

FIRST REGULAR SESSION

# HOUSE BILL NO. 538

100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MORGAN.

0706H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal section 167.031, RSMo, and to enact in lieu thereof one new section relating to school attendance.

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

Section A. Section 167.031, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.031, to read as follows: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, **except as provided in subsection 8 of 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.

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 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.

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

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

83 **8. Notwithstanding subsection 1 of this section, in the 2020-21 school year and**  
84 **subsequent years, in a metropolitan school district or an urban school district containing**  
85 **most or all of a home rule city with more than four hundred thousand inhabitants and**  
86 **located in more than one county, every parent, guardian, or other person having charge,**  
87 **control, or custody of a child who chooses to enroll the child in a public, private, parochial,**  
88 **or parish school, or full-time equivalent attendance in a combination of such schools, shall**

89 **enroll such child by the age of five in accordance with the provisions of sections 160.053,**  
90 **160.054, and 160.055. The provisions of this subsection shall not apply to any parent,**  
91 **guardian, or other person having charge, control, or custody of a child and intending to**  
92 **enroll the child in a program of academic instruction that complies with subsection 2 of**  
93 **this section.**

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