

FIRST REGULAR SESSION

HOUSE BILL NO. 329

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BAKER (123) (Sponsor), DUSENBERG, DOUGHERTY, SATER, SUTHERLAND, BIVINS, BROWN (30), DAY, STEVENSON, SANDER, KINGERY AND ROBB (Co-sponsors).

Read 1st time January 26, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0824L.011

AN ACT

To repeal sections 167.031, 167.051, 167.275, 178.300, 294.027, and 294.030, RSMo, and to enact in lieu thereof six new sections relating to compulsory school attendance.

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

Section A. Sections 167.031, 167.051, 167.275, 178.300, 294.027, and 294.030, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 167.031, 167.051, 167.275, 178.300, 294.027, and 294.030, to read as follows:

167.031. 1. Every parent, guardian or other person in this state having charge, control or custody of a child not enrolled in a public, private, parochial, parish school or full-time equivalent attendance in a combination of such schools and between the ages of seven years and the compulsory attendance age for the district is responsible for enrolling the child in a program of academic instruction which complies with subsection 2 of this section. Any parent, guardian or other person who enrolls a child between the ages of five and seven years in a public school program of academic instruction shall cause such child to attend the academic program on a regular basis, according to this section. Nonattendance by such child shall cause such parent, guardian or other responsible person to be in violation of the provisions of section 167.061, except as provided by this section. A parent, guardian or other person in this state having charge, control, or custody of a child between the ages of seven years of age and the compulsory attendance age for the district shall cause the child to attend regularly some public, private,

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

13 parochial, parish, home school or a combination of such schools not less than the entire school
14 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 **or she** resides, or if there is no superintendent then the chief school officer, is
17 determined to be mentally or physically incapacitated may be excused from attendance at school
18 for the full time required, or any part thereof;

19 (2) A child between fourteen years of age and the compulsory attendance age for the
20 district may be excused from attendance at school for the full time required, or any part thereof,
21 by the superintendent of public schools of the district, or if there is none then by a court of
22 competent jurisdiction, when legal employment has been obtained by the child and found to be
23 desirable, and after [the] **all** parents or [guardian] **guardians** of the child have been advised of
24 the pending action **and agreed in writing**; [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] **all parents, guardians or other persons** having
27 charge, control or custody of the child [makes] **make** a written request that the child be dropped
28 from the school's rolls;

29 **(4) A child who successfully completes all elementary and secondary grade levels**
30 **prior to age eighteen shall not be subject to the provisions of this section; or**

31 **(5) If a parent or guardian of a child required to be enrolled in a school under this**
32 **section objects in writing to the child's school administrator against such required school**
33 **enrollment because of religious beliefs, the child shall not be subject to the provisions of**
34 **this section.**

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

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

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

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

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

45 (a) Maintain the following records:

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

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

- 49 c. A record of evaluations of the child's academic progress; or
50 d. Other written, or credible evidence equivalent to subparagraphs a., b. and c.; and
51 (b) Offer at least one thousand hours of instruction, at least six hundred hours of which
52 will be in reading, language arts, mathematics, social studies and science or academic courses
53 that are related to the aforementioned subject areas and consonant with the pupil's age and
54 ability. At least four hundred of the six hundred hours shall occur at the regular home school
55 location;
- 56 (3) The requirements of subdivision (2) of this subsection shall not apply to any pupil
57 above the age of sixteen years.
- 58 3. Nothing in this section shall require a private, parochial, parish or home school to
59 include in its curriculum any concept, topic, or practice in conflict with the school's religious
60 doctrines or to exclude from its curriculum any concept, topic, or practice consistent with the
61 school's religious doctrines. Any other provision of the law to the contrary notwithstanding, all
62 departments or agencies of the state of Missouri shall be prohibited from dictating through rule,
63 regulation or other device any statewide curriculum for private, parochial, parish or home
64 schools.
- 65 4. A school year begins on the first day of July and ends on the thirtieth day of June
66 following.
- 67 5. The production by a parent of a daily log showing that a home school has a course of
68 instruction which satisfies the requirements of this section or, in the case of a pupil over the age
69 of sixteen years who attended a metropolitan school district the previous year, a written
70 statement that the pupil is attending home school in compliance with this section shall be a
71 defense to any prosecution under this section and to any charge or action for educational neglect
72 brought pursuant to chapter 210, RSMo.
- 73 6. As used in sections 167.031 to 167.051, the term "compulsory attendance age for the
74 district" shall mean:
- 75 (1) Seventeen years of age for any metropolitan school district for which the school
76 board adopts a resolution to establish such compulsory attendance age; provided that such
77 resolution shall take effect no earlier than the school year next following the school year during
78 which the resolution is adopted; and
- 79 (2) Sixteen years of age in all other cases.
- 80
- 81 The school board of a metropolitan school district for which the compulsory attendance age is
82 seventeen years may adopt a resolution to lower the compulsory attendance age to sixteen years;
83 provided that such resolution shall take effect no earlier than the school year next following the
84 school year during which the resolution is adopted.

