

FIRST REGULAR SESSION

# SENATE BILL NO. 124

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KEAVENY.

Read 1st time January 18, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

0637S.011

## AN ACT

To repeal section 167.031, 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Section A. Section 167.031, RSMo, is repealed and one new section  
2 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  
2 charge, control or custody of a child not enrolled in a public, private, parochial,  
3 parish school or full-time equivalent attendance in a combination of such schools  
4 and between the ages of seven years and the compulsory attendance age for the  
5 district is responsible for enrolling the child in a program of academic instruction  
6 which complies with subsection 2 of this section. Any parent, guardian or other  
7 person who enrolls a child between the ages of five and seven years in a public  
8 school program of academic instruction shall cause such child to attend the  
9 academic program on a regular basis, according to this section **except as**  
10 **provided in subsection 8 of this section.** Nonattendance by such child shall  
11 cause such parent, guardian or other responsible person to be in violation of the  
12 provisions of section 167.061, except as provided by this section. A parent,  
13 guardian or other person in this state having charge, control, or custody of a child  
14 between the ages of seven years of age and the compulsory attendance age for the  
15 district shall cause the child to attend regularly some public, private, parochial,  
16 parish, home school or a combination of such schools not less than the entire  
17 school term of the school which the child attends; except that:

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

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

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

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

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

32 2. (1) As used in sections 167.031 to 167.071, a "home school" is a school,  
33 whether incorporated or unincorporated, that:

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

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

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

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

43 (a) Maintain the following records:

44 a. A plan book, diary, or other written record indicating subjects taught  
45 and activities 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.  
49 and c.; and

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

55 (3) The requirements of subdivision (2) of this subsection shall not apply

56 to any pupil above the age of sixteen years.

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

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

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

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

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

80           (2) Seventeen years of age or having successfully completed sixteen credits  
81 towards high school graduation in all other cases. The school board of a  
82 metropolitan school district for which the compulsory attendance age is seventeen  
83 years may adopt a resolution to lower the compulsory attendance age to sixteen  
84 years; provided that such resolution shall take effect no earlier than the school  
85 year next following the school year during which the resolution is adopted.

86           7. For purposes of subsection 2 of this section as applied in subsection 6  
87 **[herein] of this section**, a "completed credit towards high school graduation"  
88 shall be defined as one hundred hours or more of instruction in a course. Home  
89 school education enforcement and records pursuant to this section, and sections  
90 210.167 and 211.031, RSMo, shall be subject to review only by the local  
91 prosecuting attorney.

92           8. Notwithstanding subsection 1 of this section, beginning in the  
93 2012-2013 school year, in a metropolitan school district, every parent,  
94 guardian, or other person having charge, control, or custody of a child  
95 who chooses to enroll the child in a public, private, parochial, parish  
96 school, or full-time equivalent attendance in a combination of such  
97 schools shall enroll such child by the age of five in accordance with the  
98 provisions of sections 160.053 and 160.054. The provisions of this  
99 subsection shall not apply to any parent, guardian, or other person  
100 having charge, control, or custody of a child and intending to enroll the  
101 child in a program of academic instruction that complies with  
102 subsection 2 of this section.

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Bill

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