

SECOND REGULAR SESSION

HOUSE BILL NO. 1801

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES GATSCHENBERGER (Sponsor), WALLACE, RUESTMAN,
DOUGHERTY AND FUNDERBURK (Co-sponsors).

4028L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 167.031 and 167.061, RSMo, and to enact in lieu thereof three new sections relating to mandatory school attendance, with penalty provisions.

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

Section A. Sections 167.031 and 167.061, RSMo, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 167.031, 167.061, and 302.305, to read as
3 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 years and
4 the compulsory attendance age for the district is responsible for enrolling the child in a program
5 of academic instruction which complies with subsection 2 of this section. Any parent, guardian
6 or other person who enrolls a child between the ages of five and seven years in a public school
7 program of academic instruction shall cause such child to attend the academic program on a
8 regular basis, according to this section. Nonattendance by such child shall cause such parent,
9 guardian or other responsible person to be in violation of the provisions of section 167.061,
10 except as provided by this section. A parent, guardian or other person in this state having charge,
11 control, or custody of a child between the ages of seven years of age and the compulsory
12 attendance age for the district shall cause the child to attend regularly some public, private,
13 parochial, parish, home school or a combination of such schools not less than the entire school
14 term of the school which the child attends; except that:

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.

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 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 thereof,
21 by the superintendent of public schools of the district, or if there is none then by a court of
22 competent jurisdiction, when legal employment has been obtained by the child and found to be
23 desirable, and after the parents or guardian of the child have been advised of the pending action;
24 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 makes
27 a written request that the child be dropped from the school's rolls.

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

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

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

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

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

38 (a) Maintain the following records:

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

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

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

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

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

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

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

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

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

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

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

72 (2) Seventeen years of age or having successfully completed sixteen credits towards high
73 school graduation in all other cases. The school board of a metropolitan school district for which
74 the compulsory attendance age is seventeen years may adopt a resolution to lower the
75 compulsory attendance age to sixteen years; provided that such resolution shall take effect no
76 earlier than the school year next following the school year during which the resolution is
77 adopted.

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

83 **8. If a child is required to attend public school under subsection 1 of this section**
84 **and that child has unexcused absences, the public school in which the child is enrolled**
85 **shall:**

86 (1) Inform the child's custodial parent or guardian by a notice in writing or by
87 telephone whenever the child has failed to attend school after one unexcused absence
88 within any month during the current school year;

89 (2) Request a conference or conferences with the parent or guardian and child at
90 a time reasonably convenient for all persons included for the purpose of analyzing the
91 causes of the child's absences after two unexcused absences within any month during the
92 current school year. If a regularly scheduled parent-teacher conference day is to take place
93 within thirty days of the second unexcused absence, then the school district may schedule
94 this conference on that day; and

95 (3) Take steps to eliminate or reduce the child's absences. These steps shall include,
96 where appropriate, adjusting the child's school program or school or course assignment,
97 providing more individualized or remedial instruction, offering assistance in enrolling the
98 child in available alternative schools or programs, or assisting the parent or child to obtain
99 supplementary services that may help eliminate or ameliorate the cause or causes for the
100 absence from school.

101

102 In the event a child required to attend school has five or more unexcused absences and is
103 a licensed driver, the public school shall notify the department of revenue of the number
104 of absences and the department shall suspend the student's license in accordance with the
105 procedures for suspension under section 302.305 for a period of one month for each
106 unexcused absence.

167.061. Any parent, guardian or other person having charge, control or custody of a
2 child, who violates the provisions of section 167.031 is guilty of a class C misdemeanor, **and**
3 **shall be fined not more than twenty-five dollars for each day of the child's unexcused**
4 **absences from school.** Upon conviction and pending any judicial appeal, the defendant shall
5 be required to enroll the child in a public, private, parochial, parish or home school within three
6 public school days, after which each successive school day shall constitute a separate violation
7 of section 167.031. The fine or imprisonment, or both, may be suspended and finally remitted
8 by the court, with or without the payment of costs, at the discretion of the court, if the child is
9 immediately placed and kept in regular attendance at a public, private, parochial, parish or home
10 school and if the fact of regular attendance is proved subsequently to the satisfaction of the court.
11 A certificate stating that the child is regularly attending a public, private, parochial or parish
12 school and properly attested by the superintendent, principal or person in charge of the school
13 is prima facie evidence of regular attendance by the child.

302.305. Upon petition from a principal of a public school, or his or her designee,
2 **that any person who is required to attend public school under subsection 1 of section**

3 **167.031 has had five or more unexcused absences from school, the department of revenue**
4 **shall give notice and opportunity for the minor to show cause why his or her driver's**
5 **license should not be suspended. Upon failure to show cause for the license not to be**
6 **suspended, the department shall suspend the minor's driver's license for a period of thirty**
7 **days for each unexcused absence. The provisions of this section shall not apply in cases**
8 **where the student has withdrawn from school for a reason or reasons beyond the control**
9 **of the student or for the purpose of transferring to another school as confirmed in writing**
10 **by the student's parent or guardian. Notwithstanding any other law, any person whose**
11 **driver's license is suspended as provided in this section may apply for issuance of a**
12 **restricted driver's license for any of the purposes set forth in section 302.309.**

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