face communications or meetings with school staff;
202 (f) Telephone or video conferences with school staff;
203 (g) School-sanctioned field trips; or
204 (h) Orientation.

205 (2) A full-time virtual school shall submit a notification to the parent or guardian of
206 any student who is not consistently engaged in instructional activities.

207 (3) Each full-time virtual school shall develop, adopt, and post on the school's website
208 a policy setting forth the consequences for a student who fails to complete the required
209 instructional activities. Such policy shall state, at a minimum, that if a student fails to
210 complete the instructional activities after receiving a notification under subdivision (2) of this
211 subsection, and after reasonable intervention strategies have been implemented, that the
212 student shall be subject to certain consequences which may include disenrollment from the
213 school. Prior to any disenrollment, the parent or guardian shall have the opportunity to
214 present any information that the parent deems relevant, and such information shall be
215 considered prior to any final decision.

216 (4) If a full-time virtual school disenrolls a student under subdivision (3) of this
217 subsection, the school shall immediately provide written notification to such student's school
218 district of residence. The student's school district of residence shall then provide to the
219 parents or guardian of the student a written list of available educational options and promptly
220 enroll the student in the selected option. Any student disenrolled from a full-time virtual
221 school shall be prohibited from reenrolling in the same virtual school for the remainder of the
222 school year.

223 5. School districts or charter schools shall inform parents of their child's right to
224 participate in the program. Availability of the program shall be made clear in the parent
225 handbook, registration documents, and featured on the home page of the school district or
226 charter school's website.

227 6. The department shall:

228 (1) Establish an authorization process for course or full-time virtual school providers
229 that includes multiple opportunities for submission each year;

230 (2) Pursuant to the time line established by the department, authorize course or full-
231 time virtual school providers that:

- 232 (a) Submit all necessary information pursuant to the requirements of the process; and
233 (b) Meet the criteria described in subdivision (3) of this subsection;

234 (3) Review, pursuant to the authorization process, proposals from providers to
235 provide a comprehensive, full-time equivalent course of study for students through the
236 Missouri course access and virtual school program. The department shall ensure that these
237 comprehensive courses of study align to state academic standards and that there is
238 consistency and compatibility in the curriculum used by all providers from one grade level to
239 the next grade level;

240 (4) Within thirty days of any denial, provide a written explanation to any course or
241 full-time virtual school providers that are denied authorization;

242 (5) Allow a course or full-time virtual school provider denied authorization to reapply
243 at any point in the future.

244 7. The department shall publish the process established under this section, including
245 any deadlines and any guidelines applicable to the submission and authorization process for
246 course or full-time virtual school providers on its website.

247 8. If the department determines that there are insufficient funds available for
248 evaluating and authorizing course or full-time virtual school providers, the department may
249 charge applicant course or full-time virtual school providers a fee up to, but no greater than,
250 the amount of the costs in order to ensure that evaluation occurs. The department shall
251 establish and publish a fee schedule for purposes of this subsection.

252 9. Except as specified in this section and as may be specified by rule of the state board
253 of education, the Missouri course access and virtual school program shall comply with all
254 state laws and regulations applicable to school districts, including but not limited to the
255 Missouri school improvement program (MSIP), annual performance report (APR), teacher
256 certification, curriculum standards, audit requirements under chapter 165, access to public
257 records under chapter 610, and school accountability report cards under section 160.522.
258 Teachers and administrators employed by a virtual provider shall be considered to be
259 employed in a public school for all certification purposes under chapter 168.

260 10. The department shall submit and publicly publish an annual report on the
261 Missouri course access and virtual school program and the participation of entities to the
262 governor, the chair and ranking member of the senate education committee, and the chair and
263 ranking member of the house of representatives elementary and secondary education
264 committee. The report shall at a minimum include the following information:

265 (1) The annual number of unique students participating in courses authorized under
266 this section and the total number of courses in which students are enrolled in;

267 (2) The number of authorized providers;

268 (3) The number of authorized courses and the number of students enrolled in each
269 course;

270 (4) The number of courses available by subject and grade level;

271 (5) The number of students enrolled in courses broken down by subject and grade
272 level;

273 (6) Student outcome data, including completion rates, student learning gains, student
274 performance on state or nationally accepted assessments, by subject and grade level per
275 provider. This outcome data shall be published in a manner that protects student privacy;

276 (7) The costs per course;

277 (8) Evaluation of in-school course availability compared to course access availability
278 to ensure gaps in course access are being addressed statewide.

279 11. (1) The department shall be responsible for creating the Missouri course access
280 and virtual school program catalog providing a listing of all courses authorized and available
281 to students in the state, detailed information, including costs per course, about the courses to
282 inform student enrollment decisions, and the ability for students to submit their course
283 enrollments.

284 (2) On or before January 1, 2023, the department shall publish on its website, and
285 distribute to all school districts and charter schools in this state, a guidance document that
286 details the options for virtual course access and full-time virtual course access for all students
287 in the state. The guidance document shall include a complete and readily understood
288 description of the applicable enrollment processes including the opportunity for students to
289 enroll and the roles and responsibilities of the student, parent, virtual provider, school district
290 or districts, and charter schools, as appropriate. The guidance document shall be distributed
291 in written and electronic form to all school districts, charter schools, and virtual providers.
292 School districts and charter schools shall provide a copy of the guidance document to every
293 pupil and parent or legal guardian of every pupil enrolled in the district or charter school at
294 the beginning of each school year and upon enrollment for every pupil enrolling at a different
295 time of the school year. School districts and charter schools shall provide a readily viewable
296 link to the electronic version of the guidance document on the main page of the district's or
297 charter school's website.

298 12. The state board of education through the rulemaking process and the department
299 of elementary and secondary education in its policies and procedures shall ensure that
300 multiple content providers and learning management systems are allowed, ensure digital
301 content conforms to accessibility requirements, provide an easily accessible link for providers
302 to submit courses or full-time virtual schools on the Missouri course access and virtual school
303 program website, and allow any person, organization, or entity to submit courses or full-time
304 virtual schools for approval. No content provider shall be allowed that is unwilling to accept
305 payments in the amount and manner as described under subdivision (3) of subsection 3 of this
306 section or does not meet performance or quality standards adopted by the state board of
307 education.

