MISSOURI

Compulsory Attendance Ages: Between the ages of 7 and 17 years, or, at the parent's option, until the student completes 16 "statutory credits" (explained below) toward high school graduation. Missouri Annotated Statutes § 167.031. A student who has reached his 16th birthday is exempt from certain requirements (see below). § 167.031.2(3). If a five- or six-year-old is enrolled in public school, he becomes subject to compulsory attendance immediately until the parents request in writing that he be dropped from the school's rolls. Mo. Ann. Stat. § 167.031.1(3).

Required Days of Instruction: 1,000 hours of instruction. At least 600 of these hours must be in the five core subjects below. At least 400 of the 600 must occur at "the regular home school location." Mo. Ann. Stat. § 167.031.2(2)(b). These requirements must be met within the school term (12 months or less) the parents establish. Not required for a student who has reached his sixteenth birthday.

Required Subjects: Reading, math, social studies, language arts, and science. Mo. Ann. Stat. § 167.031.2(2)(b). These subject areas (including academic courses related to them) are not individually required, but must collectively constitute at least 600 hours of the child's instruction. Not required for a student who has reached his sixteenth birthday.

Home School Statute: Mo. Ann. Stat. § 167.031.2. Home schools must meet the following requirements in addition to those listed above:

1. A home school is defined as a school that:

a. "Has as its primary purpose the provision of private or religious-based instruction";

b. "Enrolls pupils between the ages of seven and sixteen years, of which no more than four are unrelated" (no limit on number of related students); and

c. "Does not charge or receive tuition, fees or other remuneration." Mo. Ann. Stat. § 167.031.2(1)(a)-(c).

2. Home schools must *maintain* (but do not need to file with any official) the following records:

a. A plan book, diary, or other record indicating subjects taught and activities engaged in (an appropriate daily log could satisfy this requirement);

b. And "a portfolio of samples of child's academic work" or "other written credible evidence, etc.";

c. And "a record of evaluations of the child's academic progress";

d. Or "other written, credible evidence equivalent to subparagraphs a., b. and c." Mo. Ann. Stat. § 167.031.2(2)(a).

e. Parents have the option of keeping either the records specified in a., b. and c., or the records described in d. It is unclear, however, what type of records would satisfy d.

3. When a child reaches his 16th birthday, he is exempt from all the requirements of paragraph 2, above, and also exempt from the requirement that he receive 1,000 hours of instruction. Mo. Ann. Stat. § 167.031.2(3). Between his 16th birthday and the automatic end of compulsory attendance on his 17th birthday, the only applicable requirement is that he be enrolled in a "program of academic instruction" that meets the requirements of paragraph 1, above.

4. "For the purpose of minimizing unnecessary investigations," parents "*may* provide to the recorder of deeds of the county where the child legally resides, or to the chief school officer of the public school district where the child legally resides, a signed, written declaration of enrollment stating their intent" to home school within thirty days after establishment of the home school and on Sept. 1 each year thereafter. Mo. Ann. Stat. § 167.042. Filing is strictly optional. Filing may compromise the family's privacy because the information is open to the public. Filing has occasionally caused a family to be investigated.

5. "Nothing in this section shall require a… home school to include in its curriculum any concept, topic, or practice in conflict with the school's religious doctrines…." Mo. Ann. Stat. § 167.031.3.

6. Log defense. "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 [See 1 and 2 above] shall be a defense to any prosecution under this section and to any charge or action for educational neglect." Special St. Louis provision: production of a simple letter stating that the pupil is being homeschooled in compliance with the law is a defense if the pupil has reached his 16th birthday and lived in the city of St. Louis the previous year. Mo. Ann. Stat. § 167.031(5)

7. The homeschool statute was passed as a result of the federal court decision *Ellis v. O'Hara*, 612 F.Supp. 379 (D.C. Mo. 1985). The former law required home instruction to be "at least substantially equivalent" to instruction in the public schools. The court held: "This statute represents a prime example of legislation which yields an unacceptable amount of discretion to officials charged with enforcement. The statute, therefore, does not comply with due process requirements, and is unconstitutionally vague." *Ellis* at 381. The court applied "stringent scrutiny" because this case involved "the constitutional right of parents to direct the upbringing of their children and inculcate religious and educational values in their offspring." Id.

8. "Statutory credit." A provision in SB 291, effective August 28, 2009, created a new type of "credit." This new type of credit serves only one purpose: as a tool for giving families the option of exempting their child from compulsory attendance law before his 17th birthday. Since this new type of credit was created by statute, it is referred to as a "statutory credit." A statutory credit consists of 100 hours of

instruction or more in a course that will count toward graduation. Homeschoolers are required to keep track of statutory credits *only* if they want to be eligible for exemption from compulsory attendance before the child's 17th birthday. Statutory credits are generally not used for preparing a transcript for submission to colleges, employers, etc.

9. "Home school education enforcement and records pursuant to this section [167.031], and sections 210.167 [compulsory attendance enforcement] and 211.031 [child in need of care] shall be subject to review only the local prosecuting attorney." Mo. Ann. Stat. § 167.031.7

10. No municipal fire or police department, or state agency, department or political subdivision shall discriminate in employment based on the individual's elementary or high school education, so long as their program of education is permitted under Missouri law (which would include homeschooling). Missouri Statutes §105.255. Completion of a high-school level program of home schooling under chapter 167, Missouri Statutes, satisfies the initial education requirement for employment with the Missouri State Highway Patrol. Missouri Statutes §43.060.1

Teacher Qualifications: None.

Standardized Tests: None.

Religious Freedom Act: RSMo §§ 1.302 and 1.307

Copyright 2015-2016, HSLDA, all rights reserved. May be reproduced only by permission.
THIS ANALYSIS DOES NOT CONSTITUTE THE GIVING OF LEGAL ADVICE.
Call or write to receive a free copy of HSLDA's newsletter and membership application.
P.O. Box 3000 • Purcellville, VA 20134 • Phone: (540) 338-5600 • Fax: (540) 338-2733 • Website: www.hslda.org