

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 1460

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HILGEMANN, CARNAHAN, VILLA, SHELTON, GAMBARO, BOYKINS, JOHNSON (61), DAUS (Co-sponsors), O'TOOLE, TROUPE AND FORD.

Read 1st time January 15, 2002, and 1000 copies ordered printed.

Read 2nd time January 16, 2002, and referred to the Committee on Miscellaneous Bills and Resolutions, February 7, 2002.

Reported from the Committee on Miscellaneous Bills and Resolutions March 18, 2002, with recommendation that the bill Do Pass.

Taken up for Perfection April 16, 2002. Bill ordered Perfected and printed.

TED WEDEL, Chief Clerk

3876L.01P

AN ACT

To repeal sections 167.031 and 167.051, RSMo, and to enact in lieu thereof two new sections relating to compulsory attendance age for public schools.

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

Section A. Sections 167.031 and 167.051, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 167.031 and 167.051, to read as follows:

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 [and
4 sixteen] years **and the compulsory attendance age for the district** is responsible for enrolling
5 the child in a program of academic instruction which complies with subsection 2 of this section.
6 Any parent, guardian or other person who enrolls a child between the ages of five and seven
7 years 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 provisions
10 of section 167.061, except as provided by this section. A parent, guardian or other person in this
11 state having charge, control, or custody of a child between the ages of seven [and sixteen] years

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

12 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 or a combination of such schools
14 not less than the entire school term of the school which the child attends; except that

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

19 (2) A child between fourteen [and sixteen] years of age **and the compulsory attendance**
20 **age for the district** may be excused from attendance at school for the full time required, or any
21 part thereof, by the superintendent of public schools of the district, or if there is none then by a
22 court of competent jurisdiction, when legal employment has been obtained by the child and
23 found to be desirable, and after the parents or guardian of the child have been advised of the
24 pending action; or

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

28 2. (1) As used in sections 167.031 to 167.071, a "home school" is a school, whether
29 incorporated or unincorporated, that:

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

31 (b) Enrolls pupils between the ages of seven [and sixteen] years **and the compulsory**
32 **attendance age for the district**, of which no more than four are unrelated by affinity or
33 consanguinity in the third degree; and

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

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

38 (a) Maintain the following records:

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

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

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

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

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

48 location;

49 **(3) The requirements of subdivision (2) of this subsection shall not apply to any**
50 **pupil above the age of sixteen years.**

51 3. Nothing in this section shall require a private, parochial, parish or home school to
52 include in its curriculum any concept, topic, or practice in conflict with the school's religious
53 doctrines or to exclude from its curriculum any concept, topic, or practice consistent with the
54 school's religious doctrines. Any other provision of the law to the contrary notwithstanding, all
55 departments or agencies of the state of Missouri shall be prohibited from dictating through rule,
56 regulation or other device any statewide curriculum for private, parochial, parish or home
57 schools.

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

60 5. The production by a parent of a daily log showing that a home school has a course of
61 instruction which satisfies the requirements of this section **or, in the case of a pupil over the**
62 **age of sixteen years, a written statement that the pupil is attending home school in**
63 **compliance with this section** shall be a defense to any prosecution under this section and to any
64 charge or action for educational neglect brought pursuant to chapter 210, RSMo.

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

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

71 **(2) Sixteen years of age in all other cases.**

72

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

167.051. 1. If a school board establishes part-time schools or classes for children under
2 [sixteen] **seventeen** years of age, lawfully engaged in any regular employment, every parent,
3 guardian or other person having charge, control or custody of such a child shall cause the child
4 to attend the school not less than four hours a week between the hours of eight o'clock in the
5 morning and five o'clock in the evening during the school year of the part-time classes.

6 2. All children who are under eighteen years of age, who have not completed the
7 elementary school course in the public schools of Missouri, or its equivalent, and who are not

8 attending regularly any day school shall be required to attend regularly the part-time classes not
9 less than four hours a week between the hours of eight o'clock in the morning and five o'clock
10 in the afternoon during the entire year of the part-time classes.