308 13. Any rule or portion of a rule, as that term is defined in section 536.010, that is
309 created under the authority delegated in this section shall become effective only if it complies
310 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
311 This section and chapter 536 are nonseverable and if any of the powers vested with the
312 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
313 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
314 rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid
315 and void.

 162.996. 1. Special educational services may be offered during the regular school
2 day. Children who attend special educational services in the district and who otherwise attend
3 a private, parochial, parish [œ], home school, **or FLEX school, as defined in section**
4 **167.031**, shall be in compliance with section 167.031.

5 2. A public school district shall be entitled to state aid for resident handicapped
6 children who attend special educational services and who otherwise attend private, parochial,
7 parish [œ], home schools, **or FLEX schools**. State aid shall be calculated on the basis of full-
8 time equivalent average daily attendance of part-time students as provided in section 163.011.

9 3. Nothing in this section shall change the authority of a public school board to set the
10 schedule of classes for full-time or part-time public school pupils including pupils receiving
11 services under this section.

12 4. Nothing herein shall be construed to require transportation for these services.

13 5. No resident child shall be denied or discriminated against in special educational
14 services offered by a school district on the grounds that the child regularly attends a private,
15 parochial, parish [œ], home school, **or FLEX school**.

 162.1250. 1. School districts shall receive state school funding under sections
2 163.031, 163.043, and 163.087 for resident students who are enrolled in the school district
3 and who are taking a virtual course or full-time virtual program offered by the school district.
4 The school district may offer instruction in a virtual setting using technology, intranet, and
5 internet methods of communications that could take place outside of the regular school
6 district facility. The school district may develop a virtual program for any grade level,
7 kindergarten through twelfth grade, with the courses available in accordance with district
8 policy to any resident student of the district who is enrolled in the school district. Nothing in
9 this section shall preclude a **student receiving instruction at a private, parochial, [œ] home**
10 **school [student], or FLEX school, as defined in section 167.031**, residing within a school
11 district offering virtual courses or virtual programs from enrolling in the school district in
12 accordance with the combined enrollment provisions of section 167.031 for the purposes of
13 participating in the virtual courses or virtual programs.

14 2. Charter schools shall receive state school funding under section 160.415 for
15 students enrolled in the charter school who are completing a virtual course or full-time virtual
16 program offered by the charter school. Charter schools may offer instruction in a virtual
17 setting using technology, intranet, and internet methods of communications. The charter
18 school may develop a virtual program for any grade level, kindergarten through twelfth grade,
19 with the courses available in accordance with school policy and the charter school's charter to
20 any student enrolled in the charter school.

21 3. For purposes of calculation and distribution of state school funding, attendance of a
22 student enrolled in a district or charter school virtual class shall equal, upon course
23 completion, ninety-four percent of the hours of attendance possible for such class delivered in
24 the nonvirtual program in the student's resident district or charter school. Course completion
25 shall be calculated in two increments, fifty percent completion and one hundred percent
26 completion, based on the student's completion of defined assignments and assessments, with
27 distribution of state funding to a school district or charter school at each increment equal to
28 forty-seven percent of hours of attendance possible for such course delivered in the nonvirtual
29 program in a student's school district of residence or charter school.

30 4. When courses are purchased from an outside vendor, the district or charter school
31 shall ensure that they are aligned with the show-me curriculum standards and comply with
32 state requirements for teacher certification. The state board of education reserves the right to
33 request information and materials sufficient to evaluate the online course. Online classes
34 should be considered like any other class offered by the school district or charter school.

35 5. Any school district or charter school that offers instruction in a virtual setting,
36 develops a virtual course or courses, or develops a virtual program of instruction shall ensure
37 that the following standards are satisfied:

38 (1) The virtual course or virtual program utilizes appropriate content-specific tools
39 and software;

40 (2) Orientation training is available for teachers, instructors, and students as needed;

41 (3) Privacy policies are stated and made available to teachers, instructors, and
42 students;

43 (4) Academic integrity and internet etiquette expectations regarding lesson activities,
44 discussions, electronic communications, and plagiarism are stated to teachers, instructors, and
45 students prior to the beginning of the virtual course or virtual program;

46 (5) Computer system requirements, including hardware, web browser, and software,
47 are specified to participants;

48 (6) The virtual course or virtual program architecture, software, and hardware permit
49 the online teacher or instructor to add content, activities, and assessments to extend learning
50 opportunities;

51 (7) The virtual course or virtual program makes resources available by alternative
52 means, including but not limited to, video and podcasts;

53 (8) Resources and notes are available for teachers and instructors in addition to
54 assessment and assignment answers and explanations;

55 (9) Technical support and course management are available to the virtual course or
56 virtual program teacher and school coordinator;

57 (10) The virtual course or virtual program includes assignments, projects, and
58 assessments that are aligned with students' different visual, auditory, and hands-on learning
59 styles;

60 (11) The virtual course or virtual program demonstrates the ability to effectively use
61 and incorporate subject-specific and developmentally appropriate software in an online
62 learning module; and

63 (12) The virtual course or virtual program arranges media and content to help transfer
64 knowledge most effectively in the online environment.

65 6. Any special school district shall count any student's completion of a virtual course
66 or program in the same manner as the district counts completion of any other course or
67 program for credit.

68 7. A school district or charter school may contract with multiple providers of virtual
69 courses or virtual programs, provided they meet the criteria for virtual courses or virtual
70 programs under this section.

166.700. As used in sections 166.700 to 166.720, the following terms mean:

2 (1) "Curriculum", a complete course of study for a particular content area or grade
3 level, including any supplemental materials;

4 (2) "District", the same meaning as used in section 160.011;

5 (3) "Educational assistance organization", the same meaning as used in section
6 135.712;

7 (4) "Parent", the same meaning as used in section 135.712;

8 (5) "Private school", a school that is not a part of the public school system of the state
9 of Missouri and that charges tuition for the rendering of elementary or secondary educational
10 services;

11 (6) "Program", the same meaning as used in section 135.712;

12 (7) "Qualified school", a ~~home~~ FLEX school as defined in section 167.031 or any
13 of the following entities that is incorporated in Missouri and that does not discriminate on the
14 basis of race, color, or national origin:

15 (a) A charter school as defined in section 160.400;

16 (b) A private school;

17 (c) A public school as defined in section 160.011; or

18 (d) A public or private virtual school;

19 (8) "Qualified student", any elementary or secondary school student who is a resident
20 of this state and resides in any county with a charter form of government or any city with at
21 least thirty thousand inhabitants who:

22 (a) Has an approved "individualized education plan" (IEP) developed under the
23 federal Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Section 1400, et seq.,
24 as amended; or

25 (b) Is a member of a household whose total annual income does not exceed an amount
26 equal to two hundred percent of the income standard used to qualify for free and reduced
27 price lunches, and meets at least one of the following qualifications:

28 a. Attended a public school as a full-time student for at least one semester during the
29 previous twelve months; or

30 b. Is a child who is eligible to begin kindergarten or first grade under sections 160.051
31 to 160.055.

