

**Updated April 1st, 2019**

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**DEFEAT DANGEROUS HB 1139!!!!  
URGENT!!!! ☐ ☐ DEFEAT DANGEROUS HB 1139!!!! ☐** It is imperative that husbands, wives, and grown children **EMAIL** each of the following Representatives on the House Committee on Elementary and Secondary Education **TODAY** and **CALL** them **TOMORROW** to ask them to defeat **HB 1139!** Tell them you do not want your homeschool statute altered in any way! This is critical!!!! Identify who you are and what district or locale you reside. ☐

Rep Rebecca Roeber 573-751-1456 [Rebecca.Roeber@house.mo.gov](mailto:Rebecca.Roeber@house.mo.gov)&nbsp;  
Rep. Chuck Basye, vice-Chairman 573-751-1501 [Chuck.Basye@house.mo.gov](mailto:Chuck.Basye@house.mo.gov)  
Rep. Judy Morgan 573-751-4485 [Judy.Morgan@house.mo.gov](mailto:Judy.Morgan@house.mo.gov)  
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Rep. Paula Brown 573-751-4163 [Paula.Brown@house.mo.gov](mailto:Paula.Brown@house.mo.gov)  
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Rep. Kathryn Swan 573-751-1443 [Kathryn.Swan@house.mo.gov](mailto:Kathryn.Swan@house.mo.gov)&nbsp;  
Rep. Curtis Trent 573-751-0136 [Curtis.Trent@house.mo.gov](mailto:Curtis.Trent@house.mo.gov)

## THE DANGERS BEHIND HB 1139

### I. Our Missouri Homeschool Statute is an Excellent Statute and has Served Homeschoolers Well for More Than Three Decades!

1. The Missouri Department of Elementary and Secondary Education does not regulate or monitor home schooling in Missouri.
2. The Missouri Department of Elementary and Secondary Education has no authority to issue regulations or guidelines concerning homeschooling.
3. Missouri has no registration requirements for homeschoolers.
4. Parents are not required to notify the superintendent of their local public schools of their intent to begin homeschooling.
5. Parents are not required to contact the Missouri Department of Elementary and Secondary Education when they begin homeschooling.
6. Parents are not required to be certified to teach their children.
7. Parents are not required to show their plan books or children's work to anyone.
8. Parents are not required to test their children.

### II. Extremely Dangerous to Open our Homeschool Statute

1. It is extremely dangerous to expose our homeschool statute to the scrutiny and unfavorable alteration of those who do not understand God's law, parent's unalienable rights, and homeschooling! State legislators who don't understand that the State may not infringe upon God-given parental rights because parents' responsibilities to their children are determined by God alone.

2. The ramifications of this action are far-reaching and of great concern to FCM leaders. This lack of understanding **places homeschooling in a very vulnerable position** for further scrutiny and alteration.

3. And quite frankly, we **don't have enough legislators in Jefferson City who understand** what the Bible and our Founding Fathers said about civil government nor do they know our Founding Principles and documents.

### III. Family Covenant Ministries Lobbyist Spent the Last Several Weeks Educating our Missouri Legislators on Home Education

1. Family Covenant Ministries registered lobbyist and attorney, past State Representative and past State Senator, homeschooling father who lives, works, and homeschooled his children in Missouri, who has worked on behalf of our homeschooling families for the past 29 years, every day of every legislative session, David Klarich, has spent the last several weeks of March sitting down with Representatives and Senators explaining to them what homeschooling is and what it

is not.

It is not like the old days before term limits, when we had a majority of Representatives and Senators that understood homeschooling and knew not to meddle with CHEF (FCM) homeschooling families.

2. No one would know the seriousness of this situation like David Klarich, who is in Jefferson City each day of the legislative session and working with all Missouri's Representatives and Senators as he does. David is very concerned over our vulnerability at this point in time!

3. And, sadly, the legislators who should understand homeschooling because they are homeschool graduates, those behind both HB 857 and HB 1139, also do not understand God's law, parent's unalienable rights, and homeschooling.

