

FIRST REGULAR SESSION

# HOUSE BILL NO. 793

## 102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MACKEY.

0345H.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Section A. Section 167.031, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.031, to read as follows: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~~ **five years of age** 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 of age or older** 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~~ **five** 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~~ **the child** resides, or if there is no superintendent then the chief school

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

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

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

29 2. (1) As used in sections 167.031 to 167.071, a "home school" is a school, whether  
30 incorporated or unincorporated, that:

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

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

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

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

39 (a) Maintain the following records:

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

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

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

44 d. Other written, or credible evidence equivalent to subparagraphs a., b. and c.; and  
45 (b) Offer at least one thousand hours of instruction, at least six hundred hours of  
46 which will be in reading, language arts, mathematics, social studies and science or academic  
47 courses that are related to the aforementioned subject areas and consonant with the pupil's age  
48 and ability. At least four hundred of the six hundred hours shall occur at the regular home  
49 school location.

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

52 3. Nothing in this section shall require a private, parochial, parish or home school to  
53 include in its curriculum any concept, topic, or practice in conflict with the school's religious  
54 doctrines or to exclude from its curriculum any concept, topic, or practice consistent with the

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

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

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

67 6. **(1)** As used in sections 167.031 to 167.051, the term "compulsory attendance age  
68 for the district" shall mean:

69 ~~[(1)]~~ **(a)** Seventeen years of age for any metropolitan school district for which the  
70 school board adopts a resolution to establish such compulsory attendance age; provided that  
71 such resolution shall take effect no earlier than the school year next following the school year  
72 during which the resolution is adopted; and

73 ~~[(2)]~~ **(b)** Seventeen years of age or having successfully completed sixteen credits  
74 towards high school graduation in all other cases.

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

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

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