

SECOND REGULAR SESSION

# HOUSE BILL NO. 1699

## 91ST GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVES HOSMER, KREIDER AND MARSH (Co-sponsors).

Read 1<sup>st</sup> time January 29, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

3279L.011

---

### AN ACT

To repeal sections 167.031, 167.051, 167.275, and 302.060, RSMo, and to enact in lieu thereof five new sections relating to the protection of certain children, with an effective date for certain sections and with penalty provisions.

---

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

Section A. Sections 167.031, 167.051, 167.275, and 302.060, RSMo, are repealed and  
2 five new sections enacted in lieu thereof, to be known as sections 167.031, 167.051, 167.275,  
3 302.060, and 302.176, to read as follows:

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

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

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

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

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

27 2. (1) As used in sections 167.031 to 167.071, a "home school" is a school, whether  
28 incorporated or unincorporated, that:

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

30 (b) Enrolls pupils between the ages of seven and [sixteen] **eighteen** years, of which no  
31 more than four are unrelated by affinity or consanguinity in the third degree; and

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

34 (2) As evidence that a child is receiving regular instruction, the parent shall:

35 (a) Maintain the following records:

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

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

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

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

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

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

51 regulation or other device any statewide curriculum for private, parochial, parish or home  
52 schools.

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

55 5. The production by a parent of a daily log showing that a home school has a course of  
56 instruction which satisfies the requirements of this section shall be a defense to any prosecution  
57 under this section and to any charge or action for educational neglect brought pursuant to chapter  
58 210, RSMo.

167.051. 1. If a school board establishes part-time schools or classes for children under  
2 [sixteen] **eighteen** years of age, lawfully engaged in any regular employment, every parent,  
3 guardian or other person having charge, control or custody of such a child shall cause the child  
4 to attend the school not less than four hours a week between the hours of eight o'clock in the  
5 morning and five o'clock in the evening during the school year of the part-time classes.

6 2. All children who are under eighteen years of age, who have not completed the  
7 elementary school course in the public schools of Missouri, or its equivalent, and who are not  
8 attending regularly any day school shall be required to attend regularly the part-time classes not  
9 less than four hours a week between the hours of eight o'clock in the morning and five o'clock  
10 in the afternoon during the entire year of the part-time classes.

167.275. [Effective January 1, 1991,] **Beginning January 1, 2003**, all public and  
2 nonpublic secondary schools shall report to the state literacy hot line office in Jefferson City the  
3 name, mailing address and telephone number of all students [sixteen] **eighteen** years of age or  
4 older who drop out of school for any reason other than to attend another school, college or  
5 university, or enlist in the armed services. Such reports shall be made either by using the  
6 telephone hot line number or on forms developed by the department of elementary and secondary  
7 education. Upon such notification, the state literacy hot line office shall contact the student who  
8 has been reported and refer that student to the nearest location that provides adult basic education  
9 instruction leading to the completion of a general educational development certificate.

302.060. The director shall not issue any license and shall immediately deny any driving  
2 privilege:

3 (1) To any person who is under the age of eighteen years, if such person operates a motor  
4 vehicle in the transportation of persons or property as classified in section 302.015;

5 (2) To any person who is under the age of sixteen years, except as [hereinafter] provided  
6 **in this section, or to any person who is under the age of eighteen years who fails to meet the**  
7 **qualifications of section 302.176;**

8 (3) To any person whose license has been suspended, during such suspension, or to any  
9 person whose license has been revoked, until the expiration of one year after such license was

10 revoked;

11 (4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;

12 (5) To any person who has previously been adjudged to be incapacitated and who at the  
13 time of application has not been restored to partial capacity;

14 (6) To any person who, when required by this law to take an examination, has failed to  
15 pass such examination;

16 (7) To any person who has an unsatisfied judgment against such person, as defined in  
17 chapter 303, RSMo, until such judgment has been satisfied or the financial responsibility of such  
18 person, as defined in section 303.120, RSMo, has been established;

19 (8) To any person whose application shows that the person has been convicted within  
20 one year prior to such application of violating the laws of this state relating to failure to stop after  
21 an accident and to disclose the person's identity or driving a motor vehicle without the owner's  
22 consent;

23 (9) To any person who has been convicted more than twice of violating state law, or a  
24 county or municipal ordinance where the judge in such cases was an attorney and the defendant  
25 was represented by or waived the right to an attorney in writing, relating to driving while  
26 intoxicated; except that, after the expiration of ten years from the date of conviction of the last  
27 offense of violating such law or ordinance relating to driving while intoxicated, a person who  
28 was so convicted may petition the circuit court of the county in which such last conviction was  
29 rendered and the court shall review the person's habits and conduct since such conviction. If the  
30 court finds that the petitioner has not been convicted of any offense related to alcohol, controlled  
31 substances or drugs during the preceding ten years and that the petitioner's habits and conduct  
32 show such petitioner to no longer pose a threat to the public safety of this state, the court may  
33 order the director to issue a license to the petitioner if the petitioner is otherwise qualified  
34 pursuant to the provisions of sections 302.010 to 302.540. No person may obtain a license  
35 pursuant to the provisions of this subdivision through court action more than one time;

36 (10) To any person who has been convicted twice within a five-year period of violating  
37 state law, or a county or municipal ordinance where the judge in such cases was an attorney and  
38 the defendant was represented by or waived the right to an attorney in writing, of driving while  
39 intoxicated, or who has been convicted of the crime of involuntary manslaughter while operating  
40 a motor vehicle in an intoxicated condition. The director shall not issue a license to such person  
41 for five years from the date such person was convicted for involuntary manslaughter while  
42 operating a motor vehicle in an intoxicated condition or for driving while intoxicated for the  
43 second time. Any person who has been denied a license for two convictions of driving while  
44 intoxicated prior to July 27, 1989, shall have the person's license issued, upon application, unless  
45 the two convictions occurred within a five-year period, in which case, no license shall be issued