#### **4.□□ Laws Create More Governmental Restrictions**

*With very few exceptions, new laws create more governmental restrictions and involvement, not freedom. Many people think they can make things better without understanding the far-reaching implications of their efforts.*□

FCM Treasurers Wife, Homeschool Mom, Missouri Phyllis Schlafly Eagles board member, founding member of Jefferson County Federated Republican Women's Club, and Republican Party Activist Diane Drinkard

#### **IV. The Vast Danger of Proposed Alterations to Our MO Homeschool Statute**

1. To understand the vast danger of the proposed alterations, we must look at two very important points in our present statute side by side with the proposed alterations and explanations which we have placed in blue:

It is stated that HB 1139 would be to ease the over burdensome record keeping by giving a homeschool a choice to either keep the hours or keep the lesson planbook/diary, record of evaluations, portfolio of the child's work, or other written credible evidence equivalent to the preceding 3 records.

*But if you look at our present statute, it is the production of a daily log that shall be a defense to any prosecution and to any charge or action for education neglect.*

The log sheet has always served as the protective barrier between the parent's privacy- to what they are teaching their children (plan book/diary), their standard of evaluations, and the production of their children's work- and state oversight.

The state has no right to see, monitor or judge either our plan books or diaries, our evaluation, or our children's work.

I have always emphasized this point to new homeschoolers. Never show you plan book/diary, evaluations, or children's work to anyone! Period!

This proposed alteration in HB 1139 is a dangerous infringement on our rights by granting the government the right to invade a parent’s privacy of what they are teaching their children and the children’s privacy of their work.

As Justice Scalia stated: The ***State has no power to interfere with parents’ God-given authority over the rearing of their children*** , and to act accordingly.□

(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  
(proposed legislation has struck the word andhere; replaced with or)
- (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.

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...shall be a defense to any prosecution under this section and to any charge or action for educational neglect brought pursuant to chapter 210.

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In 2009 RSMo 137.031.7 was added, “Home school education enforcement and record pursuant to this section and sections 210.167 and 211.031, shall be subject to review only by the local prosecuting attorney.” □□ Since that time there have been Prosecuting Attorneys that had demanded to review the homeschool records for no other reason than the family chooses to homeschool their child/children. HB 1139 would correct this by adding, “and only if there is a reasonable suspicion to believe that there has been a violation of this section.”

If a Prosecuting Attorney demands to review homeschool records for no other reason than the family chooses to homeschool their children, then they are in violation of the law and need to be taken to task. I have personally dealt with several Prosecuting Attorneys who have done this. I simply pointed out that they are in violation of the law and cannot request this information unless there is **probable cause-both assumed in law and clearly stated in the Fourth Amendment.**

If I have a belligerent Prosecuting Attorney, I have David Klarich deal with him. Either way it is the end of the problem. And it is only happened a few times in 32 years of our leadership. This is absolutely no reason to alter our law and risk losing the liberty we enjoy in Missouri!

**Homeschooling father, Joe Carr, states:** *How are we defining &quot;reasonable suspicion&quot;...and who defines it? I would want to know how the agents of the school district are allowed to determine &quot;reasonable suspicion&quot; especially since the optional school district registration that may take away some doubts about who is being homeschooled is being removed.*

The sole purpose of government is to secure the rights God has given us.

The sole purpose of the Constitution was to limit the formation of the government.

The only positive authority that the government holds was enumerated in the text. Personal privacy, therefore, is protected because the government may not intrude upon its enumerated authority. Furthermore, the following amendments clearly define the protection of our privacy.

First Amendment protects privacy of beliefs.

Third Amendment protects privacy of home preventing government from demanding that soldiers be quartered in private homes.

Fourth protects privacy of person and possessions by preventing the government from conducting unreasonable searches and seizures. Government officials must obtain judicial approval before conducting a search through a warrant supported by **probable cause**.

Fifth protects the privacy of personal information through prevention of self-incrimination.

While the Ninth Amendment says that the &quot;enumeration in the Constitution of certain rights shall not be construed to deny or disparage other rights retained by the people.&quot; This has been interpreted as justification for broadly reading the Bill of Rights to protect privacy in ways not specifically provided in the first eight amendments.

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After a **new homeschool mother** saw a list of the local homeschool children, names, phone numbers, and addresses posted in her local public school office in plain public view she contacted Home School Legal Defense. The school agreed to take down the list, but said this is something they have always done.

**The HSLDA attorney then realized there is not a statute protecting homeschool personal identifiable data which the public school possesses.**

HB 1139 would correct this issue. □ □

Except as otherwise provided in this subsection, if an agent of a public school or school board possesses any individually identifiable information about the parent, guardian, or other person having charge, control, or custody of a child receiving instruction under subsection 2 of this section, such information shall remain confidential, shall not be posted or published in any format or medium, and shall not be disclosed to any other person or entity without the written consent of the parent, guardian, or other person having charge, control, or custody of the child.

