

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NOS. 411 & 230
102ND GENERAL ASSEMBLY

1641H.15C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 160.011, 160.041, 160.2705, 160.2720, 160.2725, 161.670, 162.471, 162.492, 162.611, 162.996, 162.1250, 163.021, 166.700, 167.019, 167.031, 167.042, 167.061, 167.071, 167.126, 167.600, 167.619, 171.031, 171.033, 210.167, 210.211, 211.031, and 452.375, RSMo, and to enact in lieu thereof thirty-six new sections relating to participation of elementary and secondary school students in educational settings, with a delayed effective date for certain sections.

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

Section A. Sections 160.011, 160.041, 160.2705, 160.2720, 160.2725, 161.670, 2 162.471, 162.492, 162.611, 162.996, 162.1250, 163.021, 166.700, 167.019, 167.031, 3 167.042, 167.061, 167.071, 167.126, 167.600, 167.619, 171.031, 171.033, 210.167, 4 210.211, 211.031, and 452.375, RSMo, are repealed and thirty-six new sections enacted in 5 lieu thereof, to be known as sections 160.011, 160.041, 160.527, 160.771, 160.2705, 6 160.2720, 160.2725, 161.264, 161.670, 161.854, 162.471, 162.492, 162.611, 162.996, 7 162.1250, 163.021, 163.063, 166.700, 167.019, 167.027, 167.031, 167.042, 167.061, 8 167.126, 167.600, 167.619, 167.790, 170.281, 170.341, 171.028, 171.031, 171.033, 9 210.167, 210.211, 211.031, and 452.375, to read as follows:

160.011. As used in chapters 160, 161, 162, 163, 164, 165, 167, 168, 170, 171, 177 2 and 178, the following terms mean:

3 (1) "District" or "school district", when used alone, may include seven-director, 4 urban, and metropolitan school districts;

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.

- 5 (2) "Elementary school", a public school giving instruction in a grade or grades not
6 higher than the eighth grade;
- 7 (3) "Family literacy programs", services of sufficient intensity in terms of hours, and
8 of sufficient duration, to make sustainable changes in families that include:
- 9 (a) Interactive literacy activities between parents and their children;
- 10 (b) Training of parents regarding how to be the primary teacher of their children and
11 full partners in the education of their children;
- 12 (c) Parent literacy training that leads to high school completion and economic self
13 sufficiency; and
- 14 (d) An age-appropriate education to prepare children of all ages for success in school;
- 15 (4) "Graduation rate", the quotient of the number of graduates in the current year as of
16 June thirtieth divided by the sum of the number of graduates in the current year as of June
17 thirtieth plus the number of twelfth graders who dropped out in the current year plus the
18 number of eleventh graders who dropped out in the preceding year plus the number of tenth
19 graders who dropped out in the second preceding year plus the number of ninth graders who
20 dropped out in the third preceding year;
- 21 (5) "High school", a public school giving instruction in a grade or grades not lower
22 than the ninth nor higher than the twelfth grade;
- 23 (6) "Metropolitan school district", any school district the boundaries of which are
24 coterminous with the limits of any city which is not within a county;
- 25 (7) "Public school" includes all elementary and high schools operated at public
26 expense;
- 27 (8) "School board", the board of education having general control of the property and
28 affairs of any school district;
- 29 (9) "School term", a minimum of ~~[one hundred seventy-four school days, as that term
30 is defined in section 160.041, for schools with a five-day school week or a minimum of one
31 hundred forty-two school days, as that term is defined in section 160.041, for schools with a
32 four-day school week, and]~~ one thousand forty-four hours of actual pupil attendance as
33 scheduled by the board pursuant to section 171.031 during a twelve-month period in which
34 the academic instruction of pupils is actually and regularly carried on for a group of students
35 in the public schools of any school district~~].—In school year 2019-20 and subsequent years,
36 one thousand forty-four hours of actual pupil attendance shall be required with no minimum
37 number of school days required], and, for a school district that is located wholly or
38 partially in a county with a charter form of government or a school district that is
39 located wholly or partially in a city with more than thirty thousand inhabitants, a
40 minimum of one hundred and sixty-eight school days, as that term is defined in section
41 160.041, unless the district has adopted a four-day school week as provided in section~~

42 **171.028 in which case the district school term shall have a minimum of one hundred**
43 **forty-two school days, as such term is defined in section 160.041.** A school term may be
44 within a school year or may consist of parts of two consecutive school years, but does not
45 include summer school. A district may choose to operate two or more terms for different
46 groups of children. A school term for students participating in a school flex program as
47 established in section 160.539 may consist of a combination of actual pupil attendance and
48 attendance at college or technical career education or approved employment aligned with the
49 student's career academic plan for a total of the required number of hours as provided in this
50 subdivision;

51 (10) "Secretary", the secretary of the board of a school district;

52 (11) "Seven-director district", any school district which has seven directors and
53 includes urban districts regardless of the number of directors an urban district may have
54 unless otherwise provided by law;

55 (12) "Taxpayer", any individual who has paid taxes to the state or any subdivision
56 thereof within the immediately preceding twelve-month period or the spouse of such
57 individual;

58 (13) "Town", any town or village, whether or not incorporated, the plat of which has
59 been filed in the office of the recorder of deeds of the county in which it is situated;

60 (14) "Urban school district", any district which includes more than half of the
61 population or land area of any city which has not less than seventy thousand inhabitants, other
62 than a city which is not within a county.

160.041. 1. [~~The "minimum school day" consists of three hours for schools with a
2 five-day school week or four hours for schools with a four-day school week in which the
3 pupils are under the guidance and direction of teachers in the teaching process.~~] A "school
4 month" consists of four weeks of five days each for schools with a five-day school week or
5 four weeks of four days each for schools with a four-day school week. [~~In school year 2019-
6 20 and subsequent years, no minimum number of school days shall be required, and] **The**
7 **term** "school day" shall mean any day in which, for any amount of time, pupils are under the
8 guidance and direction of teachers in the teaching process. The "school year" commences on
9 the first day of July and ends on the thirtieth day of June following.~~

10 2. Notwithstanding the provisions of subsection 1 of this section, the commissioner of
11 education is authorized to reduce the required number of hours or days in which the pupils are
12 under the guidance and direction of teachers in the teaching process if:

13 (1) There is damage to or destruction of a public school facility which requires the
14 dual utilization of another school facility; or

15 (2) Flooding or other inclement weather as defined in subsection 1 of section 171.033
16 prevents students from attending the public school facility.

17

18 Such reduction shall not extend beyond two calendar years in duration.

19 **160.527. 1. The one-half unit of credit in health education required by the state**
2 **board of education shall be renamed "Health and Family Education" for the 2024-25**
3 **school year and all subsequent school years.**

4 **2. The state board of education shall convene a work group to develop and**
5 **recommend academic performance standards relating to the one-half unit of credit of**
6 **health and family education required by the board. The work group shall include, but**
7 **not be limited to, educators providing instruction in health education and family and**
8 **consumer science in grades nine to twelve, representatives from the department of**
9 **elementary and secondary education, and nonprofit organizations that focus on public**
10 **health, parenting, and social services. The work group shall develop written curriculum**
11 **frameworks relating to health and family education with an emphasis on behavioral**
12 **health relating to the causes of morbidity and mortality of youth, chronic disease**
13 **management, and parenting skills associated with optimal family health over a lifetime**
14 **that may be used by school districts.**

15 **3. The state board of education shall adopt and implement academic**
16 **performance standards relating to health and family education for the 2024-25 school**
17 **year and all subsequent school years.**

18 **4. The requirements of section 160.514 shall not apply to this section.**

19 **160.771. 1. This section shall be known and may be cited as the "Missouri**
2 **Childhood Hero Act".**

3 **2. As used in this section, the following words mean:**

4 **(1) "Act of school violence" or "violent behavior", the same meaning as in**
5 **section 160.261;**