167.031. 1. Every parent, guardian or other person in this state having charge, control
2 or custody of a child not enrolled in a public, private, parochial, parish school or full-time
3 equivalent attendance in a combination of such schools and between the ages of seven years
4 and the compulsory attendance age for the district is responsible for enrolling the child in a
5 program of academic instruction which complies with subsection 2 of this section. Any
6 parent, guardian or other person who enrolls a child between the ages of five and seven years
7 in a public school program of academic instruction shall cause such child to attend the
8 academic program on a regular basis, according to this section. Nonattendance by such child
9 shall cause such parent, guardian or other responsible person to be in violation of the
10 provisions of section 167.061, except as provided by this section. A parent, guardian or other
11 person in this state having charge, control, or custody of a child between the ages of seven
12 years of age and the compulsory attendance age for the district shall cause the child to attend
13 regularly some public, private, parochial, parish, home school, **FLEX school, as defined in**
14 **subdivision (2) of subsection 2 of this section**, or a combination of such schools not less
15 than the entire school term of the school which the child attends; except that:

16 (1) A child who, to the satisfaction of the superintendent of public schools of the
17 district in which he resides, or if there is no superintendent then the chief school officer, is
18 determined to be mentally or physically incapacitated may be excused from attendance at
19 school for the full time required, or any part thereof;

20 (2) A child between fourteen years of age and the compulsory attendance age for the
21 district may be excused from attendance at school for the full time required, or any part
22 thereof, by the superintendent of public schools of the district, or if there is none then by a
23 court of competent jurisdiction, when legal employment has been obtained by the child and

24 found to be desirable, and after the parents or guardian of the child have been advised of the
25 pending action; ~~or~~

26 (3) A child between five and seven years of age shall be excused from attendance at
27 school if a parent, guardian or other person having charge, control or custody of the child
28 makes a written request that the child be dropped from the school's rolls; **or**

29 **(4) A child may be excused from attendance at school for the full time required,**
30 **or any part thereof, if the child is unable to attend school due to mental or behavioral**
31 **health concerns, provided that the school receives documentation from a mental health**
32 **professional licensed under chapter 334 or 337 acting within the mental health**
33 **professional's authorized scope of practice stating that the child is not able to attend**
34 **school due to such concern.**

35 2. (1) As used in sections 167.031 to ~~167.071~~ **167.061**, a "home school" is a school,
36 whether incorporated or unincorporated, that:

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

38 (b) Enrolls pupils between the ages of seven years and the compulsory attendance age
39 for the district, of which no more than four are unrelated by affinity or consanguinity in the
40 third degree; ~~and~~

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

43 **(d) Does not enroll pupils who participate in the program established in sections**
44 **135.712 to 135.719 and sections 166.700 to 166.720; and**

45 **(e) Does not enroll pupils who participate in any events or activities offered by a**
46 **public elementary or secondary school.**

47 (2) As used in sections 167.031 to 167.071, a "Family-Led Educational
48 eXperience (FLEX) school" or "FLEX school" is a school, whether incorporated or
49 unincorporated, that meets the criteria of paragraphs (a) through (c) of subdivision (1)
50 of this subsection, but:

51 (a) May enroll pupils who participate in the program established in sections
52 135.712 to 135.719 and sections 166.700 to 166.720, provided that any state laws or
53 regulations that apply to pupils who participate in such program shall not apply to
54 FLEX school pupils who do not participate in such program. This paragraph shall not
55 be construed to grant regulatory oversight or rulemaking authority over FLEX schools
56 or FLEX school pupils to any state agency unless such oversight or authority is
57 delegated under state law with specific reference to this section; and

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

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

62 (a) Maintain the following records:

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

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

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

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

68 (b) Offer at least one thousand hours of instruction, at least six hundred hours of
69 which will be in reading, language arts, mathematics, social studies and science or academic
70 courses that are related to the aforementioned subject areas and consonant with the pupil's age
71 and ability. At least four hundred of the six hundred hours shall occur at the regular home
72 school location.

73 ~~[(3)]~~ **(4)** The requirements of subdivision ~~[(2)]~~ **(3)** of this subsection shall not apply to
74 any pupil above the age of sixteen years.

75 3. Nothing in this section shall require a private, parochial, parish ~~[or]~~, home school,
76 **or FLEX school** to include in its curriculum any concept, topic, or practice in conflict with
77 the school's religious doctrines or to exclude from its curriculum any concept, topic, or
78 practice consistent with the school's religious doctrines. Any other provision of the law to the
79 contrary notwithstanding, all departments or agencies of the state of Missouri shall be
80 prohibited from dictating through rule, regulation or other device any statewide curriculum
81 for private, parochial, parish ~~[or]~~, home schools, **or FLEX schools**.

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

84 5. The production by a parent of a daily log showing that a home school **or FLEX**
85 **school** has a course of instruction which satisfies the requirements of this section or, in the
86 case of a pupil over the age of sixteen years who attended a metropolitan school district the
87 previous year, a written statement that the pupil is attending home school **or FLEX school** in
88 compliance with this section shall be a defense to any prosecution under this section and to
89 any charge or action for educational neglect brought pursuant to chapter 210.

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

92 (1) Seventeen years of age for any metropolitan school district for which the school
93 board adopts a resolution to establish such compulsory attendance age; provided that such
94 resolution shall take effect no earlier than the school year next following the school year
95 during which the resolution is adopted; and

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

98

99 The school board of a metropolitan school district for which the compulsory attendance age is
100 seventeen years may adopt a resolution to lower the compulsory attendance age to sixteen
101 years; provided that such resolution shall take effect no earlier than the school year next
102 following the school year during which the resolution is adopted.