□

(3) Notwithstanding subdivisions (1) and (2) of this subsection, the individually identifiable information described in this subsection: ☐☐

(a) May be disclosed internally to another agent of a public school or school board for the sole purpose of enforcing subsection 2 of this section;

☐☐ (b) May be transmitted to the local prosecuting attorney if the agent has a reasonable suspicion of a violation of this section; and ☐☐

(c) May be disclosed for other purposes as authorized by law.

Really? How did the public school acquire this information? Unless parents give their names, phone numbers, and addresses to the public schools, they don't have them.

In 32 years of leadership of the homeschooling community, I have had only a handful of issues with public school officials and Prosecuting Attorneys. Jon and I personally know and have served literally thousands upon thousands of homeschoolers, and I can tell you this, they have not given their personal information to their public school districts.

Unless children were enrolled in public school prior to homeschooling, the school would not have the information.

We believe it is a gross negligence for anyone to risk the loss of liberty we enjoy in Missouri because a mother saw a list of homeschoolers information posted in a local school. The school should have been taken to task, not our Missouri Homeschool statute!

Our right to privacy is clearly stated in the Bill of Rights listed in the amendments above this section.

**In regard to this section of HB 1139, homeschooling father, Bob Wells, who testified on CHEF's (FCM) behalf in opposition to HB 540 in 1999, which CHEF successfully defeated, states:**

*This appears to have one logical goal:☐ to introduce into that "reasonable suspicion" accountability the local public school and school board, where they were NOT engaged previously.☐ All the business about the school board or school not disclosing info that they have*

regarding a HS student or parent is completely unnecessary as they shouldn't have that info in the first place – NO JURISDICTION.[]

And we can see why they added all that language when we get down to the last added subsection 3 (a) – (c).[] [] **Here, Public Schools or School Boards MAY disclose info they have re: HS students to other public school members, and the Prosecuting Attorney and any OTHER person if they suspect that the H.S. is violating some provision of the law.**[][][]

As I think we can see, it is another thinly veiled attempt to introduce accountability of Home Educators to not only the P.A. but to the local Public Schools and School Boards.[] These “agents” cannot legally be considered as the “watchdogs” or “snoops” who have responsibility to patrol the H.S. community.[] And this potential is getting even greater as some Home Schoolers are increasingly submitting themselves to the “perks” of their P.S. districts for sports activities, special extra-curricular activities.[] As these parents expose their identity and their students, more and more scrutiny will be available for these watch-dogs to report “suspicious activity” or violations of the law.[][][]

I think it should be defeated entirely!

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Repeal of the optional “declaration of enrollment”. RSMo 167.042, says a homeschool family MAY file a “declaration of intent to homeschool.” This filing is not mandatory and never has been. It says the purpose of the filing is to minimize unnecessary investigations, but it has had exactly the opposite effect. It has spurred many unnecessary investigations. [] []

Public schools chronically, habitually misunderstand and misapply 167.042. This pointless statute is the single biggest source of conflict between the homeschool community and the public-school community.[][]

When the Missouri legislature enacted the optional declaration of enrollment in 1986, its intent was to reduce headaches, reduce confusion, and reduce unnecessary investigations, but RSMo 167.042 has accomplished exactly the opposite of what the legislature intended.

Really? Many unnecessary investigations? How many? Jon and I know thousands of homeschoolers, we have been leaders for 32 years, leaders for many years over our own support group and many years over our CHEF/FCM support groups. We have not seen many investigations nor has our support group leaders or our attorney, David Klarich. And nearly all

the investigations we have been called upon to resolve, have involved divorced parents where one parent hotlines the other parent who is homeschooling the children. Divorce always has its consequences. Revenge and retribution, unfortunately, sometimes occur. But David and we have always promptly resolved the investigations simply with phone calls.

Filing is not mandatory. In fact, according to our attorney, our support group leaders, and based on our own experience, this provision has minimized unnecessary investigations.

None of us believe that public schools chronically and habitually misunderstand and misapply 167.042. Nor has it been the biggest source of conflict between the homeschool community and public school community. As a matter of fact, I believe that the public school community understands this point perfectly.

Really, how many homeschoolers do you know that have had truant officers on their door step or even Division of Family Services on their doorstep? That is pretty much a thing of the past because we have done a great job educating, lobbying, and protecting.