6 **(2) "Bullying", the same meaning as in section 160.775;**

7 **(3) "Crime", the crimes listed in section 160.261;**

8 **(4) "Zero-tolerance disciplinary policy", a policy or practice of discipline that**
9 **results in an automatic disciplinary consequence such as suspension or expulsion for any**
10 **student who commits one or more listed offenses even if administrators have some**
11 **discretion to modify the consequence on a case-by-case basis.**

12 **3. Each school district shall adopt a policy to address bullying and school**
13 **discipline. The policy shall contain at least the following components:**

14 **(1) A statement that the school district prohibits, does not have, and will not**
15 **adopt, in name or in practice, a zero-tolerance disciplinary policy that requires the**
16 **detention, suspension, expulsion, or imposition of other disciplinary measures against a**

17 **pupil who is a victim of bullying and against whom an act of school violence, violent**
18 **behavior, or crime is committed; and**

19 **(2) A statement that the school district prohibits, does not have, and will not**
20 **adopt, in name or in practice, a zero-tolerance disciplinary policy that requires the**
21 **detention, suspension, expulsion, or imposition of other disciplinary measures against a**
22 **pupil who intervenes on behalf of a pupil who is a victim of bullying and against whom**
23 **an act of school violence, violent behavior, or crime is committed.**

160.2705. 1. [~~The department of elementary and secondary education shall authorize~~
2 ~~before January 1, 2018, a] **The department of social services shall authorize** Missouri-
3 based nonprofit [~~organization] **organizations** meeting the criteria [~~under subsection 2]~~ of this
4 section to establish and operate [~~four] **adult high schools, with:**~~~~~~

5 (1) One adult high school to be located in a city not within a county;

6 (2) One adult high school to be located in a county of the third classification without a
7 township form of government and with more than forty-one thousand but fewer than forty-
8 five thousand inhabitants or a county contiguous to that county;

9 (3) One adult high school to be located in a county of the first classification with
10 more than two hundred sixty thousand but fewer than three hundred thousand inhabitants or a
11 county contiguous to that county; [~~and]~~

12 (4) One adult high school to be located in a county of the first classification with
13 more than one hundred fifty thousand but fewer than two hundred thousand inhabitants; **and**

14 **(5) One adult high school to be located in a county with more than seven**
15 **hundred thousand but fewer than eight hundred thousand inhabitants, or a contiguous**
16 **county.**

17 2. [~~The department of elementary and secondary education shall grant the~~
18 ~~authorization described under subsection 1 of this section based on a bid process~~
19 ~~conducted in accordance with the rules and regulations governing purchasing through the~~
20 ~~office of administration. The successful bidder shall:] **The department of social services**
21 **shall administer funding to adult high schools subject to appropriations. The**
22 **department shall be responsible for granting and maintaining authorization for adult**
23 **high schools. For adult high schools in operation prior to January 1, 2023, the**
24 **department shall maintain authorization for the nonprofit organization to operate the**
25 **schools, subject to compliance with this section. No more than one organization shall be**
26 **authorized to operate an adult high school at each location described in subsection 1 of**
27 **this section. An organization may establish satellite campuses for any adult high school**
28 **it is authorized to operate. The department shall administer funding for satellite**
29 **campuses subject to appropriations.**~~

30 **3. On or before January 1, 2024, the department of social services shall select an**
31 **eligible Missouri-based nonprofit organization to operate in a location described in**
32 **subdivision (5) of subsection 1 of this section. An eligible organization shall:**

33 (1) Demonstrate the ability to establish, within twenty-one months of the receipt of
34 the authorization, ~~four~~ **an** adult high ~~schools~~ **school** offering high school diplomas, an
35 industry certification program or programs, and child care for children of the students
36 attending the high schools;

37 (2) ~~[Commit at least two million dollars in investment for the purpose of establishing~~
38 ~~the necessary infrastructure to operate four adult high schools]~~ **Demonstrate the ability to**
39 **commit at least five hundred thousand dollars for the purpose of establishing the**
40 **necessary infrastructure at the adult high school;**

41 (3) Demonstrate substantial and positive experience in providing services, including
42 industry certifications and job placement services, to adults twenty-one years of age or older
43 whose educational and training opportunities have been limited by educational disadvantages,
44 disabilities, homelessness, criminal history, or similar circumstances;

45 (4) Establish a partnership with a state-supported postsecondary education institution
46 or more than one such partnership, if a partnership or partnerships are necessary in order to
47 meet the requirements for an adult high school;

48 (5) Establish a comprehensive plan that sets forth how the adult high schools will help
49 address the need for a sufficiently trained workforce in the surrounding region for each adult
50 high school;

51 (6) Establish partnerships and strategies for engaging the community and business
52 leaders in carrying out the goals of each adult high school;

53 (7) Establish the ability to meet quality standards through certified teachers and
54 programs that support each student in such student's goal to find a more rewarding job;

55 (8) Establish a plan for assisting students in overcoming barriers to educational
56 success including, but not limited to, educational disadvantages, homelessness, criminal
57 history, disability, including learning disability such as dyslexia, and similar circumstances;

58 (9) Establish a process for determining outcomes of the adult high school, including
59 outcomes related to a student's ability to find a more rewarding job through the attainment of
60 a high school diploma and job training and certification; and

61 (10) ~~[Bids shall not include an]~~ **Limit the** administrative fee ~~[greater than]~~ **to no**
62 **more than** ten percent.

63 ~~[3-]~~ **4.** (1) The department of elementary and secondary education shall establish
64 academic requirements for students to obtain high school diplomas.

65 (2) Requirements for a high school diploma shall be based on an adult student's prior
66 high school achievement and the remaining credits and coursework that would be necessary

67 for the student to receive a high school diploma if such student were in a traditional high
68 school setting. The adult student shall meet the requirements with the same level of academic
69 rigor as would otherwise be necessary to attain such credits.

70 (3) The adult high school authorized under this section shall award high school
71 diplomas to students who successfully meet the established academic requirements. The
72 adult high school authorized under this section shall confer the diploma as though the student
73 earned the diploma at a traditional high school. The diploma shall have no differentiating
74 marks, titles, or other symbols.

75 (4) Students at adult high schools may complete required coursework at their own
76 pace and as available through the adult high school. They shall not be required to satisfy any
77 specific number of class minutes. The adult high school may also make classes available to
78 students online as may be appropriate. However, students shall not complete the majority of
79 instruction of the school's curriculum online or through remote instruction. For the purposes
80 of this subsection, synchronous instruction connecting students to a live class conducted in a
81 Missouri adult high school shall be treated the same as in-person instruction.

82 (5) The department of elementary and secondary education shall not create additional
83 regulations or burdens on the adult high school or the students attending the adult high
84 schools beyond certifying necessary credits and ensuring that students have sufficiently
85 mastered the subject matter to make them eligible for credit.

86 ~~[4-]~~ 5. An adult high school shall be deemed a secondary school system for the
87 purposes of subdivision (15) of subsection 1 of section 210.211.

160.2720. The nonprofit organization who receives the authorization described under
2 section 160.2705 shall submit to the department of elementary and secondary education, **the**
3 **department of social services**, the joint committee on education, and the offices of the
4 governor, speaker of the house of representatives, and president pro tempore of the senate an
5 annual report concerning evaluations of the adult high schools, including the impact the adult
6 high schools have had in meeting industry needs in the state before December first of each
7 year.

160.2725. The department of ~~[elementary and secondary education]~~ **social services**
2 may promulgate rules to implement the provisions of sections 160.2700 to 160.2720. Any
3 rule or portion of a rule, as that term is defined in section 536.010, that is created under the
4 authority delegated in this section shall become effective only if it complies with and is
5 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
6 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
7 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a
8 rule are subsequently held unconstitutional, then the grant of rulemaking authority and any
9 rule proposed or adopted after August 28, 2017, shall be invalid and void.