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

108 **8. (1) A public school, school district, charter school, or any department, agency,**
109 **or employee of the state of Missouri including, but not limited to, a private agency under**
110 **contract to provide education related services to any public school, school district, or**
111 **charter school, shall not designate or identify a FLEX school or any publicly funded**
112 **education programs including, but not limited to, publicly funded virtual school**
113 **programs, as "home schooling", "home education", or any cognate thereof.**

114 **(2) A public school, school district, or any department, agency, or employee of**
115 **the state of Missouri including, but not limited to, a private agency under contract to**
116 **provide education related services to any public school, school district, or charter**
117 **school, shall not designate students who are enrolled in an attendance center of any**
118 **public school district or charter school including, but not limited to, students enrolled in**
119 **a virtual school under subsection 2 of section 161.670, or who are receiving education**
120 **related funding from the state of Missouri, or who participate in the program**
121 **established in sections 135.712 to 135.719 and sections 166.700 to 166.720, as "home**
122 **schooled", "home educated", or any cognate thereof.**

167.061. Any parent, guardian or other person having charge, control or custody of a
2 child, who violates the provisions of section 167.031 is guilty of a class C misdemeanor.
3 Upon conviction and pending any judicial appeal, the defendant shall be required to enroll the
4 child in a public, private, parochial, parish [œ], home school, **or FLEX school, as defined in**
5 **section 167.031**, within three public school days, after which each successive school day shall
6 constitute a separate violation of section 167.031. The fine or imprisonment, or both, may be
7 suspended and finally remitted by the court, with or without the payment of costs, at the
8 discretion of the court, if the child is immediately placed and kept in regular attendance at a
9 public, private, parochial, parish [œ], home school, **or FLEX school** and if the fact of regular
10 attendance is proved subsequently to the satisfaction of the court. A certificate stating that the

11 child is regularly attending a public, private, parochial or parish school and properly attested
 12 by the superintendent, principal or person in charge of the school is prima facie evidence of
 13 regular attendance by the child.

167.600. 1. As used in sections 167.600 to 167.621, the following terms mean:

2 (1) "Family practitioner", a primary care provider, including a licensed physician,
 3 nurse practitioner or primary care physician sponsor as defined in subdivision (4) of
 4 subsection 1 of section 208.166, or a primary care contracted health provider plan, approved
 5 by the parent, guardian or legal custodian of a school age child pursuant to section 167.611;

6 (2) "Most accessible care", that care or services which reach the most children where
 7 they normally are during school hours or where children are most likely to participate with the
 8 least obstacles to participation and may include, but shall not be limited to, private, public or
 9 parochial schools, learning centers, preschools, child care facilities, common community
 10 gathering places, licensed health care facilities, physicians' offices and community centers
 11 and may also include the use of traveling medical professionals;

12 (3) "School age children", all children under the age of nineteen without regard to
 13 whether they are currently enrolled in any school and without regard to what public, private,
 14 parochial [œ], home school, or **FLEX school, as defined in section 167.031**, they may
 15 attend;

16 (4) "School children health services", services, including immunization, screening for
 17 physical or mental disease, disability or injury, treatment of pathological disease or injury,
 18 emergency medical treatment or first aid, or administration of drugs or treatment as ordered
 19 by the child's family practitioner, provided that the term shall only include the enumerated
 20 services and services directly related to the services enumerated herein;

21 (5) "Service area", the public school district, if the school district elects to be a
 22 Medicaid provider, or an area determined by the department of social services at the time a
 23 public school within a school district elects to be a Medicaid provider.

24 2. Sections 167.600 to 167.621 shall not be severable from each other.

167.619. When a school or school district enrolls as a Medicaid provider pursuant to
 2 section 167.606 or receives a grant under section 167.603, the department of social services
 3 shall assure that the grants or funds are used to provide the most accessible care to school age
 4 children. No resident child shall be denied or discriminated against in school children health
 5 services or Medicaid services offered by a school district or a local health department under
 6 sections 167.600 to 167.621 on the grounds that the child regularly attends or does not attend
 7 a public, private, parochial, parish [œ], home school, or **FLEX school, as defined in section**
 8 **167.031**.

167.790. 1. Except as otherwise provided in this section, a school district shall
 2 **not be a member of, or remit any funds to, any statewide activities association that:**

3 **(1) Prohibits a student who is receiving instruction at a FLEX school, as defined**
4 **in section 167.031, or a virtual school as a full-time equivalent student, as defined in**
5 **section 161.670, from having the opportunity to participate in any event or activity**
6 **offered by the school district or an attendance center of the school district in which the**
7 **student resides and where the statewide activities association exercises authority, rules,**
8 **or guidelines for participating in such events or activities for any reason relating to such**
9 **student's FLEX or virtual instruction; or**

10 **(2) Requires a student who is receiving instruction at a FLEX school, as defined**
11 **in section 167.031, or a virtual school as a full-time equivalent student, as defined in**
12 **section 161.670, to attend any class or to attend the public school of residence for any**
13 **portion of a school day in order to participate in any event or activity offered by the**
14 **school district or an attendance center of the school district in which the student resides**
15 **and where the statewide activities association exercises authority, rules, or guidelines for**
16 **participating in such events or activities.**

17 **2. Except as otherwise provided in this section, a school district shall not:**

18 **(1) Prohibit a student who is receiving instruction at a FLEX school, as defined**
19 **in section 167.031, or a virtual school as a full-time equivalent student, as defined in**
20 **section 161.670, from having the opportunity to participate in any event or activity**
21 **offered by the school district or an attendance center of the school district in which the**
22 **student resides for any reason relating to such student's FLEX or virtual instruction; or**

23 **(2) Require a student who is receiving instruction at a FLEX school, as defined**
24 **in section 167.031, or a virtual school as a full-time equivalent student, as defined in**
25 **section 161.670, to attend any class or to attend the public school of residence for any**
26 **portion of a school day in order to participate in any event or activity offered by the**
27 **school district or an attendance center of the school district.**

28 **3. The provisions of subsections 1 and 2 of this section shall not be construed to**
29 **prohibit a school district from establishing an attendance policy for rehearsals, practice**
30 **sessions, and training sessions under subsection 6 of this section.**

31 **4. The provisions of subsections 1 and 2 of this section shall not be construed to**
32 **prohibit a school district from requiring students to participate in any components of**
33 **instruction required for participation in fine arts activities, career and technical student**
34 **organizations where applied learning and engagement is an integral component of**
35 **instruction for an approved career and technical education program in Missouri, or**
36 **integrated cocurricular activities requiring students to participate in appropriate**
37 **coursework and preparation of their related activities. For the purpose of this**
38 **subsection, the term "fine arts activities" means any student activities that include**
39 **dance, theater, vocal music, performance of music, or visual arts, and the term**

40 "integrated cocurricular activities" means activities that are outside of the regular
41 school curriculum, but complement and supplement such curriculum.