Again, a few investigations do not warrant risking losing the liberties we enjoy in Missouri because of our clear Homeschool Statute.

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**V. Saralee Rhoads, Co-Founder of FHE, with husband, Bill Rhoads writes in regard to both HB 857 and HB 1139:□□□□**

**The Nose of the Camel□□**

Yes, indeed, beware! We always knew that one day a challenge of our homeschool law, one of the best in the nation, would test our diligence, and it seems that time has arrived. To understand the danger, a brief reminder of the basis of our current law is in order.

We worked tirelessly in educating representatives about parental rights. Our narrative never varied. “We didn’t ask the state to take our children’s temperatures. We didn’t ask the state to buy their shoes. We didn’t ask the state to read them bedtime stories. We didn’t ask the state to fix them breakfast. **And by the same token, we weren’t about to ask them for the privilege of choosing their education.**”

We won on parental rights. **We are a free state.** We neither register, ask permission, or submit test scores. If the state has probable cause of educational neglect, a log of hours answers the question. Easy peasy, right?

Presumptive in any legislative narrative “guaranteeing” our rights is the implied realization that what the state gives, it may also take away. Let me repeat that. If the state gives you a right, the state can *take away that same right*. We are a free state, based on the premise that our



children do not belong to the state. They belong in the family. Parents have the inalienable right to care for them. Why would we want to change that?

Further, any attempt to open the law leaves it vulnerable for further amendments. I like the old medical adage, *First, do no harm*. Leave well enough alone. We once faced the threat of the state seizing our children. We had a safe house in Iowa and a way to get them across the border if need arose. At the time a dozen families were under DFS investigation and we had received a letter telling us our decision not to enroll our children in school would be decided in court. Let's not go back to those days of being enslaved to a state trying to wrest control of the family.

I realize HSLDA supports HR 1139. I wonder why? You must surely realize they earn their bread and butter by representing families needing legal assistance. Missouri home schoolers need not contribute since we are a free state. Yet changing the law opens us to the **need for legal assistance**

. I realize they are good people, yet an obvious conflict of interest exists. Their efforts here are not a help!

I realize that the ensuing years since we started FHE has brought a great deal of change. Many parents band together for co-ops and learning centers, which resembles more a home-based private school than home schooling. That's okay. Our law protects them. But let's be clear. Homeschooling is not public school debate, public school sports, public school clubs, public school programs. If you want these options, enroll your children in public school. But leave homeschooling alone!

Our law doesn't need to be "cleaned up." No one is under attack. The only entity proposing this is HSLDA. Family Covenant Ministries is laboring to educate and protect the law we fought so hard to put into place. Let's work together to keep it this way!

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## VI. Principle Purpose of our Republic

As stated in the Preamble of the US Constitution, the principle purpose of our Republic is ***to Secure the Blessings of Liberty for ourselves and our Posterity***

. Accordingly, strong families and a limited constitutional government are the most important pillars of our Republic.

### Parental Rights Unalienable

Our Declaration of Independence states: *We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, governments are instituted among Men, deriving their just powers from the consent of the governed.*

Our right to homeschool comes directly from God. It does not come from the Constitution or laws. They are unalienable *meaning not alienable; that cannot be alienated; that may not be transferred, given away or taken away; incapable of being surrendered*. And because they come from God, they cannot be regulated or monitored by the government or decided by federal judges.

*In Troxel v. Granville, the supreme court made it clear that the “Due Process Clause of the Fourteenth Amendment protects the fundamental right of parents to make decisions concerning the care, custody, and control of their children” based on the 14th Amendment.*

### **Scalia’s Dissent in Troxel v. Granville:**

*Parental rights are “unalienable” and come from God (Declaration of Independence). They are among the retained rights of the people (9th Amendment). (Parental rights don’t come from the 14th Amendment!) The State has no power to interfere with parents’ God-given authority over the rearing of their children, and to act accordingly. The federal Constitution does not mention “parental rights”-such cases do not “arise under the Constitution”.*

### **Scalia warns against turning family law over to the federal government:**

*“If we embrace this unenumerated right...we will be ushering in a new regime of judicially prescribed, and federally prescribed, family law. I have no reason to believe that federal judges will be better at this than state legislatures; and state legislatures have the great advantages of doing harm in a more circumscribed area, of being able to correct their mistakes in a flash, and of being removable by the people.”*

<https://publiushuldah.wordpress.com/category/parental-rights-amendment/>

This is why, from the beginning of its proposal, we have been staunchly opposed to the Parental Rights Amendment (PRA) proposed by Michael Farris, co-founder of HSLDA.