161.264. 1. Subject to appropriation, the department of elementary and secondary education shall establish a statewide program to be known as the "STEM Career Awareness Activity Program" to increase STEM career awareness among students in grades nine through twelve. For the purposes of this section, "STEM" means science, technology, engineering, and mathematics.

2. The department of elementary and secondary education shall promote the statewide program beginning in the 2024-25 school year. The program shall introduce students in grades nine through twelve to a wide variety of STEM careers and technology through an activity program that involves participating in STEM-related activities at state, national, or international competitions.

3. (1) By January 1, 2024, the department of elementary and secondary education shall solicit proposals to provide the activity program. By March 1, 2024, the department of elementary and secondary education shall select a provider for the program.

(2) The department shall select a provider that presents quantitative or qualitative data demonstrating the effectiveness of the program in any of the following areas:

(a) Helping teachers improve their instruction in STEM-related subjects;

(b) Increasing the likelihood that students will go on to study a STEM-related subject at a four-year college upon graduation from high school; or

(c) Increasing the likelihood that students will enter the STEM workforce upon graduation from high school or college.

(3) The department shall select a provider that delivers a program that meets the following criteria:

(a) Provides an activity program that is led by teachers who are fully certified to teach in STEM-related subjects in grades nine through twelve under the laws governing the certification of teachers in Missouri; and

(b) Facilitates a cohort of students in grades nine through twelve to participate in STEM-related activities at state, national, or international competitions.

4. Notwithstanding the provisions of subsections 2 and 3 of this section to the contrary, the department of elementary and secondary education may choose a third-party nonprofit entity to implement the statewide program, solicit proposals, and select a provider as described under subsection 3 of this section.

5. There is hereby created in the state treasury the "STEM Career Awareness Activity Fund". The fund shall consist of any appropriations, gifts, bequests, or public or private donations to such fund. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve

38 **disbursements of public moneys in accordance with distribution requirements and**
39 **procedures developed by the department of elementary and secondary education. The**
40 **fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be**
41 **used solely for the administration of this section. Notwithstanding the provisions of**
42 **section 33.080 to the contrary, any moneys remaining in the fund at the end of the**
43 **biennium shall not revert to the credit of the general revenue fund. The state treasurer**
44 **shall invest moneys in the fund in the same manner as other funds are invested. Any**
45 **interest and moneys earned on such investments shall be credited to the fund.**

46 **6. The department of elementary and secondary education may promulgate all**
47 **necessary rules and regulations for the administration of this section. Any rule or**
48 **portion of a rule, as that term is defined in section 536.010, that is created under the**
49 **authority delegated in this section shall become effective only if it complies with and is**
50 **subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This**
51 **section and chapter 536 are nonseverable and if any of the powers vested with the**
52 **general assembly pursuant to chapter 536 to review, to delay the effective date, or to**
53 **disapprove and annul a rule are subsequently held unconstitutional, then the grant of**
54 **rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be**
55 **invalid and void.**

161.670. 1. Notwithstanding any other law, prior to July 1, 2007, the state board of
2 education shall establish the "Missouri Course Access and Virtual School Program" to serve
3 school-age students residing in the state. The Missouri course access and virtual school
4 program shall offer nonclassroom-based instruction in a virtual setting using technology,
5 intranet, or internet methods of communication. Any student under the age of twenty-one in
6 grades kindergarten through twelve who resides in this state shall be eligible to enroll in the
7 Missouri course access and virtual school program pursuant to subsection 3 of this section.

8 2. (1) For purposes of calculation and distribution of state school aid, students
9 enrolled in the Missouri course access and virtual school program shall be included in the
10 student enrollment of the school district in which the student is enrolled under subsection 3 of
11 this section; provided that any such student attendance for full-time virtual program students
12 shall only be included in any district pupil attendance calculation under chapter 163 and any
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.

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

2 (1) "Individualized education program" or "IEP", a written statement for a
3 child with a disability that is developed, reviewed, and revised in accordance with 34
4 CFR 300.320 to 300.324 and under 20 U.S.C. Section 1401, as amended;

5 (2) "Local educational agency" or "LEA", a public school or other political
6 subdivision of the state serving any student with an IEP;

7 (3) "Parent", as defined in 34 CFR 300.30;

8 (4) "Public school", the same definition as in section 160.011.

9 2. Each local educational agency shall implement parental consent procedures as
10 described in 34 CFR 300.300 and this section.

11 3. (1) Each local educational agency shall obtain written parental consent for
12 the following placements, removals, additions, changes, or reductions of services in the
13 individualized education program of a child with disabilities prior to such placement,
14 removal, addition, change, or reduction:

15 (a) Initial placement;

16 (b) Annual placement;

17 (c) A placement change;

18 (d) A location change;

19 (e) The removal of a service or services;

20 (f) The reduction or addition of service minutes of a service by more than
21 twenty-five percent; and

22 (g) The reduction or addition, by more than twenty-five percent, of the
23 cumulative number of service minutes for all services provided during the three
24 hundred sixty-five day period beginning with the effective date of such IEP.

25 (2) The LEA shall maintain written documentation of the date and signature of
26 parental consent for initial placement, annual placement, or revision to the IEP.

27 4. If the parents and local educational agency fail to reach an agreement on the
28 child's individualized education program but reach an agreement on certain IEP
29 services or interim placement, the child's current agreed-upon IEP shall be amended to
30 include such areas of agreement until the areas of disagreement are resolved.

31 5. Parents have the right to visit any program or classroom proposed for their
32 child before consenting to IEP changes if the child is identified as eligible for special
33 education services. A visit occurring under this subsection shall be scheduled before or
34 after regular school hours to ensure that such child's hours of instruction are not
35 interrupted.

36 **6. The department of elementary and secondary education shall adopt a parental**
37 **consent form that each local educational agency shall use for any action related to a**
38 **child's individualized education program. Such form shall be provided to the parent in**
39 **the parent's native language, as described in 34 CFR 300.503, and shall include at least**
40 **the following:**

41 **(1) A statement that the parent is a participant of the child's IEP team and has**
42 **the right to consent or refuse consent to the actions as described in this section proposed**
43 **by the IEP team or LEA. The statement shall include at least information that partial**
44 **parental consent or the refusal of parental consent means that the school district has no**
45 **authority to proceed with any actions described in subsection 3 of this section upon**
46 **which there is disagreement without parental consent or the LEA filing a due process**
47 **complaint in accordance with 34 CFR 300.507 to 300.508;**

48 **(2) A "Does consent" box, signature line, and date line;**

49 **(3) A "Does NOT consent" box, signature line, and date line; and**

50 **(4) A "Partial consent" box, signature line, date line, and space for indicating**
51 **the areas of agreement.**

52 **7. A local educational agency shall not proceed with implementing a child's**
53 **individualized education program without parental consent unless the LEA documents**
54 **reasonable efforts of attempts to arrange a mutually agreed-upon time and place, in**
55 **accordance with 34 CFR 300.322(d), and the parent has refused to attend or the LEA**
56 **obtains approval through a due process complaint and hearing in which the hearing**
57 **officer or commissioner finds that the IEP with the proposed change or changes**
58 **provides for a free appropriate public education for the student in accordance with 34**
59 **CFR 300.507 to 300.513.**

60 **8. If a local educational agency and parent fail to reach an agreement, either**
61 **party may request a facilitated individualized education program meeting, mediation,**
62 **due process complaint and hearing, or other dispute resolution options as outlined in the**
63 **procedural safeguards notice under 34 CFR 300.504.**

64 **9. This section shall not be construed to abrogate any parental right identified in**
65 **the federal Individuals with Disabilities Education Act (IDEA) and such act's**
66 **implementing regulations.**

162.471. 1. The government and control of an urban school district is vested in a
2 board of seven directors.

