

FIRST REGULAR SESSION

# HOUSE BILL NO. 1082

103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BAKER.

2370H.011

JOSEPH ENGLER, Chief Clerk

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## AN ACT

To repeal sections 167.012 and 167.013, RSMo, and to enact in lieu thereof two new sections relating to school background checks.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 167.012 and 167.013, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 167.012 and 167.013, to read as follows:

167.012. 1. For purposes of state law regarding this section and sections 161.670,  
2 162.996, 167.013, 167.031, 167.042, 167.061, 167.600, 167.619, 210.167, 210.211, 211.031,  
3 and 452.375, a "home school" is a school, whether incorporated or unincorporated, that:

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

5 (2) Enrolls children between the ages of seven years and the compulsory attendance  
6 age for the school district in which the home school is located, of which no more than four are  
7 unrelated by affinity or consanguinity in the third degree;

8 (3) Does not charge or receive consideration in the form of tuition, fees, or other  
9 remuneration in a genuine and fair exchange for provision of instruction;

10 (4) Does not enroll children who participate in the program established in sections  
11 135.712 to 135.719 and sections 166.700 to 166.720; and

12 (5) Is not an FPE school.

13 2. Except as otherwise provided in ~~[this]~~ subsection **3 of this section**, as evidence that  
14 a child is receiving regular instruction, the child's parent, guardian, or other person having  
15 control or custody of the child shall:

16 (1) Maintain the following records:

EXPLANATION — Matter enclosed in bold-faced brackets ~~[this]~~ 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 (a) a. A plan book, diary, or other written record indicating subjects taught and  
18 activities engaged in;

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

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

21 (b) Other written or credible evidence equivalent to subparagraphs a. to c. of  
22 paragraph (a) of this subdivision; and

23 (2) Offer at least one thousand hours of instruction, at least six hundred hours of  
24 which shall be in reading, language arts, mathematics, social studies, science, or academic  
25 courses that are related to such subject areas and consonant with the child's age and ability.  
26 At least four hundred of the six hundred hours shall occur at the regular home school location  
27 [;].

28 [~~3~~] **3.** The requirements of [~~this~~] subsection **2 of this section** shall not apply to any  
29 pupil sixteen years of age or older.

30 [~~3~~] **4.** The production of a daily log by a parent, guardian, or other person having  
31 control or custody of a child showing that a home school has a course of instruction that  
32 satisfies the requirements of this section and section 167.031 or, in the case of a pupil sixteen  
33 years of age or older who attended a metropolitan school district the previous year, a written  
34 statement that the pupil is attending home school in compliance with section 167.031 shall be  
35 a defense to any prosecution under section 167.031 and to any charge or action for  
36 educational neglect brought under chapter 210. Home school education enforcement and  
37 records pursuant to this section, and sections 210.167 and 211.031, shall be subject to review  
38 only by the local prosecuting attorney.

39 **5. (1) As used in this subsection, the following terms mean:**

40 (a) **"Benefit or program", a benefit or program established under state statutes**  
41 **or rules that relates to the education of a child enrolled in a home school;**

42 (b) **"Missouri criminal record review", the same definition as in section 43.540;**

43 (c) **"Qualified entity", the same definition as in section 43.540.**

44 (2) **No individual who resides in a home school shall be subject to a Missouri**  
45 **criminal record review by a qualified entity for purposes of qualifying for a benefit or**  
46 **program provided or administered by the state or any political subdivision of the state.**

167.013. 1. For purposes of state law regarding this section and sections 161.670,  
2 162.996, 166.700, 167.012, 167.031, 167.061, 167.600, 167.619, 210.167, 210.211, 211.031,  
3 and 452.375, a "Family Paced Education (FPE) school" or "FPE school" is a school, whether  
4 incorporated or unincorporated, that:

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

6 (2) Enrolls children between the ages of seven years and the compulsory attendance  
7 age for the school district in which the FPE school is located, of which no more than four are  
8 unrelated by affinity or consanguinity in the third degree;

9 (3) Does not charge or receive consideration in the form of tuition, fees, or other  
10 remuneration in a genuine and fair exchange for provision of instruction; and

11 (4) May enroll children who participate in the program established in sections  
12 135.712 to 135.719 and sections 166.700 to 166.720.

13 2. Except as otherwise provided in ~~[this]~~ subsection **3 of this section**, as evidence that  
14 a child is receiving regular instruction, the child's parent, guardian, or other person having  
15 control or custody of the child shall:

16 (1) Maintain the following records:

17 (a) a. A plan book, diary, or other written record indicating subjects taught and  
18 activities engaged in;

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

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

21 (b) Other written or credible evidence equivalent to subparagraphs a. to c. of  
22 paragraph (a) of this subdivision; and

23 (2) Offer at least one thousand hours of instruction, at least six hundred hours of  
24 which shall be in reading, language arts, mathematics, social studies, science, or academic  
25 courses that are related to such subject areas and consonant with the child's age and ability.  
26 At least four hundred of the six hundred hours shall occur at the regular FPE school location  
27 ~~[;]~~.

28 ~~[(3)]~~ **3.** The requirements of ~~[this]~~ subsection **2 of this section** shall not apply to any  
29 pupil sixteen years of age or older.

30 ~~[3-]~~ **4.** The production of a daily log by a parent, guardian, or other person having  
31 control or custody of a child showing that an FPE school has a course of instruction that  
32 satisfies the requirements of this section and section 167.031 or, in the case of a pupil sixteen  
33 years of age or older who attended a metropolitan school district the previous year, a written  
34 statement that the pupil is attending an FPE school in compliance with section 167.031 shall  
35 be a defense to any prosecution under section 167.031 and to any charge or action for  
36 educational neglect brought under chapter 210. FPE school education enforcement and  
37 records pursuant to this section, and sections 210.167 and 211.031, shall be subject to review  
38 only by the local prosecuting attorney.

39 **5. (1) As used in this subsection, the following terms mean:**

40 (a) **"Benefit or program", a benefit or program established under state statutes**  
41 **or rules that relates to the education of a child enrolled in an FPE school;**

42 (b) **"Missouri criminal record review", the same definition as in section 43.540;**

43 (c) "Qualified entity", the same definition as in section 43.540.

44 (2) No individual who resides in an FPE school shall be subject to a Missouri  
45 criminal record review by a qualified entity for purposes of qualifying for a benefit or  
46 program provided or administered by the state or any political subdivision of the state.

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