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

46 6. (1) A school district may establish an attendance policy for any rehearsals,
47 practice sessions, or training sessions that are directly related to and required for
48 participation in an event or activity offered by the school district or an attendance
49 center of the school district.

50 (2) Any school disciplinary policy or school attendance policy shall be applied in
51 the same manner to all students who participate in the event or activity to which the
52 policy applies. A school district shall not establish a separate disciplinary policy or
53 attendance policy, or any provision thereof, for students who receive instruction at a
54 FLEX school, as defined in section 167.031, or a virtual school as a full-time equivalent
55 student, as defined in section 161.670.

56 7. If a student whose academic performance or disciplinary status would
57 preclude such student from eligibility to participate in extracurricular events or
58 activities in the student's resident school district disenrolls from such school district in
59 order to receive instruction in a FLEX school, as defined in section 167.031, or a virtual
60 school as a full-time equivalent student, as defined in section 161.670, such student shall
61 not be eligible to participate in public school events or activities in the district of such
62 student's disenrollment for twelve calendar months from the date of disenrollment.

63 8. The parent or legal guardian providing primary instruction of a student who
64 is receiving instruction at a FLEX school, as defined in section 167.031, is responsible for
65 oversight of academic standards relating to the student's participation in an activity.

66 9. Any records created by a school district or attendance center under this
67 section shall not be disclosed by such district or attendance center for any purpose.

68 10. A student who is receiving instruction in a FLEX school, as defined in section
69 167.031, or a virtual school as a full-time equivalent student, as defined in section
70 161.670, shall satisfy the following requirements in order to be eligible to participate in
71 public school events or activities in the student's district of residence under the
72 provisions of this section:

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

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

79 **(3) The student shall adhere to the same behavior, responsibility, performance,**
80 **and code of conduct standards as those enrolled in the public school district; and**

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

210.167. If an investigation conducted by the children's division under section
2 210.145 reveals that the only basis for action involves a question of an alleged violation of
3 section 167.031, then the local office of the division shall send the report to the school district
4 in which the child resides. The school district shall immediately refer all **matters involving**
5 **the child's attendance at a private, parochial, parish [or], home school [matters], or FLEX**
6 **school, as defined in section 167.031,** to the prosecuting attorney of the county wherein the
7 child legally resides. The school district may refer public school violations of section
8 167.031 to the prosecuting attorney.

210.211. 1. It shall be unlawful for any person to establish, maintain or operate a
2 child-care facility for children, or to advertise or hold himself or herself out as being able to
3 perform any of the services as defined in section 210.201, without having in effect a written
4 license granted by the department of elementary and secondary education; except that nothing
5 in sections 210.203 to 210.245 shall apply to:

6 (1) Any person who is caring for six or fewer children, including a maximum of three
7 children under the age of two, at the same physical address. For purposes of this subdivision,
8 children who live in the caregiver's home and who are eligible for enrollment in a public
9 kindergarten, elementary, or high school shall not be considered in the total number of
10 children being cared for;

11 (2) Any person who receives free of charge, and not as a business, for periods not
12 exceeding ninety consecutive days, as bona fide, occasional and personal guests the child or
13 children of personal friends of such person, and who receives custody of no other unrelated
14 child or children;

15 (3) Any graded boarding school that is conducted in good faith primarily to provide
16 education;

17 (4) Any summer or day camp that is conducted in good faith primarily to provide
18 recreation;

19 (5) Any hospital, sanitarium, or home that is conducted in good faith primarily to
20 provide medical treatment or nursing or convalescent care for children;

21 (6) Any residential facility or day program licensed by the department of mental
22 health under sections 630.705 to 630.760 that provides care, treatment, and habilitation
23 exclusively to children who have a primary diagnosis of mental disorder, mental illness,

24 intellectual disability, or developmental disability, as those terms are defined in section
25 630.005;

26 (7) Any school system as defined in section 210.201;

27 (8) Any Montessori school as defined in section 210.201;

28 (9) Any business that operates a child care program for the convenience of its
29 customers or its employees if the following conditions are met:

30 (a) The business provides child care for customers' or employees' children for no
31 more than four hours per day; and

32 (b) Customers or employees remain on site while their children are being cared for by
33 the business establishment;

34 (10) Any home school **or FLEX school**, as defined in section 167.031;

35 (11) Any religious organization academic preschool or kindergarten for four- and
36 five-year-old children;

37 (12) Any weekly Sunday or Sabbath school, a vacation bible school, or child care
38 made available while the parents or guardians are attending worship services or other
39 meetings and activities conducted or sponsored by a religious organization;

40 (13) Any neighborhood youth development program under section 210.278;

41 (14) Any religious organization elementary or secondary school;

42 (15) Any private organization elementary or secondary school system providing child
43 care to children younger than school age. If a facility or program is exempt from licensure
44 based upon this exception, such facility or program shall submit documentation annually to
45 the department to verify its licensure-exempt status;

46 (16) Any nursery school as defined in section 210.201; and

47 (17) Any child care facility maintained or operated under the exclusive control of a
48 religious organization. If a nonreligious organization having as its principal purpose the
49 provision of child care services enters into an arrangement with a religious organization for
50 the maintenance or operation of a child care facility, the facility is not under the exclusive
51 control of the religious organization.

52 2. Notwithstanding the provisions of subsection 1 of this section, no child-care
53 facility shall be exempt from licensure if such facility receives any state or federal funds for
54 providing care for children, except for federal funds for those programs which meet the
55 requirements for participation in the Child and Adult Care Food Program pursuant to 42
56 U.S.C. Section 1766. Grants to parents for child care pursuant to sections 210.201 to 210.257
57 shall not be construed to be funds received by a person or facility listed in subdivisions (1)
58 and (17) of subsection 1 of this section.