85 **7. The provisions of this section shall apply to children between sixteen and**
86 **eighteen years of age at the option of the child's parent or guardian.**

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

11 **3. The provisions of this section shall apply to children between sixteen and**
12 **eighteen years of age at the option of the child's parent or guardian.**

167.275. 1. Effective January 1, 1991, all public and nonpublic secondary schools shall
2 report to the state literacy hot line office in Jefferson City the name, mailing address and
3 telephone number of all students sixteen years of age or older who drop out of school for any
4 reason other than to attend another school, college or university, or enlist in the armed services.
5 Such reports shall be made either by using the telephone hot line number or on forms developed
6 by the department of elementary and secondary education. Upon such notification, the state
7 literacy hot line office shall contact the student who has been reported and refer that student to
8 the nearest location that provides adult basic education instruction leading to the completion of
9 a general educational development certificate.

10 **2. The provisions of subsection 1 of this section shall apply to children between**
11 **sixteen and eighteen years of age if the child's parent or guardian has opted to have the**
12 **provisions of section 167.031, RSMo, apply to his or her child.**

178.300. 1. Whenever in any school district in this state not less than twenty-five
2 employment certificates for children under sixteen years of age have been issued and are in full
3 force and effect, the school district shall establish and maintain part-time schools, departments
4 or classes for the employed children for not less than four hours per week and for a term not less
5 than that in which schools are regularly in session in the district.

6 **2. The provisions of this section shall include children between sixteen and eighteen**
7 **years of age if the child's parent or guardian has opted to have the provisions of section**
8 **167.031, RSMo, apply to his or her child.**

294.027. 1. Work certificates shall permit

2 (1) The employment of children between fourteen and sixteen years of age during

3 nonschool hours during the school term; or

4 (2) The employment of children between fourteen and sixteen years of age who are
5 excused from attendance at school by the provisions of chapter 167, RSMo.

6 **2. The provisions of this section shall include children between sixteen and eighteen**
7 **years of age if the child's parent or guardian has opted to have the provisions of section**
8 **167.031, RSMo, apply to his or her child.**

294.030. 1. A child **under sixteen years of age, or between the ages of sixteen to**
2 **eighteen at the request of the child's parent or legal guardian**, shall not be employed,
3 permitted or suffered to work at any gainful employment for more than three hours per day in
4 any school day, more than eight hours in any nonschool day, more than six days or forty hours
5 in any week. Normal work hours shall not begin before seven o'clock in the morning nor extend
6 to after 9:00 p.m., except as provided in subsection 2 of this section. The provisions of this
7 subsection may be waived by the director, in full or in part, depending upon the nature of the
8 employment. Such waiver shall be provided in writing to the employer by the director. The
9 waiver shall only exempt employment described in section 294.022.

10 2. On all evenings from Labor Day to June first, a child shall not be employed, permitted
11 or suffered to work at any gainful employment after 7:00 p.m. nor after 9:00 p.m. from June first
12 to Labor Day; except that a child who has passed his or her fourteenth birthday but is under
13 sixteen years of age may be employed at a regional fair from June first to Labor Day, if such
14 child does not work after 10:30 p.m., is supervised by an adult, parental consent is given and the
15 provisions of this subsection are complied with. The regional fair exception shall not apply to
16 those entities covered by the Fair Labor Standards Act. The provisions of this subsection do not
17 apply to children who have been permanently excused from school pursuant to the provisions
18 of chapter 167, RSMo. The provisions of this subsection may be waived by the director, in full
19 or in part, depending upon the nature of the employment. Such waiver shall be provided in
20 writing to the employer by the director. The waiver shall only exempt employment described
21 in section 294.022.