3 2. Except as provided in section 162.563, each director shall be a voter of the district
4 who has resided within this state for one year next preceding the director's election or
5 appointment and who is at least twenty-four years of age. All directors, except as otherwise
6 provided in sections 162.481, 162.492, and 162.563, shall hold their offices for six years and

7 until their successors are duly elected and qualified. All vacancies occurring in the board[
8 ~~except as provided in section 162.492,~~] shall be filled by appointment by the board as soon as
9 practicable, and the person appointed shall hold office until the next school board election,
10 when a successor shall be elected for the remainder of the unexpired term. The power of the
11 board to perform any official duty during the existence of a vacancy continues unimpaired
12 thereby.

162.492. 1. In all urban districts containing the greater part of the population of a city
2 which has more than three hundred thousand inhabitants, the election authority of the city in
3 which the greater portion of the school district lies, and of the county if the district includes
4 territory not within the city limits, shall serve ex officio as a redistricting commission. The
5 commission shall on or before November 1, 2018, divide the school district into five
6 subdistricts, all subdistricts being of compact and contiguous territory and as nearly equal in
7 the number of inhabitants as practicable and thereafter the board shall redistrict the district
8 into subdivisions as soon as practicable after each United States decennial census. In
9 establishing the subdistricts each member shall have one vote and a majority vote of the total
10 membership of the commission is required to make effective any action of the commission.

11 2. School elections for the election of directors shall be held on municipal election
12 days in 2014 and 2016. At the election in 2014, directors shall be elected to hold office until
13 2019 and until their successors are elected and qualified. At the election in 2016, directors
14 shall be elected until 2019 and until their successors are elected and qualified. Beginning in
15 2019, school elections for the election of directors shall be held on the local election date as
16 specified in the charter of a home rule city with more than four hundred thousand inhabitants
17 and located in more than one county. Beginning at the election for school directors in 2019,
18 the number of directors on the board shall be reduced from nine to seven. Two directors shall
19 be at-large directors and five directors shall represent the subdistricts, with one director from
20 each of the subdistricts. At the 2019 election, one of the at-large directors and the directors
21 from subdistricts one, three, and five shall be elected for a two-year term, and the other at-
22 large director and the directors from subdistricts two and four shall be elected for a four-year
23 term. Thereafter, all seven directors shall serve a four-year term. Directors shall serve until
24 the next election and until their successors, then elected, are duly qualified as provided in this
25 section. In addition to other qualifications prescribed by law, each member elected from a
26 subdistrict shall be a resident of the subdistrict from which he or she is elected. The
27 subdistricts shall be numbered from one to five.

28 3. The five candidates, one from each of the subdistricts, who receive a plurality of
29 the votes cast by the voters of that subdistrict and the at-large candidates receiving a plurality
30 of the at-large votes shall be elected. The name of no candidate for nomination shall be
31 printed on the ballot unless the candidate has at least sixty days prior to the election filed a

32 declaration of candidacy with the secretary of the board of directors containing the signatures
33 of at least two hundred fifty registered voters who are residents of the subdistrict within which
34 the candidate for nomination to a subdistrict office resides, and in case of at-large candidates
35 the signatures of at least five hundred registered voters. The election authority shall
36 determine the validity of all signatures on declarations of candidacy.

37 4. In any election either for at-large candidates or candidates elected by the voters of
38 subdistricts, if there are more than two candidates, a majority of the votes are not required to
39 elect but the candidate having a plurality of the votes shall be elected.

40 5. The names of all candidates shall appear upon the ballot without party designation
41 and in the order of the priority of the times of filing their petitions of nomination. No
42 candidate may file both at large and from a subdistrict and the names of all candidates shall
43 appear only once on the ballot, nor may any candidate file more than one declaration of
44 candidacy. All declarations shall designate the candidate's residence and whether the
45 candidate is filing at large or from a subdistrict and the numerical designation of the
46 subdistrict or at-large area.

47 6. The provisions of all sections relating to seven-director school districts shall also
48 apply to and govern urban districts in cities of more than three hundred thousand inhabitants,
49 to the extent applicable and not in conflict with the provisions of those sections specifically
50 relating to such urban districts.

51 7. Vacancies which occur on the school board ~~[between the dates of election shall be~~
52 ~~filled by special election if such vacancy happens more than six months prior to the time of~~
53 ~~holding an election as provided in subsection 2 of this section. The state board of education~~
54 ~~shall order a special election to fill such a vacancy. A letter from the commissioner of~~
55 ~~education, delivered by certified mail to the election authority or authorities that would~~
56 ~~normally conduct an election for school board members shall be the authority for the election~~
57 ~~authority or authorities to proceed with election procedures. If a vacancy occurs less than six~~
58 ~~months prior to the time of holding an election as provided in subsection 2 of this section, no~~
59 ~~special election shall occur and the vacancy shall be filled at the next election day on which~~
60 ~~local elections are held as specified in the charter of any home rule city with more than four~~
61 ~~hundred thousand inhabitants and located in more than one county] **shall be filled in the**~~
62 **manner provided in section 162.471.**

162.611. Any member failing to attend the meetings of the board for three
2 consecutive regular meetings, unless excused by the board for reasons satisfactory to the
3 board, shall be deemed to have vacated his seat; and the secretary of the board shall certify
4 that fact to the ~~[mayor]~~ board. The secretary shall likewise certify to the ~~[mayor]~~ board any
5 other vacancy occurring in the board. Any vacancy shall be filled by the ~~[mayor]~~ board by
6 appointment for the remainder of the term.

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

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

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

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

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

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

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

3. For purposes of calculation and distribution of state school funding, attendance of a 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.

163.021. 1. A school district shall receive state aid for its education program only if
2 it:

3 (1) Provides for ~~[a minimum of one hundred seventy four days and one thousand~~
4 ~~forty four hours of actual pupil attendance in a term scheduled by the board pursuant to~~
5 ~~section 160.041 for each pupil or group of pupils, except that the board shall provide a~~
6 ~~minimum of one hundred seventy four days and five hundred twenty two hours of actual~~
7 ~~pupil attendance in a term for kindergarten pupils. If any school is dismissed because of~~
8 ~~inclement weather after school has been in session for three hours, that day shall count as a~~
9 ~~school day including afternoon session kindergarten students] at least a minimum school~~
10 **term as provided under section 171.031.** When the aggregate hours lost in a term due to
11 inclement weather decreases the total hours of the school term below the required minimum
12 number of hours by more than twelve hours for all-day students or six hours for one-half-day
13 kindergarten students, all such hours below the minimum must be made up ~~[in one half day or~~
14 ~~full day additions to the term, except]~~ as provided in section 171.033~~[-In school year 2019-~~
15 ~~20 and subsequent years, one thousand forty four hours of actual pupil attendance with no~~
16 ~~minimum number of school days shall be required for each pupil or group of pupils; except~~
17 ~~that, the board shall provide a minimum of five hundred twenty two hours of actual pupil~~
18 ~~attendance in a term for kindergarten pupils with no minimum number of school days];~~

19 (2) Maintains adequate and accurate records of attendance, personnel and finances, as
20 required by the state board of education, which shall include the preparation of a financial
21 statement which shall be submitted to the state board of education the same as required by the
22 provisions of section 165.111 for districts;

23 (3) Levies an operating levy for school purposes of not less than one dollar and
24 twenty-five cents after all adjustments and reductions on each one hundred dollars assessed
25 valuation of the district; and

26 (4) Computes average daily attendance as defined in subdivision (2) of section
27 163.011 as modified by section 171.031. Whenever there has existed within the district an
28 infectious disease, contagion, epidemic, plague or similar condition whereby the school
29 attendance is substantially reduced for an extended period in any school year, the
30 apportionment of school funds and all other distribution of school moneys shall be made
31 on the basis of the school year next preceding the year in which such condition existed.

