

SENATE BILL NO. 761

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAY.

3412S.01H

KRISTINA MARTIN, Secretary

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Section A. Section 167.031, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 167.031,
3 to read as follows:

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

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

19 attendance age for the district shall cause the child to
20 attend regularly some public, private, parochial, parish,
21 home school or a combination of such schools not less than
22 the entire school term of the school which the child
23 attends; except that:

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

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

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

44 (4) **A child may be excused from attendance at school**
45 **for the full time required, or any part thereof, if the**
46 **child is unable to attend school due to mental or behavioral**
47 **health concerns, provided that the school receives**
48 **documentation from a mental health professional licensed**
49 **under chapters 334 or 337 acting within his or her**

50 **authorized scope of practice stating that the child is not**
51 **able to attend school due to such concerns.**

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

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

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

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

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

67 (a) Maintain the following records:

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

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

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

74 d. Other written, or credible evidence equivalent to
75 subparagraphs a., b. and c.; and

76 (b) Offer at least one thousand hours of instruction,
77 at least six hundred hours of which will be in reading,
78 language arts, mathematics, social studies and science or
79 academic courses that are related to the aforementioned
80 subject areas and consonant with the pupil's age and

81 ability. At least four hundred of the six hundred hours
82 shall occur at the regular home school location.

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

86 3. Nothing in this section shall require a private,
87 parochial, parish or home school to include in its
88 curriculum any concept, topic, or practice in conflict with
89 the school's religious doctrines or to exclude from its
90 curriculum any concept, topic, or practice consistent with
91 the school's religious doctrines. Any other provision of
92 the law to the contrary notwithstanding, all departments or
93 agencies of the state of Missouri shall be prohibited from
94 dictating through rule, regulation or other device any
95 statewide curriculum for private, parochial, parish or home
96 schools.

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

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

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

110 (1) Seventeen years of age for any metropolitan school
111 district for which the school board adopts a resolution to
112 establish such compulsory attendance age; provided that such

113 resolution shall take effect no earlier than the school year
114 next following the school year during which the resolution
115 is adopted; and

116 (2) Seventeen years of age or having successfully
117 completed sixteen credits towards high school graduation in
118 all other cases.

119 The school board of a metropolitan school district for which
120 the compulsory attendance age is seventeen years may adopt a
121 resolution to lower the compulsory attendance age to sixteen
122 years; provided that such resolution shall take effect no
123 earlier than the school year next following the school year
124 during which the resolution is adopted.

125 7. For purposes of subsection 2 of this section as
126 applied in subsection 6 herein, a "completed credit towards
127 high school graduation" shall be defined as one hundred
128 hours or more of instruction in a course. Home school
129 education enforcement and records pursuant to this section,
130 and sections 210.167 and 211.031, shall be subject to review
131 only by the local prosecuting attorney.

✓