### **Parental Rights” God-given and Unalienable? Or Government-granted and Revocable?**

by Publius Huldah would be an excellent article for all of you to read, along with all the articles she has written against a Constitutional Convention, which Michael Farris, co-founder of HSLDA, also actively promotes and works for.

<https://publiushuldah.wordpress.com/category/parental-rights-amendment/>

Family Covenant Ministries does not look to an entity outside Missouri to protect our liberties. For 32 years, Jon and I, and for the past 29 years, David Klarich, have worked hard to protect your liberties!

## **VII. FHE**

Bill and Saralee Rhoads, founders of FHE, remain our friends today. Our family and their family visit in each other’s homes, we talk on the phone, and write one another. Bill and Saralee, along with Jim and Laura Rogers, were the ones that secured our homeschool statute. Saralee

Rhoads lobbied every week in Jefferson City until the proposed homeschool statute became our law.

Jon and I were the Rhoads and FHE's biggest supporters, promoters, and financial backers. We are the ones that honored FHE as our state organization, supported them, and unified homeschoolers to support them. When FHE held any events, our CHEF (now FCM) families were the ones that filled the venues.

However, that all changed drastically when certain self-centered FHE board members, began a deceitful coup to remove the Rhoads from their own organization and replace the Rhoads state newsletter, The Heart of America Report, with another newsletter which they hoped would be written by a board member's child. It was a convoluted, self-serving, manipulative move that Jon and I, and all our CHEF support group leaders, stood fast against during the long drawn out battle.

Considering the new focus on destroying the foundation on which FHE rested, the board no longer viewed leadership as self-sacrificing nor did they extend themselves in the same manner for our families. Jon and I have large boxes of notes that I took during these ungodly board meetings, which reveal deceit, lies, and arrogant manipulation for power along with the drastic and dangerous departure from serving homeschooling families. Through it all, Jon and I remained faithful to God, Missouri homeschoolers, and our founders who sacrificed so much for all of us.

When the Rhoads left FHE, under duress, I may add, Bill and Saralee, along with Jim Rogers and other leaders, came to Jon and I to ask that we make Christian Home Educators Fellowship (CHEF-later known as Family Covenant Ministries FCM) Missouri's state organization to save homeschooling in Missouri. After much prayer and considerable encouragement from many leaders, we agreed.

### **VIII. FHE and HSLDA**

When we left FHE and CHEF became the state organization, HSLDA came to us and said that they knew that CHEF was the state organization, we had the backing of Missouri homeschoolers, and knew what we were doing, and told us that they wanted to work with us. We could not agree because our two organizations were fundamentally worlds apart, not only on homeschooling, but on basic principles like unalienable rights. When we refused, they asked if we would share David Klarich's legislative reports with them, which we don't.

### **FUNDAMENTAL DIFFERENCES PARENTAL RIGHTS**

Our biblical worldview makes all the difference in where we stand on issues. FCM believes parental rights are given to us by God and are unalienable.

To understand the fundamental difference between FCM's position and HSLDA's position on parental rights, you need look no further than the Parental Rights Amendment (PRA) proposed by co-founder of HSLDA, Michael Farris, which grants more power to the federal government.

FCM has opposed this very dangerous amendment since it was first introduced.

To understand this in more depth, go to **Parental Rights” God-given and Unalienable? Or Government-granted and Revocable?** by Publius

Huldah

[https:](https://publiushuldah.wordpress.com/category/parental-rights-amendment/)

[//publiushuldah.wordpress.com/category/parental-rights-amendment/](https://publiushuldah.wordpress.com/category/parental-rights-amendment/)

Michael Farris is also the lead advocate for the Convention of States project which FCM also adamantly opposes as we believe that it will destroy the Constitution we hold dear and eliminate many of the liberties we enjoy today. We would recommend reading articles on this also at publiushuldah.com. And the article on The Biblical Foundation of Our Constitution at <https://newswithviews.com/author/publius/>.

If you type in Michael Farris works for Constitution Convention, you will find a host of interesting reading.

### **IX. FCM’s Lobbyist and Attorney**

Ever wonder why some of you receive alerts from HSLDA but not FCM (CHEF). The reason is quite simple-FCM has David Klarich.

