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Section A. Section 167.031, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.031, to read as follows: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

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.
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
resides, or if there is no superintendent then the chief
school officer, is determined to be mentally or physically
incapacitated may be excused from attendance at school for
the full time required, or any part thereof;

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

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

(4) A child may be excused from attendance at school
for the full time required, or any part thereof, if the
child is unable to attend school due to mental or behavioral
health concerns, provided that the school receives
documentation from a mental health professional licensed
under chapters 334 or 337 acting within his or her
authorized scope of practice stating that the child is not able to attend school due to such concerns.

2. (1) As used in sections 167.031 to 167.071, a "home school" is a school, whether incorporated or unincorporated, that:
   (a) Has as its primary purpose the provision of private or religious-based instruction;
   (b) Enrolls pupils between the ages of seven years and the compulsory attendance age for the district, of which no more than four are unrelated by affinity or consanguinity in the third degree; and
   (c) Does not charge or receive consideration in the form of tuition, fees, or other remuneration in a genuine and fair exchange for provision of instruction.

(2) As evidence that a child is receiving regular instruction, the parent shall, except as otherwise provided in this subsection:
   (a) Maintain the following records:
      a. A plan book, diary, or other written record indicating subjects taught and activities engaged in; and
      b. A portfolio of samples of the child's academic work; and
      c. A record of evaluations of the child's academic progress; or
      d. Other written, or credible evidence equivalent to subparagraphs a., b. and c.; and
   (b) Offer at least one thousand hours of instruction, at least six hundred hours of which will be in reading, language arts, mathematics, social studies and science or academic courses that are related to the aforementioned subject areas and consonant with the pupil's age and
ability. At least four hundred of the six hundred hours shall occur at the regular home school location.

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

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

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

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

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

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

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

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

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