59 3. Every child care facility shall disclose the licensure status of the facility to the
60 parents or guardians of children for which the facility provides care. No child care facility

61 exempt from licensure shall represent to any parent or guardian of children for which the
62 facility provides care that the facility is licensed when such facility is in fact not licensed. A
63 parent or guardian utilizing an unlicensed child care facility shall sign a written notice
64 indicating he or she is aware of the unlicensed status of the facility. The facility shall keep a
65 copy of this signed written notice on file. All child care facilities shall provide the parent or
66 guardian enrolling a child in the facility with a written explanation of the disciplinary
67 philosophy and policies of the child care facility.

68 4. Up to two children who are five years of age or older and who are related within
69 the third degree of consanguinity or affinity to, adopted by, or under court appointed
70 guardianship or legal custody of a child care provider who is responsible for the daily
71 operation of a licensed family child care home that is organized as a corporation, association,
72 firm, partnership, limited liability company, sole proprietorship, or any other type of business
73 entity in this state shall not be included in the number of children counted toward the
74 maximum number of children for which the family child care home is licensed under section
75 210.221. If more than one member of the corporation, association, firm, partnership, limited
76 liability company, or other business entity is responsible for the daily operation of the
77 licensed family child care home, then the related children of only one such member shall be
78 excluded. A family child care home caring for children not counted in the maximum number
79 of children, as permitted under this subsection, shall disclose this to parents or guardians on
80 the written notice required under subsection 3 of this section. If a family child care home
81 begins caring for children not counted in the maximum number of children after a parent or
82 guardian has signed the written notice required under subsection 3 of this section, the family
83 child care home shall provide a separate notice to the parent or guardian that the family child
84 care home is caring for children not counted in the maximum number of children for which
85 the family child care home is licensed and shall keep a copy of the signed notice on file.

86 5. Nothing in this section shall prevent the department from enforcing licensing
87 regulations promulgated under this chapter, including, but not limited to, supervision
88 requirements and capacity limitations based on the amount of child care space available.

211.031. 1. Except as otherwise provided in this chapter, the juvenile court or the
2 family court in circuits that have a family court as provided in chapter 487 shall have
3 exclusive original jurisdiction in proceedings:

4 (1) Involving any child who may be a resident of or found within the county and who
5 is alleged to be in need of care and treatment because:

6 (a) The parents, or other persons legally responsible for the care and support of the
7 child, neglect or refuse to provide proper support, education which is required by law,
8 medical, surgical or other care necessary for his or her well-being; except that reliance by a
9 parent, guardian or custodian upon remedial treatment other than medical or surgical

10 treatment for a child shall not be construed as neglect when the treatment is recognized or
11 permitted pursuant to the laws of this state;

12 (b) The child is otherwise without proper care, custody or support;

13 (c) The child was living in a room, building or other structure at the time such
14 dwelling was found by a court of competent jurisdiction to be a public nuisance pursuant to
15 section 195.130; or

16 (d) The child is in need of mental health services and the parent, guardian or
17 custodian is unable to afford or access appropriate mental health treatment or care for the
18 child;

19 (2) Involving any child who may be a resident of or found within the county and who
20 is alleged to be in need of care and treatment because:

21 (a) The child while subject to compulsory school attendance is repeatedly and without
22 justification absent from school;

23 (b) The child disobeys the reasonable and lawful directions of his or her parents or
24 other custodian and is beyond their control;

25 (c) The child is habitually absent from his or her home without sufficient cause,
26 permission, or justification;

27 (d) The behavior or associations of the child are otherwise injurious to his or her
28 welfare or to the welfare of others; or

29 (e) The child is charged with an offense not classified as criminal, or with an offense
30 applicable only to children; except that, the juvenile court shall not have jurisdiction over any
31 child fifteen years of age who is alleged to have violated a state or municipal traffic ordinance
32 or regulation, the violation of which does not constitute a felony, or any child who is alleged
33 to have violated a state or municipal ordinance or regulation prohibiting possession or use of
34 any tobacco product;

35 (3) Involving any child who is alleged to have violated a state law or municipal
36 ordinance, or any person who is alleged to have violated a state law or municipal ordinance
37 prior to attaining the age of eighteen years, in which cases jurisdiction may be taken by the
38 court of the circuit in which the child or person resides or may be found or in which the
39 violation is alleged to have occurred; except that, the juvenile court shall not have jurisdiction
40 over any child fifteen years of age who is alleged to have violated a state or municipal traffic
41 ordinance or regulation, the violation of which does not constitute a felony, and except that
42 the juvenile court shall have concurrent jurisdiction with the municipal court over any child
43 who is alleged to have violated a municipal curfew ordinance, and except that the juvenile
44 court shall have concurrent jurisdiction with the circuit court on any child who is alleged to
45 have violated a state or municipal ordinance or regulation prohibiting possession or use of any
46 tobacco product;

47 (4) For the adoption of a person;

48 (5) For the commitment of a child to the guardianship of the department of social
49 services as provided by law;

50 (6) Involving an order of protection pursuant to chapter 455 when the respondent is
51 less than eighteen years of age; and

52 (7) Involving a child who has been a victim of sex trafficking or sexual exploitation.

53 2. Transfer of a matter, proceeding, jurisdiction or supervision for a child who resides
54 in a county of this state shall be made as follows:

55 (1) Prior to the filing of a petition and upon request of any party or at the discretion of
56 the juvenile officer, the matter in the interest of a child may be transferred by the juvenile
57 officer, with the prior consent of the juvenile officer of the receiving court, to the county of
58 the child's residence or the residence of the person eighteen years of age for future action;

59 (2) Upon the motion of any party or on its own motion prior to final disposition on the
60 pending matter, the court in which a proceeding is commenced may transfer the proceeding of
61 a child to the court located in the county of the child's residence, or the county in which the
62 offense pursuant to subdivision (3) of subsection 1 of this section is alleged to have occurred
63 for further action;

64 (3) Upon motion of any party or on its own motion, the court in which jurisdiction has
65 been taken pursuant to subsection 1 of this section may at any time thereafter transfer
66 jurisdiction of a child to the court located in the county of the child's residence for further
67 action with the prior consent of the receiving court;

68 (4) Upon motion of any party or upon its own motion at any time following a
69 judgment of disposition or treatment pursuant to section 211.181, the court having jurisdiction
70 of the cause may place the child under the supervision of another juvenile court within or
71 without the state pursuant to section 210.570 with the consent of the receiving court;

72 (5) Upon motion of any child or his or her parent, the court having jurisdiction shall
73 grant one change of judge pursuant to Missouri supreme court rules;

74 (6) Upon the transfer of any matter, proceeding, jurisdiction or supervision of a child,
75 certified copies of all legal and social documents and records pertaining to the case on file
76 with the clerk of the transferring juvenile court shall accompany the transfer.