FCM’s lobbyist and attorney, David Klarich, lives, works, and homeschooled his children, in Missouri. David is a staunch Christian, understands God’s law, parent’s unalienable rights, and homeschooling. He understands the Constitution and limited government.

David appreciates our present homeschool statute and works to protect it against bills such as HB 1139, because he believes we have the best statute in the country, and wants to maintain our liberties for the Missouri families he has served the past 29 years and for his children’s children. He has a vested interest!

David loves Missouri, he personally knows many of Missouri’s top leaders, and he understands how government works in Missouri because he served as a Missouri Representative and Missouri Senator for 13 years until he reached his term limit.

David is still well known and deeply respected in the Capitol by both Republicans and Democrats.

Since then, he has served as FCM lobbyist with a full 29 years of experience.

David has drafted, sponsored, passed legislation, and written amendments to legislation. But when it comes to homeschooling, David knows that the best policy is to restrict abuse, not alter our homeschool statute or write more laws which invite more governmental intrusion.

We do not cry wolf by putting out alerts on bills just because they relate to homeschooling or because they contain language that could jeopardize our freedom. We only put out alerts when David is no longer able to keep the bill from becoming a threat to our liberty.

We understand the vulnerability that must be felt by organizations that don't have a lobbyist, and certainly not one with the vast experience and knowledge of David, who knows the Representatives and Senators well, and that don't have a liaison that is well respected in the Capitol with the track record of cooperation from the legislators. But crying wolf on bills that die in committee or not going anywhere because of promises from Representatives and Senators, does not help the homeschooling community. It has been a point of contention with us and HSLDA for years.

Neither David, nor Jon and I make millions upon millions of dollars off homeschooling families. We actually put in our own personal monies to protect all of you on a daily basis. Our family has personally sacrificed hundreds of thousands of our own money to support our families. Therefore, we don't find it necessary to prove to you that we are working on your behalf by alerting you to bills that will never go anywhere..

We are not fear mongers who drive fear into your heart by telling you if you don't become members you won't be unprotected. We don't even have membership because we believe it is our responsibility to protect every homeschooler. And we don't work during some of the year or only when issues arise, but every day of the year educating, ministering, and protecting our homeschooling families.

Hands down, Missouri is the safest state in which to homeschool because of our efforts!

Interestingly, many of our families find it ironic, that organizations that boast that they protect homeschoolers are not actively lobbying against HB 857, one of the worst bills in the last 20 years. And terribly dismayed, that that our homeschool statute is being placed in jeopardy.

Future Chief Justice of the Supreme Court John Jay said in 1777: "Every member of the State ought diligently to read and to study the constitution of their country. By knowing their rights, they will sooner perceive when they are violated, and be the better prepared to defend and assert them."

**Law comes from a higher source than the civil authorities. The "Rule of Law" prevails when the civil authorities obey that higher Law – be it God's Law or our Constitution.**  
Publius Huldah

**Immediate action is needed.**

## Updated on 01-25-2019

**December 20th Legislative Update** ( [Click Here To See Full Report](#) )

Candy:

As required by the constitution, the Missouri General Assembly will reconvene for the new legislative session starting January 9, 2019 and will adjourn May 17, 2019. Throughout the session, I will forward weekly updated reports to you (as I have in the past) so that you can review the progress of any legislative action taken (and I will include any additional relevant and timely information regarding your interests).

Accordingly, I have been tracking legislation of likely interest to you and have attached the first summary of bills for your review. As a reminder, simply open the legislative tracking report and click on the bill number or sponsor to view the summary, text, actions taken (committee, floor debate, amendments, etc.) or sponsor information of the relevant bill.

In anticipation of the new session, the members (and members-elect) of the Missouri House of Representatives and Senate began pre-filing legislation on December 1, 2018 (enrollment of bills on the 3rd) thus kicking off the First Regular Session of the One Hundredth Missouri General Assembly. And, at the time of this report, there have been 556 bills filed.

Please note that there were approximately fifty-nine (59) new members of the House of Representatives and eleven (11) new senators elected to this new session. As a result, the new members will face a steep learning curve on our issues, the appropriations process, and

rules/procedures of their chamber. We will have our hands full.

There have already been bills filed relating to tax deductions for educator expenses, the Missouri State High School Activities Association, Empowerment Scholarships, and parental liberties.

Please let me know if you require additional information regarding the upcoming session, or have any questions or concerns regarding the bills filed to date.

