

SECOND REGULAR SESSION

# HOUSE BILL NO. 2008

## 93RD GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVES MUSCHANY (Sponsor) AND CUNNINGHAM (86) (Co-sponsor).

Read 1st time March 14, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5592L.011

---

### AN ACT

To repeal sections 160.041, 160.480, 163.051, and 167.031, RSMo, and to enact in lieu thereof four new sections relating to school emergency procedures.

---

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

Section A. Sections 160.041, 160.480, 163.051, and 167.031, RSMo, are repealed and  
2 four new sections enacted in lieu thereof, to be known as sections 160.041, 160.480, 163.051,  
3 and 167.031, to read as follows:

160.041. 1. The "minimum school day" consists of three hours in which the pupils are  
2 under the guidance and direction of teachers in the teaching process. A "school month" consists  
3 of four weeks of five days each. The "school year" commences on the first day of July and ends  
4 on the thirtieth day of June following.

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

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

10 (2) [Flooding] **A natural disaster, including but not limited to pandemic disease, or**  
11 **man-made emergency** prevents students from attending the public school facility.

12 Such reduction not to extend beyond two calendar years in duration.

160.480. 1. The board of education of each school district in this state [is authorized to]  
2 **shall** adopt an emergency preparedness plan **by December 1, 2006**, to address the **continuation**

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.

3 **of school services and the** use of school resources, including school facilities, commodity foods,  
4 school buses, and equipment if a natural disaster or other community emergency occurs.

5 2. **Such plan shall include, at a minimum, the following elements:**

6 (1) **Alternatives for the delivery of school services when, as a result of a declaration**  
7 **of emergency, person-to-person contact must be curtailed or a school is temporarily**  
8 **converted to an access point for public services or information;**

9 (2) **Practice for the implementation plan, including at least one full-scale rehearsal.**

10 3. The emergency preparedness plan may authorize the superintendent or other  
11 designated school officials to approve use of school resources to provide relief to the community  
12 if an emergency occurs.

13 [3.] 4. Food assistance may be provided using commodities distributed by the United  
14 States Department of Agriculture consistent with the standards for emergency congregate feeding  
15 under such program.

16 [4.] 5. The use of school resources under **subsections 3 and 4 of** this section shall be  
17 subject to review by the board of education within thirty days of authorization or as soon as  
18 reasonably possible.

163.051. The state board of education, in the apportionment of the state school moneys  
2 fund, may use the average daily attendance of the next full year preceding or project the average  
3 daily attendance for the current year based on the average daily attendance for the last fifty days  
4 the schools of the district were in session before the schools were forced to close before the  
5 expiration of the term or before average daily attendance dropped substantially because of a  
6 disaster caused by flood, fire, windstorm or any natural disaster, **including but not limited to**  
7 **pandemic disease**, when all or part of the district is designated a disaster area by the governor  
8 of the state, or when districts have been forced to close because of nonpayment of taxes as a  
9 result of flooding or drought conditions or because of loss of surplus funds occasioned by bank  
10 failures in any county of the state.

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 and  
4 the compulsory attendance age for the district is responsible for enrolling the child in a program  
5 of academic instruction which complies with subsection 2 of this section. Any parent, guardian  
6 or other person who enrolls a child between the ages of five and seven years in a public school  
7 program of academic instruction shall cause such child to attend the academic program on a  
8 regular basis, according to this section. Nonattendance by such child shall cause such parent,  
9 guardian or other responsible person to be in violation of the provisions of section 167.061,  
10 except as provided by this section **or by subsection 2 of section 160.041, RSMo.** A parent,

11 guardian or other person in this state having charge, control, or custody of a child between the  
12 ages of seven years of age and the compulsory attendance age for the district shall cause the child  
13 to attend regularly some public, private, parochial, parish, home school or a combination of such  
14 schools 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 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 parents or guardian of the child have been advised of the pending action;  
24 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 years and the compulsory attendance age  
32 for the district, of which no more than four are unrelated by affinity or consanguinity in the third  
33 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 pupil  
50 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 age  
62 of sixteen years who attended a metropolitan school district the previous year, a written  
63 statement that the pupil is attending home school in compliance with this section shall be a  
64 defense to any prosecution under this section and to any charge or action for educational neglect  
65 brought pursuant to chapter 210, RSMo.

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

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

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

73

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

✓