77 3. In any proceeding involving any child taken into custody in a county other than the
78 county of the child's residence, the juvenile court of the county of the child's residence shall
79 be notified of such taking into custody within seventy-two hours.

80 4. When an investigation by a juvenile officer pursuant to this section reveals that the
81 only basis for action involves an alleged violation of section 167.031 involving a child who
82 alleges to be ~~[home-schooled]~~ **receiving instruction at a home school or a FLEX school, as**
83 **those terms are defined in section 167.031**, the juvenile officer shall contact a parent or

84 parents of such child to verify that the child is ~~[being home schooled]~~ **receiving instruction**
85 **at such school** and not in violation of section 167.031 before making a report of such a
86 violation. Any report of a violation of section 167.031 made by a juvenile officer regarding a
87 child who is ~~[being home schooled]~~ **receiving instruction at a home school or FLEX school**
88 shall be made to the prosecuting attorney of the county where the child legally resides.

89 5. The disability or disease of a parent shall not constitute a basis for a determination
90 that a child is a child in need of care or for the removal of custody of a child from the parent
91 without a specific showing that there is a causal relation between the disability or disease and
92 harm to the child.

452.375. 1. As used in this chapter, unless the context clearly indicates otherwise:

2 (1) "Custody" means joint legal custody, sole legal custody, joint physical custody or
3 sole physical custody or any combination thereof;

4 (2) "Joint legal custody" means that the parents share the decision-making rights,
5 responsibilities, and authority relating to the health, education and welfare of the child, and,
6 unless allocated, apportioned, or decreed, the parents shall confer with one another in the
7 exercise of decision-making rights, responsibilities, and authority;

8 (3) "Joint physical custody" means an order awarding each of the parents significant,
9 but not necessarily equal, periods of time during which a child resides with or is under the
10 care and supervision of each of the parents. Joint physical custody shall be shared by the
11 parents in such a way as to assure the child of frequent, continuing and meaningful contact
12 with both parents;

13 (4) "Third-party custody" means a third party designated as a legal and physical
14 custodian pursuant to subdivision (5) of subsection 5 of this section.

15 2. The court shall determine custody in accordance with the best interests of the child.
16 There shall be a rebuttable presumption that an award of equal or approximately equal
17 parenting time to each parent is in the best interests of the child. Such presumption is
18 rebuttable only by a preponderance of the evidence in accordance with all relevant factors,
19 including, but not limited to, the factors contained in subdivisions (1) to (8) of this subsection.
20 The presumption may be rebutted if the court finds that the parents have reached an
21 agreement on all issues related to custody, or if the court finds that a pattern of domestic
22 violence has occurred as set out in subdivision (6) of this subsection. When the parties have
23 not reached an agreement on all issues related to custody, the court shall consider all relevant
24 factors and enter written findings of fact and conclusions of law, including, but not limited to,
25 the following:

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

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

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

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

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

39 (6) The mental and physical health of all individuals involved, including any history
40 of abuse of any individuals involved. If the court finds that a pattern of domestic violence as
41 defined in section 455.010 has occurred, and, if the court also finds that awarding custody to
42 the abusive parent is in the best interest of the child, then the court shall enter written findings
43 of fact and conclusions of law. Custody and visitation rights shall be ordered in a manner that
44 best protects the child and any other child or children for whom the parent has custodial or
45 visitation rights, and the parent or other family or household member who is the victim of
46 domestic violence from any further harm;

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

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

50 3. (1) In any court proceedings relating to custody of a child, the court shall not
51 award custody or unsupervised visitation of a child to a parent if such parent or any person
52 residing with such parent has been found guilty of, or pled guilty to, any of the following
53 offenses when a child was the victim:

54 (a) A felony violation of section 566.030, 566.031, 566.032, 566.060, 566.061,
55 566.062, 566.064, 566.067, 566.068, 566.083, 566.100, 566.101, 566.111, 566.151, 566.203,
56 566.206, 566.209, 566.211, or 566.215;

57 (b) A violation of section 568.020;

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

59 (d) A violation of section 568.065;

60 (e) A violation of section 573.200;

61 (f) A violation of section 573.205; or

62 (g) A violation of section 568.175.

63 (2) For all other violations of offenses in chapters 566 and 568 not specifically listed
64 in subdivision (1) of this subsection or for a violation of an offense committed in another state

65 when a child is the victim that would be a violation of chapter 566 or 568 if committed in
66 Missouri, the court may exercise its discretion in awarding custody or visitation of a child to a
67 parent if such parent or any person residing with such parent has been found guilty of, or pled
68 guilty to, any such offense.

69 4. The general assembly finds and declares that it is the public policy of this state that
70 frequent, continuing and meaningful contact with both parents after the parents have
71 separated or dissolved their marriage is in the best interest of the child, except for cases where
72 the court specifically finds that such contact is not in the best interest of the child, and that it
73 is the public policy of this state to encourage parents to participate in decisions affecting the
74 health, education and welfare of their children, and to resolve disputes involving their
75 children amicably through alternative dispute resolution. In order to effectuate these policies,
76 the general assembly encourages the court to enter a temporary parenting plan as early as
77 practicable in a proceeding under this chapter, consistent with the provisions of subsection 2
78 of this section, and, in so doing, the court shall determine the custody arrangement which will
79 best assure both parents participate in such decisions and have frequent, continuing and
80 meaningful contact with their children so long as it is in the best interests of the child.

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

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

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

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

91 (4) Sole custody to either parent; or

92 (5) Third-party custody or visitation:

93 (a) When the court finds that each parent is unfit, unsuitable, or unable to be a
94 custodian, or the welfare of the child requires, and it is in the best interests of the child, then
95 custody, temporary custody or visitation may be awarded to a person related by consanguinity
96 or affinity to the child. If no person related to the child by consanguinity or affinity is willing
97 to accept custody, then the court may award custody to any other person or persons deemed
98 by the court to be suitable and able to provide an adequate and stable environment for the
99 child. Before the court awards custody, temporary custody or visitation to a third person
100 under this subdivision, the court shall make that person a party to the action;

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

103 6. If the parties have not agreed to a custodial arrangement, or the court determines
104 such arrangement is not in the best interest of the child, the court shall include a written
105 finding in the judgment or order based on the public policy in subsection 4 of this section and
106 each of the factors listed in subdivisions (1) to (8) of subsection 2 of this section detailing the
107 specific relevant factors that made a particular arrangement in the best interest of the child. If
108 a proposed custodial arrangement is rejected by the court, the court shall include a written
109 finding in the judgment or order detailing the specific relevant factors resulting in the
110 rejection of such arrangement.