Give my best to your family. Merry Christmas!

David

**January 3rd Legislative Update** ( [Click Here To See Full Report](#) )

Candy: I have attached an updated legislative report for your review. The Missouri General Assembly will reconvene next week for the First Regular Session of the One Hundredth Missouri General Assembly on Wednesday, January 9, 2019, at 12:00 pm.

Accordingly, the attached report will reflect the legislation pre-filed to date in anticipation of the session, and my regular session reports will begin at the end of next week.

I will obviously continue to monitor legislation and policies impacting our home schooling families and let you know if there are any efforts adverse to our interests. Do you want me to continue to provide weekly reports to you?

Please let me know your thoughts.

David

**January 10th Legislative Update ( [Click Here To See Full Report](#) )**

Candy: I have attached an updated legislative report for your review. The historic First Regular Session of the One Hundredth Missouri General Assembly convened yesterday, January 9, 2019, at 12:00 pm.

New leaders in both chambers have now been installed and delivered their customary addresses to their respective members. The new Speaker of the House of Representatives Elijah Haahr touted education, jobs, and public safety, and President Pro Tempore of the Senate Dave Schatz generally addressed regulatory, tort, and tax reform.

The House of Representatives and Senate will now organize their committees and begin the process of referral, hearing, and debate.

It is expected (in the House and the Senate) that Chairmen and committee members will be appointed on Monday, January 14, 2019. And, as soon the committees are organized, bills will be referred, and notices for committee hearing will be published. Hearings are likely to begin the week of January 22nd.

I have attached the list of bills filed to date for you review and comment. I will notify you when the hearings on such bills have been scheduled.

Please let me know if you have any questions or concerns.

David



**January 17thth Legislative Update ( [Click Here To See Full Report](#) )**

Candy: I have attached an updated legislative report for your review. The General Assembly concluded its first full week of session organized and ready to assign/hear legislation. Committee chairs and members were publicly announced on Wednesday, January 16, 2019, and individual members were made aware of their committee assignments on Tuesday afternoon while we were meeting influential members of the House and Senate.

In addition to your weekly report, I have attached the following: Senate committee members, House Committee members, committee chairs (House), and House member contact list (office and phone numbers). Legislative directories should be printed and available mid-February. In the meantime, these lists will serve our reference guides. I apologize for the number of attachments, but all of the information provided is important.

Of interest: on Wednesday, January 16, 2019, Governor Mike Parson delivered his first State of the State Address. In a forty-five minute speech, the Governor announced his budgetary and legislative priorities for the session, including: workforce development (Fast Track funding for technical education, Missouri One Start funding, Missouri Excels (Higher Education emphasis)), transportation and infrastructure funding, tax credit reform, &quot;life&quot; policies, regulatory, and venue reform.

At this time, the House of Representatives has scheduled a hearing on transportation legislation, and the senate has only set organizational hearings (appropriations). I will inform you of additional notices of hearing as they are posted.

Please note that HB 299 (Rep. Hansen) relating to a tax deduction for educator expenses has been referred to the House Committee on Elementary and Secondary Education.

Please let me know if you have any questions or concerns.

David

**January 24th Legislative Update ( [Click Here To See Full Report](#) )**

Candy: The committees of the Missouri General Assembly are now organized and leadership has begun to assign bills for hearing. Due to the abbreviated legislative week (Martin Luther King, Jr. Day), there were only been a few committee hearings of interest scheduled this week. This morning, SB 19 (Sen. Libla) relating to penalty enhancements for crimes against emergency service providers was heard in the Senate Committee on Transportation, Infrastructure, and Public Safety. And, the House Committee on General Laws voted out HB 445 (Rep. Dogan) relating to lobbyists gifts to local government officials, and HB 67 (Rep. Plocher) relating to municipal courts.

Next week, the House of Representatives and Senate are scheduled to hear the State of the Judiciary address by Zel M. Fischer, Chief Justice of the Missouri Supreme Court on Wednesday, January 30, 2019, at 10:00 am.

In committee next week, the House Committee on Elementary and Secondary Education is scheduled to hear HB 299 (Rep. Hansen) relating to tax deductions for educator expenses, and HB 364 (Rep. Kelley) relating to the same subject next Tuesday, January 29, 2019, and 8:30 am.

Please let me know if you have any questions or concerns.

