

HOUSE BILL NO. 3485

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HURLBERT.

7493H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

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

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

Section A. Section 167.790, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.790, to read as follows:

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

- 2 (1) "Athletics", any interscholastic athletic games, contests, programs, activities,
3 exhibitions, or other similar competitions for students;
- 4 (2) "Eligible school", any of the following schools or learning environments:
 - 5 (a) **An FPE school, as defined in section 167.013;**
 - 6 (b) **A full-time virtual course or program providing instruction to a full-time**
7 **equivalent student, as provided in section 161.670; or**
 - 8 (c) **A home school, as defined in section 167.012;**
 - 9 (3) "Eligible student", a student who is enrolled in or receives instruction in an
10 **eligible school;**
 - 11 (4) "Event or activity", athletics, fine arts activities, integrated cocurricular activities,
12 or other extracurricular occurrences directly related to such athletics, fine arts activities, or
13 integrated cocurricular activities that are sponsored, organized, or provided for students by a
14 school district, charter school, or attendance center of a school district;
 - 15 ~~[(3)]~~ (5) "Fine arts activities", any student activities that include dance, theater, vocal
16 music, performance of music, or visual arts;
 - 17 ~~[(4)] "FPE school", as such term is defined in section 167.013;~~

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.

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

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

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

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

25 3. Except as otherwise provided in subsections ~~[4 and]~~ **5 and 6** of this section, a
26 school district or charter school shall not:

27 (1) Prohibit ~~[a student who is receiving instruction at an FPE school, a home school,~~
28 ~~or at a virtual school as a full-time equivalent student]~~ **an eligible student** from having the
29 opportunity to participate, contingent upon the successful completion of a tryout if applicable,
30 in any event or activity offered by the charter school or by the school district or an attendance
31 center of the school district in which the student resides for any reason relating to such
32 student's ~~[FPE, home, or virtual]~~ instruction **in an eligible school**; or

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

38 4. **For purposes of this section, a student enrolled in a private school that is not a**
39 **member of a statewide athletic association shall be deemed an eligible student, and the**
40 **private school shall, with respect to such student, be deemed an eligible school, if the**
41 **event or activity in which such student seeks to participate is not offered by such private**
42 **school but is offered by the charter school or by the school district or an attendance**
43 **center of the school district in which such student resides.**

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

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

49 (2) Career and technical student organizations where applied learning and
50 engagement are integral components of instruction for an approved career and technical
51 education program in Missouri; or

52 (3) Integrated cocurricular activities requiring students to participate in appropriate
53 coursework and preparation of their related activities during the school day.

54 ~~[5-]~~ **6.** (1) A school district or charter school may establish a disciplinary policy or an
55 attendance policy, or both, for any required coursework, rehearsals, practice sessions, or
56 training sessions that are directly related to and required for trying out for or participation in
57 an event or activity offered by the charter school or by the school district or an attendance
58 center of the school district.

59 (2) A school district or charter school shall apply such disciplinary policy or
60 attendance policy that is directly related to and required for trying out for or participation in
61 the same manner to all students who try out for or participate in the event or activity to which
62 the policy applies.

63 (3) A school district or charter school shall neither establish nor apply a separate
64 disciplinary policy or attendance policy, or any provision thereof, for **eligible** students ~~[who~~
65 ~~receive instruction at an FPE school, a home school, or at a virtual school as a full-time~~
66 ~~equivalent student].~~

67 ~~[6-]~~ **7.** If a student whose academic performance or disciplinary status would preclude
68 such student from eligibility to participate in any extracurricular event or activity in the
69 student's charter school or resident school district disenrolls from such charter school or
70 school district in order to receive instruction at an ~~[FPE school, a home school, or at a virtual~~
71 ~~school as a full-time equivalent student]~~ **eligible school**, such student shall not be eligible to
72 participate in a charter school or public school event or activity in the charter school or school
73 district of such student's disenrollment for twelve calendar months from the date of
74 disenrollment.

75 ~~[7-]~~ **8.** The parent or legal guardian providing primary instruction of a student who is
76 receiving instruction at an FPE school or a home school is responsible for oversight of
77 academic standards directly relating to the student's participation in an event or activity
78 offered by a charter school or school district or attendance center of a school district.

79 ~~[8- (1) A student who is receiving instruction at an FPE school, a home school, or at a~~
80 ~~virtual school as a full-time equivalent student]~~ **9. (1) An eligible student** shall satisfy the
81 following requirements in order to be eligible to try out for and, contingent upon the
82 successful completion of a tryout if applicable, participate in a charter school or public school
83 event or activity in the charter school or the student's school district of residence pursuant to
84 the provisions of this section:

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

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

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

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

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

99 ~~[9. (1) The term event or activity]~~ **10. (1) As used in this section, the term "event**
100 **or activity"** shall not be construed to include other extracurricular gatherings or special
101 occasions sponsored, organized, or provided for students by a school district, charter school,
102 or attendance center of a school district that are not athletics, fine arts activities, integrated
103 cocurricular activities, or other extracurricular occurrences directly related to such athletics,
104 fine arts activities, or integrated cocurricular activities.

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

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