

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1182
93RD GENERAL ASSEMBLY

Reported from the Committee on Children and Families March 8, 2006 with recommendation that House Committee Substitute for House Bill No. 1182 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

3534L.07C

AN ACT

To repeal section 167.031, RSMo, and to enact in lieu thereof two new sections relating to jurisdiction of the juvenile court.

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

Section A. Section 167.031, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 167.031 and 211.034, to read as follows: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

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.

15 (1) A child who, to the satisfaction of the superintendent of public schools of the district
16 in which he resides, or if there is no superintendent then the chief school officer, is determined
17 to be mentally or physically incapacitated may be excused from attendance at school for the full
18 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, RSMo.

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) Sixteen years of age in all other cases.

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

78 **7. The provisions of this section shall apply to any parent, guardian, or other**
79 **person in this state having charge, control, or custody of a child between the ages of fifteen**
80 **and eighteen if such child has not received a high school diploma or its equivalent and a**
81 **court order has been issued as to such child under section 211.034, RSMo.**

211.034. 1. Any parent, legal guardian, or other person having legal custody of a
2 **minor child may, at any time after the minor child attains fifteen years of age and before**
3 **the minor child attains eighteen years of age, petition the circuit court for the county where**
4 **the minor child and parent, legal guardian, or other person having legal custody of the**

5 minor child reside to extend the jurisdiction of the juvenile court until the minor child
6 reaches the age of eighteen years.

7 2. The petition shall be accompanied by verified proof of service on the minor child
8 and certified copies of documents demonstrating that the petitioner is the parent, legal
9 guardian, or other legal custodian of the minor child. If the petitioner is not the natural
10 parent of the minor child, the petition shall be accompanied by:

11 (1) An affidavit from at least one of the child's natural parents consenting to the
12 granting of the petition; or

13 (2) An affidavit from the petitioner stating that the natural parents:

14 (a) Are deceased;

15 (b) Have been declared legally incompetent;

16 (c) Have had their parental rights as to the minor child terminated by a court of
17 competent jurisdiction;

18 (d) Have voluntarily surrendered their parental rights as to the minor child;

19 (e) Have abandoned the minor child;

20 (f) Are unknown; or

21 (g) Are otherwise unavailable, in which case, the affidavit shall state the reasons
22 why the natural parents are unavailable.

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24 In all cases where any parent, legal guardian, or other person having legal custody of a
25 minor child petitions the court to extend the jurisdiction of the juvenile court until the
26 minor child's eighteenth birthday, the court shall appoint an attorney to represent the
27 minor child. An individual filing the petition shall pay the attorney fees of the minor child.

28 3. Upon the filing of a petition under this section and a determination by the court
29 in favor of the petitioner, the circuit court shall issue an order declaring that the minor
30 child shall remain under the jurisdiction of the juvenile court for all purposes under state
31 law until the minor child reaches eighteen years of age; except that, for purposes of
32 criminal law and procedure, including arrest, prosecution, trial, and punishment, if the
33 minor is certified as an adult, the minor shall remain a certified adult despite the issuance
34 of a court order under this section. Such minor child shall be subject to the compulsory
35 school attendance requirements of section 167.031, RSMo, until the minor child receives
36 a high school diploma or its equivalent, or reaches eighteen years of age. The court order
37 shall be filed with the circuit clerk for the county where the petitioner resides.

38 4. Nothing in this section shall be construed as creating any civil or criminal
39 liability for any law enforcement officer, juvenile officer, school personnel, or court
40 personnel for any action taken or failure to take any action involving a minor child who

41 remains under the jurisdiction of the juvenile court under this section if such action or
42 failure to take action is based on a good faith belief by such officer or personnel that the
43 minor child is not under the jurisdiction of the juvenile court.

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