

SECOND REGULAR SESSION

HOUSE BILL NO. 1802

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KELLEY (127).

3307H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 167.031 and 167.052, RSMo, and to enact in lieu thereof one new section relating to school attendance.

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

Section A. Sections 167.031 and 167.052, RSMo, are repealed and one new section
2 enacted in lieu thereof, to be known as section 167.031, to read as follows:

167.031. 1. **As used in sections 167.031 to 167.051, the term "compulsory
2 attendance age for the district" means eighteen years of age or having successfully
3 completed high school graduation or received a high school equivalency certificate in all
4 other cases.**

5 2. Every parent, guardian or other person in this state having charge, control or
6 custody of a child not enrolled in a public, private, parochial, parish school or full-time
7 equivalent attendance in a combination of such schools and between ~~[the ages of seven]~~ **five**
8 **years of age** and the compulsory attendance age for the district is responsible for enrolling the
9 child in a program of academic instruction ~~[which]~~ **that** complies with subsection ~~[2]~~ **3** of this
10 section. Any parent, guardian or other person who enrolls a child between ~~[the ages of]~~ **five**
11 ~~[and seven]~~ **years of age and the compulsory attendance age for the district** in a public
12 school program of academic instruction shall cause such child to attend the academic program
13 on a regular basis, according to this section. Nonattendance by such child shall cause such
14 parent, guardian or other responsible person to be in violation of the provisions of section
15 167.061, except as provided by this section. A parent, guardian or other person in this state
16 having charge, control, or custody of a child between ~~[the ages of seven]~~ **five** years of age and
17 the compulsory attendance age for the district shall cause the child to attend regularly some

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.

18 public, private, parochial, parish, home school or a combination of such schools not less than
19 the entire school term of the school which the child attends; except that:

20 (1) A child who, to the satisfaction of the superintendent of public schools of the
21 district in which ~~[he]~~ **the child** resides, or if there is no superintendent then the chief school
22 officer, is determined to be mentally or physically incapacitated may be excused from
23 attendance at school for the full time required, or any part thereof; **or**

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

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

33 ~~[2-]~~ **3.** (1) As used in sections 167.031 to 167.071, a "home school" is a school,
34 whether incorporated or unincorporated, that:

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

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

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

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

43 (a) Maintain the following records:

44 a. A plan book, diary, or other written record indicating subjects taught and activities
45 engaged in; ~~[and]~~

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

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

48 d. Other written, or credible evidence equivalent to subparagraphs a., b., and c. **of this**
49 **paragraph**; and

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

55 (3) The requirements of subdivision (2) of this subsection shall not apply to any pupil
56 above ~~[the age of sixteen]~~ **eighteen years of age.**

57 ~~[3.]~~ **4.** Nothing in this section shall require a private, parochial, parish or home school
58 to include in its curriculum any concept, topic, or practice in conflict with the school's
59 religious doctrines or to exclude from its curriculum any concept, topic, or practice consistent
60 with the school's religious doctrines. Any other provision of the law to the contrary
61 notwithstanding, all departments or agencies of the state of Missouri shall be prohibited from
62 dictating through rule, regulation or other device any statewide curriculum for private,
63 parochial, parish or home schools.

64 ~~[4.]~~ **5.** A school year begins on the first day of July and ends on the thirtieth day of
65 June following.

66 ~~[5.]~~ **6.** The production by a parent of a daily log showing that a home school has a
67 course of instruction which satisfies the requirements of this section or ~~[, in the case of a pupil~~
68 ~~over the age of sixteen years who attended a metropolitan school district the previous year,]~~ a
69 written statement that the pupil is attending home school in compliance with this section shall
70 be a defense to any prosecution under this section and to any charge or action for educational
71 neglect brought pursuant to chapter 210.

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

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

78 ~~(2) Seventeen years of age or having successfully completed sixteen credits towards~~
79 ~~high school graduation 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~~
83 ~~years; provided that such resolution shall take effect no earlier than the school year next~~
84 ~~following the school year during which the resolution is adopted.~~

85 ~~7. For purposes of subsection 2 of this section as applied in subsection 6 herein, a~~
86 ~~"completed credit towards high school graduation" shall be defined as one hundred hours or~~
87 ~~more of instruction in a course.]~~

88 **7.** Home school education enforcement and records pursuant to this section, and
89 sections 210.167 and 211.031, shall be subject to review only by the local prosecuting
90 attorney.

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

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