32 2. For the 2006-07 school year and thereafter, no school district shall receive more
33 state aid, as calculated under subsections 1 and 2 of section 163.031, for its education
34 program, exclusive of categorical add-ons, than it received per weighted average daily
35 attendance for the school year 2005-06 from the foundation formula, line 14, gifted, remedial
36 reading, exceptional pupil aid, fair share, and free textbook payment amounts, unless it has an
37 operating levy for school purposes, as determined pursuant to section 163.011, of not less
38 than two dollars and seventy-five cents after all adjustments and reductions. Any district
39 which is required, pursuant to Article X, Section 22 of the Missouri Constitution, to reduce its
40 operating levy below the minimum tax rate otherwise required under this subsection shall not
41 be construed to be in violation of this subsection for making such tax rate reduction. Pursuant
42 to Section 10(c) of Article X of the state constitution, a school district may levy the operating
43 levy for school purposes required by this subsection less all adjustments required pursuant to
44 Article X, Section 22 of the Missouri Constitution if such rate does not exceed the highest tax
45 rate in effect subsequent to the 1980 tax year. Nothing in this section shall be construed to
46 mean that a school district is guaranteed to receive an amount not less than the amount the
47 school district received per eligible pupil for the school year 1990-91. The provisions of this
48 subsection shall not apply to any school district located in a county of the second
49 classification which has a nuclear power plant located in such district or to any school district
50 located in a county of the third classification which has an electric power generation unit with
51 a rated generating capacity of more than one hundred fifty megawatts which is owned or
52 operated or both by a rural electric cooperative except that such school districts may levy for
53 current school purposes and capital projects an operating levy not to exceed two dollars and
54 seventy-five cents less all adjustments required pursuant to Article X, Section 22 of the
55 Missouri Constitution.

56 3. No school district shall receive more state aid, as calculated in section 163.031, for
57 its education program, exclusive of categorical add-ons, than it received per eligible pupil for
58 the school year 1993-94, if the state board of education determines that the district was not in
59 compliance in the preceding school year with the requirements of section 163.172, until such
60 time as the board determines that the district is again in compliance with the requirements of
61 section 163.172.

62 4. No school district shall receive state aid, pursuant to section 163.031, if such
 63 district was not in compliance, during the preceding school year, with the requirement,
 64 established pursuant to section 160.530 to allocate revenue to the professional development
 65 committee of the district.

66 5. No school district shall receive more state aid, as calculated in subsections 1 and 2
 67 of section 163.031, for its education program, exclusive of categorical add-ons, than it
 68 received per weighted average daily attendance for the school year 2005-06 from the
 69 foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and
 70 free textbook payment amounts, if the district did not comply in the preceding school year
 71 with the requirements of subsection 5 of section 163.031.

72 6. Any school district that levies an operating levy for school purposes that is less
 73 than the performance levy, as such term is defined in section 163.011, shall provide written
 74 notice to the department of elementary and secondary education asserting that the district is
 75 providing an adequate education to the students of such district. If a school district asserts
 76 that it is not providing an adequate education to its students, such inadequacy shall be deemed
 77 to be a result of insufficient local effort. The provisions of this subsection shall not apply to
 78 any special district established under sections 162.815 to 162.940.

163.063. 1. As used in this section, the following words mean:

2 **(1) "Nonresident pupil", a child who:**

3 **(a) At the time such child is admitted to a residential care facility, is domiciled in**
 4 **one school district in Missouri but resides in a residential care facility located in another**
 5 **school district in Missouri as a result of placement arranged by or approved by the**
 6 **department of mental health or the department of social services or placement arranged**
 7 **by or ordered by a court of competent jurisdiction;**

8 **(b) Receives care or treatment in such residential care facility that is not within**
 9 **the school district in which the child's domicile is located;**

10 **(c) Is unable to attend school in either the school district in which such domicile**
 11 **is located or the school district in which such residential care facility is located because**
 12 **such child:**

13 **a. May be a safety risk; or**

14 **b. Has behavioral conditions that support the need to educate such child on such**
 15 **residential care facility's site or campus; and**

16 **(d) Is being provided all required educational services within such residential**
 17 **care facility;**

18 **(2) "Resident district", a school district in this state in which a resident pupil**
 19 **resides;**

20 **(3) "Resident pupil", a child who:**

- 21 **(a) Resides in such child's resident district;**
22 **(b) Receives care or treatment at a residential care facility located within such**
23 **child's resident district;**
24 **(c) Is unable to attend school in such child's resident district because such child:**
25 **a. May be a safety risk; or**
26 **b. Has behavioral conditions that support the need to educate such child on such**
27 **residential care facility's site or campus; and**
28 **(d) Is being provided required educational services within such residential care**
29 **facility located within such resident district;**
30 **(4) "Residential care facility", any residential care facility required to be**
31 **licensed under sections 210.481 to 210.536, or a similar facility.**
32 **2. This section shall apply only to a child who is admitted to programs or**
33 **facilities of the department of mental health or whose domicile is in one school district in**
34 **Missouri but whose residence is in another school district in Missouri as a result of**
35 **placement arranged by or approved by the department of mental health or the**
36 **department of social services or placement arranged by or ordered by a court of**
37 **competent jurisdiction.**
38 **3. For purposes of calculating state aid payments under sections 163.011 and**
39 **163.031 and receiving federal aid, a nonresident pupil shall continue to be included in**
40 **the enrollment of the school district in which such nonresident pupil was domiciled**
41 **prior to being placed in a residential care facility.**
42 **4. Any educational costs incurred by a residential care facility that are not**
43 **remitted under this section may be reimbursed as provided in section 167.126.**
44 **5. Educational costs incurred by a residential care facility for a child who was**
45 **not enrolled in a school district in Missouri at the time the child was admitted to such**
46 **residential care facility shall be reimbursed as provided in section 167.126.**
 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.

167.019. 1. A child-placing agency, as defined under section 210.481, shall promote
2 educational stability for foster care children by considering the child's school attendance area
3 when making placement decisions. The foster care pupil shall have the right to remain
4 enrolled in and attend his or her school of origin pending resolution of school placement
5 disputes or to return to a previously attended school in an adjacent district.

6 2. Each school district shall accept for credit full or partial course work satisfactorily
7 completed by a pupil while attending a public school, nonpublic school, or nonsectarian
8 school in accordance with district policies or regulations.

9 3. If a pupil completes the graduation requirements of his or her school district of
10 residence while under the jurisdiction of the juvenile court as described in chapter 211, the
11 school district of residence shall issue a diploma to the pupil.

12 4. School districts shall ensure that if a pupil in foster care is absent from school due
13 to a decision to change the placement of a pupil made by a court or child placing agency, or
14 due to a verified court appearance or related court-ordered activity, the grades and credits of
15 the pupil shall be calculated as of the date the pupil left school, and no lowering of his or her
16 grades shall occur as a result of the absence of the pupil under these circumstances.

17 5. School districts, subject to federal law, shall be authorized to permit access of pupil
18 school records to any child placing agency for the purpose of fulfilling educational case
19 management responsibilities required by the juvenile officer or by law and to assist with the
20 school transfer or placement of a pupil.

21 6. Any rule or portion of a rule, as that term is defined in section 536.010, that is
22 created under the authority delegated in this section shall become effective only if it complies
23 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
24 This section and chapter 536 are nonseverable and if any of the powers vested with the
25 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
26 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
27 rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid
28 and void.

