

FIRST REGULAR SESSION

HOUSE BILL NO. 728

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE JOHNSON (23).

1746H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 167.031, RSMo, and to enact in lieu thereof one new section relating to compulsory 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Section A. Section 167.031, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.031, to read as follows: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 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~~ **such 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.

17 officer, is determined to be mentally or physically incapacitated may be excused from
18 attendance at school for the full 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
21 thereof, by the superintendent of public schools of the district, or if there is none then by a
22 court of competent jurisdiction, when legal employment has been obtained by the child and
23 found to be desirable, and after the parents or guardian of the child have been advised of the
24 pending action; ~~[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
27 makes a written request that the child be dropped from the school's rolls; **or**

28 **(4) A child in any grade from sixth grade to twelfth grade may be excused from**
29 **attendance at school at least once per week to attend a mental health appointment,**
30 **subject to the following:**

31 (a) As used in this subdivision, "mental health appointment" means any visit
32 lasting less than four hours with a health care provider to treat a mental disorder or
33 mental illness, as those terms are defined in section 630.005;

34 (b) Such child's parent, guardian, or other person having control or custody of
35 such child shall submit a notice to such child's school at least forty-eight hours before
36 such child leaves school for a mental health appointment unless providing such notice is
37 not practicable. If an absence for which the school has not received such notice occurs,
38 the school shall not take any action against such child if such child's parent, guardian, or
39 other person having control or custody of such child submits proof of the occurrence of
40 the mental health appointment to the school within a reasonable time after such mental
41 health appointment occurs, as provided in paragraph (c) of this subdivision;

42 (c) Such child's school may require such child's parent, guardian, or other
43 person having control or custody of such child to provide proof that an absence was for
44 a mental health appointment. Such child's parent, guardian, or other person having
45 control or custody of such child shall submit proof that such child attended a mental
46 health appointment within a reasonable time after the school requests such proof;

47 (d) Such child may satisfy the requirement to submit proof under paragraph (c)
48 of this subdivision by providing to the school documentation from the health care
49 provider who treated such child at the mental health appointment; and

50 (e) This subdivision shall apply in the 2024-25 school year and all subsequent
51 school years.

52 2. (1) As used in sections 167.031 to 167.071, a "home school" is a school, whether
53 incorporated or unincorporated, that:

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

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

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

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

62 (a) Maintain the following records:

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

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

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

67 d. Other written, or credible evidence equivalent to subparagraphs a., b. and c. **of this**
68 **paragraph**; and

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

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

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

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

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

91 6. **(1)** As used in sections 167.031 to 167.051, the term "compulsory attendance age
92 for the district" shall mean:

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

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

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

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

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