David

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## **the homeschool laws of Missouri**

### **167.031**

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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, [or] parish school or full-time equivalent attendance in a combination of such schools and between the ages of seven and sixteen years 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 and sixteen years of age shall cause the child to attend regularly some public, private, parochial, [or] 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 and sixteen years of age 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.

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 and sixteen years, of which no more than four are unrelated by affinity or consanguinity to 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 (a) maintain the following records: (1) a plan book, diary, or other written record indicating subjects taught and activities engaged in; and (2) a portfolio of samples of the child's academic work; and (3) a record of evaluations of the child's academic progress; or (4) other written, credible evidence equivalent to subdivisions (1), (2), and (3); 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. 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 shall be a defense to any prosecution under this section and to any change of action brought pursuant to chapter 210, RSMo.

167.042: For the purpose of minimizing unnecessary investigations due to reports of truancy, each parent, guardian, or other person responsible for the child who causes his child to attend regularly a home school may provide to the recorder of deeds of the county where the child legally resides, a signed, written declaration of enrollment stating their intent for the child to attend a home school within thirty days after the establishment of the home school and by September first annually thereafter. The name and age of each child attending the home school, the address and telephone number of the home school, the name of each person teaching in the home school, and the name, address and signature of each person making the declaration of enrollment shall be included in said notice. A declaration of enrollment to provide a home school shall not be cause to investigate violations of section 167.031. The recorder of deeds may charge a service cost of not more than one dollar for each notice filed.

## 167.061

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Any parent, guardian or other person having charge, control or custody of a child, who violates the provisions of section 167.031 is guilty of a class C misdemeanor. Upon conviction and pending any judicial appeal, the defendant shall be required to enroll the child in a public, private, parochial, parish or home school within three public school days, after which each successive school day shall constitute a separate violation of section 167.031. The fine or imprisonment, or both, may be suspended and finally remitted by the court, with or without the payment of costs, at the discretion of the court, if the child is immediately placed and kept in regular attendance at a public, private, parochial, parish or home school and if the fact of regular attendance is proved subsequently to the satisfaction of the court. A certificate stating that the child is regularly attending a public, private, parochial or parish school and properly attested by the superintendent, principal or person in charge of the school is prima facie evidence of regular attendance by the child.

## 167.071

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1. In school districts having six or more directors the school board may appoint and remove at pleasure one or more school attendance officers and shall pay them from the public school funds.

2. Each attendance officer has the powers of a deputy sheriff in the performance of his duties. He shall investigate the claims of children for exemptions under section 167.031, and report his findings to the person authorized by that section to grant the exemption sought. He shall refer all cases involving an alleged violation of section 167.031 involving a public school to the superintendent of the public school of the district where the child legally resides and all cases involving an alleged violation of section 167.031 involving a private, parochial, parish or home school to the prosecuting attorney of the county wherein the child legally resides. When reasonable doubt exists as to the age of any such child he may require a properly attested birth certificate or an affidavit stating the child's age, date of birth, physical characteristics and bearing the signature of the child. He may visit and enter any mine, office, factory, workshop, business house, place of amusement, or other place in which children are employed or engaged

in any kind of service, or any place or building in which children loiter or idle during school hours; may require a properly attested certificate of the attendance of any child at school; may arrest, without warrant, any truant, or nonattendance of other juvenile disorderly persons, and place them in some school or take them to their homes, or take them to any place of detention provided for neglected children in the county or school district. He shall serve in the cases which he prosecutes without additional fee or compensation. Each attendance officer appointed by a school board shall carry into effect the regulations lawfully prescribed by the board by which he was appointed.

3. In any urban school, any metropolitan school district and in school districts having six or more directors and which are located in a first class county having a charter form of government, and duly commissioned city or county police officer shall be ex officio school attendance officers. Any police officer exercising duties of ex officio school attendance officer need not refer any child apprehended pursuant to the provisions of this section to juvenile court or a juvenile officer, but nothing in this subsection shall be construed to limit the police officer's regular powers and duties as a peace officer.

## **210.167**

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If an investigation conducted by the division of family services pursuant to section 210.145 reveals that the only basis for action involves a question of an alleged violation of 167.031, then the local office of the division shall send the report to the school district in which the child resides. The school district shall immediately refer all private, parochial, parish or home school matters to the prosecuting attorney of the county wherein the child legally resides. The school district may refer public school violations of 167.031 to the prosecuting attorney.

This law was enacted during the 1986 legislative session. The most recent revisions (included) were made 8/28/93