29 **7. In the event a best interest determination is not completed within five business**
30 **days of a child being placed in a foster care placement that is located in a school district**
31 **different than the child's school district prior to the placement, it shall be deemed that**
32 **enrollment in the school district where the child resides as a result of the foster care**
33 **placement shall be in the best interests of the child.**

167.027. 1. As used in this section, "student special education record" means the
2 **following:**

3 **(1) An individualized education program, or IEP, as such term is defined in 20**
4 **U.S.C. Section 1401, as amended;**

5 **(2) An individualized family service plan, or IFSP, as such term is defined in 20**
6 **U.S.C. Section 1401, as amended;**

7 **(3) A 504 plan created under Section 504 of the federal Rehabilitation Act of**
8 **1973, 29 U.S.C. Section 794, as amended;**

9 **(4) A record produced for a child with a disability, as such term is defined in 20**
10 **U.S.C. Section 1401, as amended; and**

11 **(5) Other records produced for a child under the federal Individuals with**
12 **Disabilities Education Act (IDEA), as amended.**

13 **2. For the 2023-24 school year and all subsequent school years, a student's most**
14 **recent special education record shall be deemed a permanent record and shall be**
15 **maintained as a part of a child's cumulative scholastic record.**

16 **3. Notwithstanding any other provision of law, rule, regulation, or policy to the**
17 **contrary, no school district or public school shall destroy a child's most recent student**
18 **special education record.**

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 chapters 334 or 337 acting within his or her authorized**
33 **scope of practice stating that the child is not able to attend school due to such concern.**

34 2. (1) As used in sections 167.031 to ~~[167.071]~~ **167.061**, a "home school" is a school,
35 whether incorporated or unincorporated, that:

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

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

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

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

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

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

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

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

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

61 (a) Maintain the following records:

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

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

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

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

72 [~~3~~] (4) The requirements of subdivision [~~2~~] (3) of this subsection shall not apply to
73 any pupil above the age of sixteen years.

74 3. Nothing in this section shall require a private, parochial, parish [~~or~~], home school,
75 **or FLEX school** to include in its curriculum any concept, topic, or practice in conflict with
76 the school's religious doctrines or to exclude from its curriculum any concept, topic, or

77 practice consistent with the school's religious doctrines. Any other provision of the law to the
78 contrary notwithstanding, all departments or agencies of the state of Missouri shall be
79 prohibited from dictating through rule, regulation or other device any statewide curriculum
80 for private, parochial, parish [œ], home schools, **or FLEX schools**.

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

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

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

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

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

97

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

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

107 **8. (1) A public school, school district, charter school, or any department, agency,**
108 **or employee of the state of Missouri, including a private agency under contract to**
109 **provide education related services to any public school, school district, or charter**
110 **school, shall not designate or identify a FLEX school or any publicly funded education**
111 **programs, including but not limited to, publicly funded virtual school programs, as**
112 **"home schooling", "home education", or any cognate thereof.**

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

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

14 **2. No school district shall require a parent to sign any documents relating to the**
15 **withdrawal of the student from the district.**

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 [~~or~~], 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 [~~or~~], 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.

167.126. 1. Children who are admitted to programs or facilities of the department of mental health or whose domicile is one school district in Missouri but who reside in another school district in Missouri as a result of placement arranged by or approved by the department of mental health, the department of social services or placement arranged by or ordered by a court of competent jurisdiction shall have a right to be provided the educational services as provided by law and shall not be denied admission to any appropriate regular public school or special school district program or program operated by the state board of education, as the case may be, where the child actually resides because of such admission or placement; provided, however, that nothing in this section shall prevent the department of mental health, the department of social services or a court of competent jurisdiction from otherwise providing or procuring educational services for such child.

2. Each school district or special school district constituting the domicile of any child for whom educational services are provided or procured under this section shall pay toward the per-pupil costs for educational services for such child. A school district which is not a special school district shall pay an amount equal to the average sum produced per child by the local tax effort of the district of domicile. A special school district shall pay an amount not to exceed the average sum produced per child by the local tax efforts of the domiciliary districts.

3. When educational services have been provided by the school district or special school district in which a child actually resides, including a child who temporarily resides in a children's hospital licensed under chapter 197 **or a psychiatric residential treatment facility**, for rendering health care services to children under the age of eighteen for more than three days, other than the district of domicile, the amounts as provided in subsection 2 of this section for which the domiciliary school district or special school district is responsible shall be paid by such district directly to the serving district. The school district, or special school district, as the case may be, shall send a written voucher for payment to the regular or special district constituting the domicile of the child served and the domiciliary school district or special school district receiving such voucher shall pay the district providing or procuring the services an amount not to exceed the average sum produced per child by the local tax efforts of the domiciliary districts. In the event the responsible district fails to pay the appropriate amount to the district within ninety days after a voucher is submitted, the state department of elementary and secondary education shall deduct the appropriate amount due from the next payments of any state financial aid due that district and shall pay the same to the appropriate district.

4. In cases where a child whose domicile is in one district is placed in programs or facilities operated by the department of mental health or resides in another district pursuant to assignment by that department or is placed by the department of social services or a court of competent jurisdiction into any type of publicly contracted residential site in Missouri, the

38 department of elementary and secondary education shall, as soon as funds are appropriated,
39 pay the serving district from funds appropriated for that purpose the amount by which the per-
40 pupil costs of the educational services exceeds the amounts received from the domiciliary
41 district except that any other state money received by the serving district by virtue of
42 rendering such service shall reduce the balance due.

43 5. Institutions providing a place of residence for children whose parents or guardians
44 do not reside in the district in which the institution is located shall have authority to enroll
45 such children in a program in the district or special district in which the institution is located
46 and such enrollment shall be subject to the provisions of subsections 2 and 3 of this section.
47 The provisions of this subsection shall not apply to placement authorized pursuant to
48 subsection 1 of this section or if the placement occurred for the sole purpose of enrollment in
49 the district or special district. "Institution" as used in this subsection means a facility
50 organized under the laws of Missouri for the purpose of providing care and treatment of
51 juveniles.

52 6. Children residing in institutions providing a place of residence for three or more
53 such children whose domicile is not in the state of Missouri may be admitted to schools or
54 programs provided on a contractual basis between the school district, special district or state
55 department or agency and the proper department or agency, or persons in the state where
56 domicile is maintained. Such contracts shall not be permitted to place any financial burden
57 whatsoever upon the state of Missouri, its political subdivisions, school districts or taxpayers.

58 7. For purposes of this section the domicile of the child shall be the school district
59 where the child would have been educated if the child had not been placed in a different
60 school district. No provision of this section shall be construed to deny any child domiciled in
61 Missouri appropriate and necessary, gratuitous public services.

62 8. For the purpose of distributing state aid under section 163.031, a child receiving
63 educational services provided by the district in which the child actually resides, other than the
64 district of domicile, shall be included in average daily attendance, as defined under section
65 163.011, of the district providing the educational services for the child.

66 9. Each school district or special school district where the child actually resides, other
67 than the district of domicile, may receive payment from the department of elementary and
68 secondary education, in lieu of receiving the local tax effort from the domiciliary school
69 district. Such payments from the department shall be subject to appropriation and shall only
70 be made for children that have been placed in a school other than the domiciliary school
71 district by a state agency or a court of competent jurisdiction and from whom excess
72 educational costs are billed to the department of elementary and secondary education.