111 7. Upon a finding by the court that either parent has refused to exchange information
112 with the other parent, which shall include but not be limited to information concerning the
113 health, education and welfare of the child, the court shall order the parent to comply
114 immediately and to pay the prevailing party a sum equal to the prevailing party's cost
115 associated with obtaining the requested information, which shall include but not be limited to
116 reasonable attorney's fees and court costs.

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

122 9. Any judgment providing for custody shall include a specific written parenting plan
123 setting forth the terms of such parenting plan arrangements specified in subsection 8 of
124 section 452.310. Such plan may be a parenting plan submitted by the parties pursuant to
125 section 452.310 or, in the absence thereof, a plan determined by the court, but in all cases, the
126 custody plan approved and ordered by the court shall be in the court's discretion and shall be
127 in the best interest of the child.

128 10. After August 28, 2016, every court order establishing or modifying custody or
129 visitation shall include the following language: "In the event of noncompliance with this
130 order, the aggrieved party may file a verified motion for contempt. If custody, visitation, or
131 third-party custody is denied or interfered with by a parent or third party without good cause,
132 the aggrieved person may file a family access motion with the court stating the specific facts
133 that constitute a violation of the custody provisions of the judgment of dissolution, legal
134 separation, or judgment of paternity. The circuit clerk will provide the aggrieved party with
135 an explanation of the procedures for filing a family access motion and a simple form for use
136 in filing the family access motion. A family access motion does not require the assistance of
137 legal counsel to prepare and file."

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

144 12. Unless a parent has been denied custody rights pursuant to this section or
145 visitation rights under section 452.400, both parents shall have access to records and
146 information pertaining to a minor child including, but not limited to, medical, dental, and
147 school records. If the parent without custody has been granted restricted or supervised
148 visitation because the court has found that the parent with custody or any child has been the
149 victim of domestic violence, as defined in section 455.010, by the parent without custody, the
150 court may order that the reports and records made available pursuant to this subsection not
151 include the address of the parent with custody or the child. A court shall order that the reports
152 and records made available under this subsection not include the address of the parent with
153 custody if the parent with custody is a participant in the address confidentiality program under
154 section 589.663. Unless a parent has been denied custody rights pursuant to this section or
155 visitation rights under section 452.400, any judgment of dissolution or other applicable court
156 order shall specifically allow both parents access to such records and reports.

157 13. Except as otherwise precluded by state or federal law, if any individual,
158 professional, public or private institution or organization denies access or fails to provide or
159 disclose any and all records and information, including, but not limited to, past and present
160 dental, medical and school records pertaining to a minor child, to either parent upon the
161 written request of such parent, the court shall, upon its finding that the individual,
162 professional, public or private institution or organization denied such request without good
163 cause, order that party to comply immediately with such request and to pay to the prevailing
164 party all costs incurred, including, but not limited to, attorney's fees and court costs associated
165 with obtaining the requested information.

166 14. An award of joint custody does not preclude an award of child support pursuant to
167 section 452.340 and applicable supreme court rules. The court shall consider the factors
168 contained in section 452.340 and applicable supreme court rules in determining an amount
169 reasonable or necessary for the support of the child.

170 15. If the court finds that domestic violence or abuse as defined in section 455.010
171 has occurred, the court shall make specific findings of fact to show that the custody or
172 visitation arrangement ordered by the court best protects the child and the parent or other
173 family or household member who is the victim of domestic violence, as defined in section

174 455.010, and any other children for whom such parent has custodial or visitation rights from
175 any further harm.

2 ~~[167.071. 1. In school districts having seven or more directors the~~
3 ~~school board may appoint and remove at pleasure one or more school~~
4 ~~attendance officers and shall pay them from the public school funds.~~

5 ~~2. Each attendance officer has the powers of a deputy sheriff in the~~
6 ~~performance of his duties. He shall investigate the claims of children for~~
7 ~~exemptions under section 167.031, and report his findings to the person~~
8 ~~authorized by that section to grant the exemption sought. He shall refer all~~
9 ~~cases involving an alleged violation of section 167.031 involving a public~~
10 ~~school to the superintendent of the public school of the district where the child~~
11 ~~legally resides and all cases involving an alleged violation of section 167.031~~
12 ~~involving a private, parochial, parish or home school to the prosecuting~~
13 ~~attorney of the county wherein the child legally resides. When reasonable~~
14 ~~doubt exists as to the age of any such child he may require a properly attested~~
15 ~~birth certificate or an affidavit stating the child's age, date of birth, physical~~
16 ~~characteristics and bearing the signature of the child. He may visit and enter~~
17 ~~any mine, office, factory, workshop, business house, place of amusement, or~~
18 ~~other place in which children are employed or engaged in any kind of service,~~
19 ~~or any place or building in which children loiter or idle during school hours;~~
20 ~~may require a properly attested certificate of the attendance of any child at~~
21 ~~school; may arrest, without warrant, any truant, or nonattendants or other~~
22 ~~juvenile disorderly persons, and place them in some school or take them to~~
23 ~~their homes, or take them to any place of detention provided for neglected~~
24 ~~children in the county or school district. He shall serve in the cases which he~~
25 ~~prosecutes without additional fee or compensation. Each attendance officer~~
26 ~~appointed by a school board shall carry into effect the regulations lawfully~~
27 ~~prescribed by the board by which he was appointed.~~

28 ~~3. In any urban school district, any metropolitan school district and in~~
29 ~~school districts having seven or more directors and which are located in a first~~
30 ~~class county having a charter form of government, any duly commissioned city~~
31 ~~or county police officer shall be ex officio school attendance officers. Any~~
32 ~~police officer exercising duties of ex officio school attendance officer need not~~
33 ~~refer any child apprehended pursuant to the provisions of this section to~~
34 ~~juvenile court or a juvenile officer, but nothing in this subsection shall be~~
35 ~~construed to limit the police officer's regular powers and duties as a peace~~
~~officer.]~~

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