

FIRST REGULAR SESSION

SENATE BILL NO. 166

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR CARTER.

1125S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 167.031, RSMo, and to enact in lieu thereof one new section relating to regulation of schools by political subdivisions.

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Section A. Section 167.031, RSMo, is repealed and one new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

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

19 attendance age for the district shall cause the child to
20 attend regularly some public, private, parochial, parish,
21 home school or a combination of such schools not less than
22 the entire school term of the school which the child
23 attends; except that:

24 (1) A child who, to the satisfaction of the
25 superintendent of public schools of the district in which he
26 resides, or if there is no superintendent then the chief
27 school officer, is determined to be mentally or physically
28 incapacitated may be excused from attendance at school for
29 the full time required, or any part thereof;

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

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

44 2. (1) As used in sections 167.031 to 167.071, a
45 "home school" is a school, whether incorporated or
46 unincorporated, that:

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

49 (b) Enrolls pupils between the ages of seven years and
50 the compulsory attendance age for the district, of which no

51 more than four are unrelated by affinity or consanguinity in
52 the third degree; and

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

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

59 (a) Maintain the following records:

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

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

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

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

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

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

78 3. (1) Nothing in this section shall require a
79 private, parochial, parish or home school to include in its
80 curriculum any concept, topic, or practice in conflict with
81 the school's religious doctrines or to exclude from its
82 curriculum any concept, topic, or practice consistent with

83 the school's religious doctrines. Any other provision of
84 the law to the contrary notwithstanding, all departments or
85 agencies of the state of Missouri shall be prohibited from
86 dictating through rule, regulation or other device any
87 statewide curriculum for private, parochial, parish or home
88 schools.

89 **(2) No city or county shall dictate the curriculum,**
90 **concepts, topics, or practices taught by any public,**
91 **private, parochial, parish, or home school within the**
92 **geographic boundaries of such city or county. No city or**
93 **county shall dictate the employment decisions or employment**
94 **policies of any public, private, parochial, parish, or home**
95 **school within the geographic boundaries of such city or**
96 **county. Public, private, parochial, parish, and home**
97 **schools shall choose the curriculum, concepts, topics, and**
98 **practices taught at such schools independent of interference**
99 **by the city or county in which such schools are located.**
100 **Public, private, parochial, parish, and home schools shall**
101 **make employment decisions and create employment policies**
102 **independent of interference by the city or county in which**
103 **such schools are located.**

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

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

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

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

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

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

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

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