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 [~~or~~], 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 [~~or~~], 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 pursuant to 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. The term "integrated
40 cocurricular activities" means activities that are outside of the regular school
41 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 his resident school district disenrolls from such school district in order to
59 receive instruction in a FLEX school, as defined in section 167.031, or a virtual school as
60 a full-time equivalent student, as defined in section 161.670, such student shall not be
61 eligible to participate in public school events or activities in the district of such student's
62 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 pursuant to 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 pursuant to the
76 provisions 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.**

170.281. 1. As used in this section, "personal finance" means a course consisting
2 **of financial literacy and up-to-date tools, resources, and discipline necessary to succeed**
3 **in a personal and professional capacity in the current economy.**

4 **2. The department of elementary and secondary education shall convene a work**
5 **group to develop and recommend academic performance standards relating to the one-**
6 **half unit of credit of personal finance required by the state board of education. The**
7 **work group shall include, but not be limited to, educators providing instruction in**
8 **personal finance, a representative from the Missouri Association of Career and**
9 **Technical Education, and representatives from the department of elementary and**
10 **secondary education, banking industry, entrepreneurs, and nonprofit organizations that**
11 **focus on educating young professionals and entrepreneurs.**

12 **3. The state board of education shall adopt and implement academic**
13 **performance standards relating to personal finance for the 2024-25 school year and**
14 **all subsequent school years, except that academic performance standards relating to**
15 **personal finance shall be reviewed every ten years to determine if the performance**
16 **standards need to be updated to reflect trends and best practices in the current**
17 **economy.**

18 **4. The requirements of section 160.514 shall not apply to this section.**

170.341. 1. Any school district or public charter school may offer students
2 **elective social studies courses relating, but not limited to, the following:**

- 3 **(1) The Hebrew Scriptures, the Old Testament of the Bible;**
4 **(2) The New Testament of the Bible; or**
5 **(3) The Hebrew Scriptures and the New Testament of the Bible.**

6 **2. The purpose of a course under this section is to:**

7 **(1) Teach students knowledge of biblical content, characters, poetry, and**
8 **narratives that are prerequisites to understanding contemporary society and culture,**
9 **including literature, art, music, mores, oratory, and public policy; and**

10 **(2) Familiarize students with, as applicable:**

11 **(a) The contents of the Hebrew Scriptures or New Testament;**

12 **(b) The history of the Hebrew Scriptures or New Testament;**

13 **(c) The literary style and structure of the Hebrew Scriptures or New Testament;**

14 **and**

15 **(d) The influence of the Hebrew Scriptures or New Testament on law, history,**
16 **government, literature, art, music, customs, morals, values, and culture.**

17 **3. A student shall not be required to use a specific translation as the sole text of**
18 **the Hebrew Scriptures or New Testament and may use as the basic textbook a different**
19 **translation of the Hebrew Scriptures or New Testament from that chosen by the school**
20 **district or public charter school.**

21 **4. A course offered under this section shall follow applicable law and all federal**
22 **and state guidelines in maintaining religious neutrality and accommodating the diverse**
23 **religious views, traditions, and perspectives of students in the school. A course offered**
24 **under this section shall not endorse, favor, or promote, or disfavor or show hostility**
25 **toward, any particular religion or nonreligious faith or religious perspective.**

26 **5. School districts and public charter schools, in complying with this section,**
27 **shall not violate any provision of the Constitution of the United States or federal law, the**
28 **Constitution of Missouri or any state law, or any administrative regulations of the**
29 **department of elementary and secondary education or the United States Department of**
30 **Education.**

171.028. 1. The school board of a school district that is located wholly or
2 **partially in a county with a charter form of government or a city with more than thirty**
3 **thousand inhabitants may establish a four-day school week in lieu of a five-day school**
4 **week for a period of ten years and only as permitted pursuant to the provisions of this**
5 **section.**

6 **2. (1) A school board may adopt the provisions of subsection 1 of this section by**
7 **referring to the qualified voters of the school district a ballot measure authorizing the**
8 **same. Such proposal shall be referred to the qualified voters of the school district upon**
9 **a majority vote of the members elected to the school board. Upon such adoption by the**
10 **school board, the measure shall be submitted to the qualified voters at the next date**
11 **available for public elections pursuant to chapter 115 and by July first of the school year**
12 **in which the four-day school week is proposed to commence. If a majority of the votes**
13 **cast on the question by the qualified voters voting thereon are in favor of the measure,**
14 **then the provisions of subsection 1 of this section shall become effective. If a majority of**
15 **the votes cast on the question by the qualified voters voting thereon are opposed to the**
16 **measure, then the board shall not adopt the provisions of subsection 1 of this section**
17 **unless and until the measure is resubmitted pursuant to this subsection to the qualified**
18 **voters and such question is approved by a majority of the qualified voters voting on the**
19 **measure.**

20 **(2) The question submitted by the school board pursuant to this subsection shall**
21 **be in substantially the following form:**

14 subsection 1 of section 171.033. In school year 2019-20 and subsequent years, such calendar
15 shall include thirty-six make-up hours for possible loss of attendance due to inclement
16 weather, as defined in subsection 1 of section 171.033, with no minimum number of make-up
17 days.

18 2. Each local school district may set its opening date each year, which date shall be no
19 earlier than fourteen calendar days prior to the first Monday in September. ~~[No public school
20 district shall select an earlier start date unless, for calendars for school years before school
21 year 2020-21, the district follows the procedure set forth in subsection 3 of this section. The
22 procedure set forth in subsection 3 of this section shall be unavailable to school districts in
23 preparing their calendars for school year 2020-21 and for subsequent years.~~

24 ~~3. For calendars for school years before school year 2020-21, a district may set an
25 opening date that is more than fourteen calendar days prior to the first Monday in September
26 only if the local school board first gives public notice of a public meeting to discuss the
27 proposal of opening school on a date more than fourteen days prior to the first Monday in
28 September, and the local school board holds said meeting and, at the same public meeting, a
29 majority of the board votes to allow an earlier opening date. If all of the previous conditions
30 are met, the district may set its opening date more than fourteen calendar days prior to the first
31 Monday in September. The condition provided in this subsection must be satisfied by the
32 local school board each year that the board proposes an opening date more than fourteen days
33 before the first Monday in September.~~

34 ~~4.]~~ **3.** If any local district violates the provisions of this section, the department of
35 elementary and secondary education shall withhold an amount equal to one quarter of the
36 state funding the district generated under section 163.031 for each date the district was in
37 violation of this section.

38 ~~[5.]~~ **4.** The provisions of ~~[subsections 2 to 4]~~ **subsection 2** of this section shall not
39 apply to school districts in which school is in session for twelve months of each calendar year.

40 ~~[6.]~~ **5.** The state board of education may grant an exemption from this section to a
41 school district that demonstrates highly unusual and extenuating circumstances justifying
42 exemption from the provisions of ~~[subsections 2 to 4]~~ **subsection 2** of this section. Any
43 exemption granted by the state board of education shall be valid for one academic year only.

171.033. 1. "Inclement weather", for purposes of this section, shall be defined as ice,
2 snow, extreme cold, excessive heat, flooding, or a tornado.

3 2. (1) A district shall be required to make up the first six days of school lost or
4 cancelled due to inclement weather and half the number of days lost or cancelled in excess of
5 six days if the makeup of the days is necessary to ensure that the district's students will attend
6 a minimum ~~[of one hundred forty-two days and a minimum of one thousand forty-four hours
7 for the school year]~~ **school term as provided under section 171.031** except as otherwise

8 provided in this section. Schools with a four-day school week may schedule such make-up
9 days on Fridays.

10 (2) Notwithstanding subdivision (1) of this subsection, in school year 2019-20 and
11 subsequent years, a district shall be required to make up the first thirty-six hours of school lost
12 or cancelled due to inclement weather and half the number of hours lost or cancelled in excess
13 of thirty-six if the makeup of the hours is necessary to ensure that the district's students attend
14 a minimum of one thousand forty-four hours for the school year, except as otherwise provided
15 under subsections 3 and 4 of this section.

16 3. (1) In the 2009-10 school year and subsequent years, a school district may be
17 exempt from the requirement to make up days of school lost or cancelled due to inclement
18 weather in the school district when the school district has made up the six days required under
19 subsection 2 of this section and half the number of additional lost or cancelled days up to
20 eight days, resulting in no more than ten total make-up days required by this section.

21 (2) In school year 2019-20 and subsequent years, a school district may be exempt
22 from the requirement to make up school lost or cancelled due to inclement weather in the
23 school district when the school district has made up the thirty-six hours required under
24 subsection 2 of this section and half the number of additional lost or cancelled hours up to
25 forty-eight, resulting in no more than sixty total make-up hours required by this section.