46 to the person for five years from the date of the second conviction;

47 (11) To any person who is otherwise disqualified pursuant to the provisions of sections  
48 302.010 to 302.780, chapter 303, RSMo, or section 544.046, RSMo;

49 (12) To any person who is under the age of eighteen years, if such person's parents or  
50 legal guardians file a certified document with the department of revenue stating that the director  
51 shall not issue such person a driver's license. Each document filed by the person's parents or  
52 legal guardians shall be made upon a form furnished by the director and shall include identifying  
53 information of the person for whom the parents or legal guardians are denying the driver's  
54 license. The document shall also contain identifying information of the person's parents or legal  
55 guardians. The document shall be certified by the parents or legal guardians to be true and  
56 correct. This provision shall not apply to any person who is legally emancipated. The parents  
57 or legal guardians may later file an additional document with the department of revenue which  
58 reinstates the person's ability to receive a driver's license.

**302.176. 1. In addition to the requirements of section 302.171, the director shall  
2 require any applicant for an operator's license or a temporary permit issued pursuant to  
3 section 302.130 who is less than eighteen years of age to present a diploma or other  
4 certificate of graduation issued to such person from an accredited public or any private,  
5 parochial, or parish high school in this state or any other state, or documentation that the  
6 applicant is:**

7 (1) **Currently enrolled and progressing in accordance with school district policy in  
8 and regularly attending a public high school in this or any other state and shall have  
9 earned a minimum of two and twenty-five one hundredths units of credit the preceding  
10 semester of attendance or shall be enrolled and progressing in accordance with school  
11 district policy in an alternative curriculum designed by the state board of education which  
12 places an emphasis on vocational education and job training for students who are at risk  
13 of not completing the required curriculum or be enrolled and progressing in accordance  
14 with school district policy in a full course at the applicant's level in a special education  
15 program for the handicapped approved by the department of elementary and secondary  
16 education which, though ungraded, enrolls pupils of equivalent age;**

17 (2) **Enrolled in a secondary private school; or**

18 (3) **Enrolled and making satisfactory progress in a state-approved course leading  
19 to a certificate of high school equivalence or has obtained such certificate.**

20 **2. The superintendent of schools, or in the case of nonpublic schools, the chief  
21 administrative official, shall provide verification of enrollment status on a form provided  
22 by the department of elementary and secondary education to any student sixteen years of  
23 age or older upon request for presentation to the department of revenue on application for**

24 or reinstatement of an operator's license or temporary permit. Such verification of  
25 enrollment status shall include: the student's name, date of birth, Social Security number,  
26 address, the date of the verification, and signature of the superintendent, the chief  
27 administrative official, or the parent, which verifies that the student is enrolled in one of  
28 the programs listed in subsection 1 of this section. Whenever a student sixteen years of age  
29 or older withdraws from school, except as provided in subsection 4 of this section, the  
30 superintendent, or in the case of nonpublic schools, the chief administrative official, shall  
31 notify the department of revenue within thirty days of such withdrawal. Within five days  
32 of the receipt of such notice, the department of revenue shall send notice to the licensee at  
33 his or her last known address that the license will be suspended on the thirtieth day after  
34 notice is mailed to the licensee by the department, unless the licensee postmarks the  
35 compliance documentation to the department of revenue within the thirty-day period.  
36 Such notice shall be complete upon mailing and shall be presumed to be received three  
37 days after mailing. Any licensee receiving such notice may appeal to the director of the  
38 department of revenue on a form to be provided by the department. The only issue to be  
39 determined on appeal shall be whether the director received notice from the appropriate  
40 official that the withdrawal occurred, and whether any evidence was provided by the  
41 licensee that reenrollment occurred within the thirty-day period after the notice of  
42 suspension was mailed. The department may charge a reinstatement fee in accordance  
43 with the provisions of section 302.304.

44 3. For the purposes of this section, the term "withdrawal" means ten or more  
45 consecutive or fifteen total days of unexcused absences in a single semester or means  
46 missing five or more consecutive sessions in a course leading to a certificate of high school  
47 equivalence due to unexcused absences. The determination of unexcused absences shall  
48 be made by the superintendent or chief administrative official of the school.

49 4. Whenever the withdrawal from school or failure to enroll in a course leading to  
50 a certificate of high school equivalence is for the purpose of transferring to another school  
51 or program, which is confirmed in writing by the student's parent or guardian within five  
52 days of such transfer, no such notice need be sent to the department of revenue in order  
53 to suspend the student's operator's license. In addition, any person who is an emancipated  
54 minor, as defined in section 302.171, who does not meet the qualifications prescribed by  
55 subsection 1 of this section may request the school board of the school district in which  
56 such person resides to grant a waiver from the requirements of this section and such  
57 waiver shall be granted if the school board determines that having a license to operate a  
58 motor vehicle is in the best interests of that person.

59 5. Any person who knowingly submits false information to the department

60 pursuant to the provisions of this section is guilty of a class C misdemeanor.

61 **6. The provisions of this section shall not apply to those students who are home**  
62 **school students pursuant to section 167.031, RSMo.**

Section B. The repeal and reenactment of section 302.060 and the enactment of section  
2 302.176 of section A of this act shall be effective on January 1, 2003.