

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 122
102ND GENERAL ASSEMBLY

0547H.04C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 167.031, RSMo, and to enact in lieu thereof two new sections relating to health in public schools.

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Section A. Section 167.031, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 160.527 and 167.031, to read as follows:

160.527. 1. The one-half unit of credit in health education required by the state board of education shall be renamed "Health and Family Education" for the 2024-25 school year and all subsequent school years.

2. The state board of education shall convene a work group to develop and recommend academic performance standards relating to the one-half unit of credit of health and family education required by the board. The work group shall include, but not be limited to, educators providing instruction in health education and family and consumer science in grades nine to twelve, representatives from the department of elementary and secondary education, and nonprofit organizations that focus on public health, parenting, and social services. The work group shall develop written curriculum frameworks relating to health and family education with an emphasis on behavioral health relating to the causes of morbidity and mortality of youth, chronic disease management, and parenting skills associated with optimal family health over a lifetime that may be used by school districts.

3. The state board of education shall adopt and implement academic performance standards relating to health and family education for the 2024-25 school year and all subsequent school years.

4. The requirements of section 160.514 shall not apply to this section.

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.

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]~~ **that** 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:

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

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

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

(4) A child may be excused from attendance at school for the full time required, or any part thereof, if the child is unable to attend school due to mental or behavioral health concerns, provided that the school receives documentation from a mental health professional licensed under chapters 334 or 337 acting within his or her authorized scope of practice stating that the child is not able to attend school due to such concerns.

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

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

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

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

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

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

72 6. **(1)** As used in sections 167.031 to 167.051, the term "compulsory attendance age
73 for the district" shall mean:

74 ~~[(1)]~~ **(a)** Seventeen years of age for any metropolitan school district for which the
75 school board adopts a resolution to establish such compulsory attendance age; provided that
76 such 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)]~~ **(b)** Seventeen years of age or having successfully completed sixteen credits
79 towards high school graduation in all other cases.

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

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

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