26 4. The commissioner of education may provide, for any school district that cannot
27 meet the minimum school calendar requirement of at least one hundred seventy-four days for
28 schools with a five-day school week or one hundred forty-two days for schools with a four-
29 day school week and one thousand forty-four hours of actual pupil attendance or, **for schools**
30 **with a four-day school week**, in school year 2019-20 and subsequent years, one thousand
31 forty-four hours of actual pupil attendance, upon request, a waiver to be excused from such
32 requirement. This waiver shall be requested from the commissioner of education and may be
33 granted if the school was closed due to circumstances beyond school district control,
34 including inclement weather or fire.

35 5. (1) Except as otherwise provided in this subsection, in school year 2020-21 and
36 subsequent years, a district shall not be required to make up any hours of school lost or
37 cancelled due to exceptional or emergency circumstances during a school year if the district
38 has an alternative methods of instruction plan approved by the department of elementary and
39 secondary education for such school year. Exceptional or emergency circumstances shall
40 include, but not be limited to, inclement weather, a utility outage, or an outbreak of a
41 contagious disease. The department of elementary and secondary education shall not approve
42 any such plan unless the district demonstrates that the plan will not negatively impact
43 teaching and learning in the district.

44 (2) If school is closed due to exceptional or emergency circumstances and the district
45 has an approved alternative methods of instruction plan, the district shall notify students and
46 parents on each day of the closure whether the alternative methods of instruction plan is to be
47 implemented for that day. If the plan is to be implemented on any day of the closure, the
48 district shall ensure that each student receives assignments for that day in hard copy form or
49 receives instruction through virtual learning or another method of instruction.

50 (3) A district with an approved alternative methods of instruction plan shall not use
51 alternative methods of instruction as provided for in the plan for more than thirty-six hours
52 during a school year. A district that has used such alternative methods of instruction for
53 thirty-six hours during a school year shall be required, notwithstanding subsections 2 and 3 of
54 this section, to make up any subsequent hours of school lost or cancelled due to exceptional or
55 emergency circumstances during such school year.

56 (4) The department of elementary and secondary education shall give districts with
57 approved alternative methods of instruction plans credit for the hours in which they use
58 alternative methods of instruction by considering such hours as hours in which school was
59 actually in session.

60 (5) Any district wishing to use alternative methods of instruction under this
61 subsection shall submit an application to the department of elementary and secondary
62 education. The application shall describe:

63 (a) The manner in which the district intends to strengthen and reinforce instructional
64 content while supporting student learning outside the classroom environment;

65 (b) The process the district intends to use to communicate to students and parents the
66 decision to implement alternative methods of instruction on any day of a closure;

67 (c) The manner in which the district intends to communicate the purpose and
68 expectations for a day in which alternative methods of instruction will be implemented to
69 students and parents;

70 (d) The assignments and materials to be used within the district for days in which
71 alternative methods of instruction will be implemented to effectively facilitate teaching and
72 support learning for the benefit of the students;

73 (e) The manner in which student attendance will be determined for a day in which
74 alternative methods of instruction will be implemented. The method chosen shall be linked to
75 completion of lessons and activities;

76 (f) The instructional methods, which shall include instruction through electronic
77 means and instruction through other means for students who have no access to internet
78 services or a computer;

79 (g) Instructional plans for students with individualized education programs; and

80 (h) The role and responsibility of certified personnel to be available to communicate
81 with students.

82 6. In the 2022-23 school year and subsequent years, a school district's one-half-day
83 education programs shall be subject to the following provisions in proportions appropriate for
84 a one-half-day education program, as applicable:

85 (1) Requirements in subsection 2 of this section to make up days or hours of school
86 lost or cancelled because of inclement weather;

87 (2) Exemptions in subsection 3 of this section;

88 (3) Waiver provisions in subsection 4 of this section; and

89 (4) Approved alternative methods of instruction provisions in subsection 5 of this
90 section.

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 [œ], 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 When the parties have not reached an agreement on all issues related to custody, the court
17 shall consider all relevant factors and enter written findings of fact and conclusions of law,
18 including, but not limited to, the following:

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

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

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

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

28 (5) The child's adjustment to the child's home, school, and community;

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

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

38 (8) The wishes of a child as to the child's custodian. The fact that a parent sends his
39 or her child or children to a home school **or FLEX school**, as defined in section 167.031,
40 shall not be the sole factor that a court considers in determining custody of such child or
41 children.

42 3. (1) In any court proceedings relating to custody of a child, the court shall not
43 award custody or unsupervised visitation of a child to a parent if such parent or any person
44 residing with such parent has been found guilty of, or pled guilty to, any of the following
45 offenses when a child was the victim:

46 (a) A felony violation of section 566.030, 566.031, 566.032, 566.060, 566.061,
47 566.062, 566.064, 566.067, 566.068, 566.083, 566.100, 566.101, 566.111, 566.151, 566.203,
48 566.206, 566.209, 566.211, or 566.215;

49 (b) A violation of section 568.020;

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

51 (d) A violation of section 568.065;

52 (e) A violation of section 573.200;

53 (f) A violation of section 573.205; or

54 (g) A violation of section 568.175.

55 (2) For all other violations of offenses in chapters 566 and 568 not specifically listed
56 in subdivision (1) of this subsection or for a violation of an offense committed in another state
57 when a child is the victim that would be a violation of chapter 566 or 568 if committed in

58 Missouri, the court may exercise its discretion in awarding custody or visitation of a child to a
59 parent if such parent or any person residing with such parent has been found guilty of, or pled
60 guilty to, any such offense.

61 4. The general assembly finds and declares that it is the public policy of this state that
62 frequent, continuing and meaningful contact with both parents after the parents have
63 separated or dissolved their marriage is in the best interest of the child, except for cases where
64 the court specifically finds that such contact is not in the best interest of the child, and that it
65 is the public policy of this state to encourage parents to participate in decisions affecting the
66 health, education and welfare of their children, and to resolve disputes involving their
67 children amicably through alternative dispute resolution. In order to effectuate these policies,
68 the court shall determine the custody arrangement which will best assure both parents
69 participate in such decisions and have frequent, continuing and meaningful contact with their
70 children so long as it is in the best interests of the child.

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

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

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

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

81 (4) Sole custody to either parent; or

82 (5) Third-party custody or visitation:

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

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

93 6. If the parties have not agreed to a custodial arrangement, or the court determines
94 such arrangement is not in the best interest of the child, the court shall include a written

95 finding in the judgment or order based on the public policy in subsection 4 of this section and
96 each of the factors listed in subdivisions (1) to (8) of subsection 2 of this section detailing the
97 specific relevant factors that made a particular arrangement in the best interest of the child. If
98 a proposed custodial arrangement is rejected by the court, the court shall include a written
99 finding in the judgment or order detailing the specific relevant factors resulting in the
100 rejection of such arrangement.

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

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

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

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

128 11. No court shall adopt any local rule, form, or practice requiring a standardized or
129 default parenting plan for interim, temporary, or permanent orders or judgments.
130 Notwithstanding any other provision to the contrary, a court may enter an interim order in
131 a proceeding under this chapter, provided that the interim order shall not contain any

132 provisions about child custody or a parenting schedule or plan without first providing the
133 parties with notice and a hearing, unless the parties otherwise agree.

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

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

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

160 15. If the court finds that domestic violence or abuse as defined in section 455.010
161 has occurred, the court shall make specific findings of fact to show that the custody or
162 visitation arrangement ordered by the court best protects the child and the parent or other
163 family or household member who is the victim of domestic violence, as defined in section
164 455.010, and any other children for whom such parent has custodial or visitation rights from
165 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~~
~~attendance officers and shall pay them from the public school funds.~~

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

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

Section B. The repeal and reenactment of sections 160.011, 160.041, 163.021,
2 171.031, and 171.033 of this act shall become effective July 1, 2024.

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