

SECOND REGULAR SESSION

# HOUSE BILL NO. 2767

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE FOGLE.

5530H.02I

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal section 167.031, RSMo, and to enact in lieu thereof one new section relating to compulsory school attendance.

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*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Section A. Section 167.031, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.031, to read as follows: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) A child who obtains written authorization from a qualified health**  
29 **professional licensed under chapter 334, 335, or 337 shall be excused from attendance at**  
30 **school for the full time required or any part thereof when such absence is deemed**  
31 **necessary for mental health or behavioral health concerns;**

32 **(b) Each school district shall adopt and implement a written policy relating to**  
33 **absences excused under this subdivision beginning with the 2023-24 school year; and**

34 **(c) The department of elementary and secondary education shall coordinate**  
35 **with the department of mental health to develop a model policy relating to such**  
36 **absences excused under this subdivision that all school districts may adopt. Such policy**  
37 **shall be completed and made available to school districts beginning with the 2023-24**  
38 **school year.**

39 2. (1) As used in sections 167.031 to 167.071, a "home school" is a school, whether  
40 incorporated or unincorporated, that:

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

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

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

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

49 (a) Maintain the following records:

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

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

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

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

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

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

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

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

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

78 6. **(1)** As used in sections 167.031 to 167.051, the term "compulsory attendance age  
79 for the district" shall mean:

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

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

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

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

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