

FIRST REGULAR SESSION

# HOUSE BILL NO. 179

## 96TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVES NASHEED (Sponsor), CURLS, WALTON GRAY, PACE,  
WYATT, CARTER AND GATSCHENBERGER (Co-sponsors).

0175L.011

D. ADAM CRUMBLISS, Chief Clerk

---

### AN ACT

To repeal sections 167.031, 167.034, 167.051, and 167.052, RSMo, and to enact in lieu thereof three new sections relating to compulsory attendance for school age children.

---

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

Section A. Sections 167.031, 167.034, 167.051, and 167.052, RSMo, are repealed and  
2 three new sections enacted in lieu thereof, to be known as sections 167.031, 167.034, and  
3 167.051, 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 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. A parent, guardian or other person in this state having charge,  
11 control, or custody of a child between the ages of seven years of age and the compulsory  
12 attendance age for the district shall cause the child to attend regularly some public, private,  
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:

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.

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  
33 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 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.

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) Seventeen] **eighteen** years of age or having successfully completed sixteen credits  
73 towards high school graduation [in all other cases. The school board of a metropolitan school  
74 district for which the compulsory attendance age is seventeen years may adopt a resolution to  
75 lower the compulsory attendance age to sixteen years; provided that such resolution shall take  
76 effect no earlier than the school year next following the school year during which the resolution  
77 is adopted].

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

167.034. 1. In any city not within a county where a child under the age of [seventeen]  
2 **eighteen** required to attend school under section 167.031 accumulates fifteen or more absences  
3 during any one school year, the child's school district shall report such absences to the division  
4 of family services, children's division, within ten business days of the fifteenth day of absence.

5 Such notification, which shall be in written form and retained in the student's school records,  
6 shall include:

- 7 (1) The student's full name and parents' or guardians' full names;
- 8 (2) The addresses and phone numbers of the student and parents or guardians;
- 9 (3) The student's date of birth and age;
- 10 (4) The student's current school and grade level;
- 11 (5) The student's current grades for all classes in which the student is enrolled; and
- 12 (6) The total number of days missed and specific days missed from school.

13 2. Upon receipt of a report of the absences of a child under this section, the children's  
14 division shall notify the child's parent or guardian that the child has accumulated fifteen or more  
15 absences and such report may be subject to the educational neglect provisions under section  
16 210.145. The notification required under this section is required regardless of whether a student's  
17 parent or guardian contacted the school and approved of the absences.

167.051. 1. If a school board establishes part-time schools or classes for children under  
2 [seventeen] **eighteen** 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.

[167.052. The provisions of sections 167.031 and 167.051 affecting a  
2 metropolitan school district shall be effective for the school year beginning  
3 2007-08 and shall terminate after the school year ending 2011-12.]