

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 969
95TH GENERAL ASSEMBLY

Reported from the Committee on Education, April 22, 2010, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

4785S.05C

AN ACT

To repeal section 167.031, RSMo, and to enact in lieu thereof two new sections relating to 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Section A. Section 167.031, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 167.031 and 171.017, to read as
3 follows:

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

18 (1) A child who, to the satisfaction of the superintendent of public schools
19 of the district in which he resides, or if there is no superintendent then the chief

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

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

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

32 2. (1) As used in sections 167.031 to 167.071, a "home school" is a school,
33 whether incorporated or unincorporated, that:

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

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

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

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

43 (a) Maintain the following records:

44 a. A plan book, diary, or other written record indicating subjects taught
45 and activities 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.
49 and c.; and

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

55 (3) The requirements of subdivision (2) of this subsection shall not apply

56 to any pupil above the age of sixteen years.

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

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

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

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

76 (1) Seventeen years of age for any metropolitan school district for which
77 the school board adopts a resolution to establish such compulsory attendance age;
78 provided that such resolution shall take effect no earlier than the school year
79 next following the school year during which the resolution is adopted; and

80 (2) Seventeen years of age or having successfully completed sixteen credits
81 towards high school graduation in all other cases. The school board of a
82 metropolitan school district for which the compulsory attendance age is seventeen
83 years may adopt a resolution to lower the compulsory attendance age to sixteen
84 years; provided that such resolution shall take effect no earlier than the school
85 year next following the school year during which the resolution is adopted.

86 7. For purposes of subsection 2 of this section as applied in subsection 6
87 **[herein] of this section**, a "completed credit towards high school graduation"
88 shall be defined as one hundred hours or more of instruction in a course. Home
89 school education enforcement and records pursuant to this section, and sections
90 210.167 and 211.031, RSMo, shall be subject to review only by the local
91 prosecuting attorney.

92 8. Notwithstanding subsection 1 of this section, beginning in the
93 2011-2012 school year, in a metropolitan school district and in an urban
94 school district containing most or all of a city with a population greater
95 than three hundred fifty thousand inhabitants, every parent, guardian,
96 or other person having charge, control or custody of a child who
97 chooses to enroll the child in a public, private, parochial, parish school,
98 or full-time equivalent attendance in a combination of such schools
99 shall enroll such child at the age of six.

 171.017. 1. The board of education of any school district, upon
2 adoption of a resolution by the vote of a majority of all its members to
3 authorize such action, may offer two start dates for kindergarten for
4 children who have attained the statutorily required age of eligibility
5 for kindergarten. The school district may group children according to
6 their date of birth to begin kindergarten on one of the start dates.

7 2. Any school district that adopts such a resolution shall offer:

8 (1) One start date for kindergarten that occurs on the opening
9 date of the school year; and

10 (2) One start date for kindergarten that occurs approximately
11 halfway through the school year.

12 3. Any school district that adopts such a resolution shall allow
13 parents to have their child or children start kindergarten on the start
14 date of choice.

15 4. No district that adopts a resolution under this section shall
16 lose eligibility to receive state aid pursuant to section 163.021 as a
17 result of implementing a second start date for kindergarten students,
18 irrespective of the timing of, or number of, days of pupil attendance.

19 5. Any child who begins kindergarten on a second kindergarten
20 start date under this section may be promoted to first grade the
21 subsequent school year if the student's teacher and principal find that
22 the student is adequately prepared. Alternatively, the student's parent
23 or legal guardian may request that the student remain in kindergarten
24 an additional year.

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