SECOND REGULAR SESSION

HOUSE BILL NO. 2467

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KELLY (141).

6267H.01I D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 167.031 and 167.042, RSMo, and to enact in lieu thereof one new section relating to home school education.

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

Section A. Sections 167.031 and 167.042, RSMo, are repealed and one new section enacted in lieu thereof, to be known as section 167.031, to read as follows: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, parochial, parish, home school or a combination of such schools not less than the entire school term of the school which the child attends; except that:

(1) A child who, to the satisfaction of the superintendent of public schools of the district in which he or she resides, or if there is no superintendent then the chief school officer, is

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.
determined to be mentally or physically incapacitated may be excused from attendance at school for the full time required, or any part thereof;

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

or

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

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

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

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

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

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

(a) Maintain the following records:

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

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

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

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

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

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

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

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

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

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

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

(2) Seventeen years of age or having successfully completed sixteen credits towards high
school graduation in all other cases.

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

7. For purposes of subsection 2 of this section as applied in subsection 6 [herein] of this
section, a "completed credit towards high school graduation" shall be defined as one hundred
hours or more of instruction in a course. Home school education enforcement and records
pursuant to this section, and sections 210.167 and 211.031, shall be subject to review only by the
local prosecuting attorney and only if there is reasonable suspicion to believe that there has
been a violation of this section.

8. (1) Except as otherwise provided in this subsection, if an agent of a public school
or school board possesses any individually identifiable information about a child receiving
instruction under subsection 2 of this section, such information shall remain confidential,
shall not be posted or published in any format or medium, and shall not be disclosed to any
other person or entity without the written consent of:

(a) The child, if the child is eighteen years of age or older; or

(b) The parent, guardian, or other person having charge, control, or custody of the
child, if the child is under eighteen years of age.

(2) Except as otherwise provided in this subsection, if an agent of a public school
or school board possesses any individually identifiable information about the parent,
guardian, or other person having charge, control, or custody of a child receiving
instruction under subsection 2 of this section, such information shall remain confidential,
shall not be posted or published in any format or medium, and shall not be disclosed to any
other person or entity without the written consent of the parent, guardian, or other person
having charge, control, or custody of the child.

(3) Notwithstanding subdivisions (1) and (2) of this subsection, the individually
identifiable information described in this subsection:

(a) May be disclosed internally to another agent of a public school or school board
for administrative purposes;

(b) May be transmitted to the local prosecuting attorney if the agent has a
reasonable suspicion of a violation of this section; and

(c) May be disclosed for other purposes as authorized by law.

[167.042. For the purpose of minimizing unnecessary investigations due
to reports of truancy, each parent, guardian, or other person responsible for the
cchild who causes his child to attend regularly a home school may provide to the
recorder of deeds of the county where the child legally resides, or to the chief
school officer of the public school district where the child legally resides, a
signed, written declaration of enrollment stating their intent for the child to attend
a home school within thirty days after the establishment of the home school and
by September first annually thereafter. The name and age of each child attending
the home school, the address and telephone number of the home school, the name
of each person teaching in the home school, and the name, address and signature
of each person making the declaration of enrollment shall be included in said
notice. A declaration of enrollment to provide a home school shall not be cause
to investigate violations of section 167.031. The recorder of deeds may charge
a service cost of not more than one dollar for each notice filed.]