

## Legislative Reports 2022

### [Dec. 31st Pre-Filing Legislative Report](#)

The new legislative session is now upon us (the Second Regular Session of the 101st Missouri General Assembly will reconvene on January, 5, 2022, at 12:00 pm), and I am reviewing and tracking all legislation that has been pre-filed. To date, 1,055 bills and resolutions have been introduced. Once the new session has begun, State Representatives and Senators will have until March 1, 2022, to introduce additional legislation. Please note the introduction of SB 835 (Sen. O'Loughlin) relating to home school student participation in public school activities.

### [January 5th  Legislative Report](#)

The Second Regular Session of the 101st Missouri General Assembly reconvened on Wednesday, January 5, 2022, amidst a backdrop of discontent. Members of the Missouri Senate (Sen. Hoskins, Sen. Onder, Sen. Eigel & Sen. Wieland) spoke for nearly two (2) hours accusing leadership, both directly and indirectly, of dishonesty and deceit. The harsh comments were made in response to promises alledgedly made and broken last session (2021) and the extraordinary session held at the end of June, 2021 relating to the Federal Reimbursement Allowance (FRA) and an effort to attach an amendment relating to abortion. Senators complaints also extended to certain procedural motions that were made during the veto session held in September, 2021.

The remarks set a dangerous tone for the upper chamber so early in the

session. The legislature is required to act on a proposal for congressional reapportionment and a supplemental appropriations bill by the end of January.

The House of Representatives convened with less controversy, but with multiple member resignations. Rep. Wallingford (former senator) and Rep. Ruth stepped down from their respective offices due to Gubernatorial appointment, while Rep. Hill and Rep. Griesheimer resigned to take positions in the private sector. The Representatives join two other vacancies (due to death and removal from office). The Republican majority now stands at 108 (one vote shy of the 109 necessary to pass an "emergency clause" (a provision added to certain bills that, if passed, cause legislation to become effective upon the signature of the Governor).

[January 13th](#) [Legislative Report](#)

The Missouri General Assembly convened this week for its first full week of hearings and floor activity. Both chambers began to assign legislation to committees and move the immediate priorities of congressional reapportionment, supplemental appropriations (including Medicaid expansion, state employee raises (5.5%), Empowerment Scholarship Account funding (ESA)), and Initiative Petition/Referendum Reform (election reform).

To that end, the Missouri House of Representatives' **Special Committee on Redistricting** heard HB 2117 (Rep. Shaul) relating to **Federal Congressional Redistricting**, the **House Committee on Budget** heard HB 3014 (Rep. Smith, Chair of the House Committee on Budget) relating to appropriations, and the **House Committee on Elections and Elected Officials** heard HJR 79 (Rep. Henderson) relating to constitutional amendments

(increasing from 50% to 66% the vote required to pass a constitutional amendment).

The House Committee on Elementary and Secondary Education hard bills relating to Parental Right in Public Schools (HB 1995, Rep. Richey), School Board Provisions, and Public School Requirements. The House sponsor of the MSHSAA legislation, Rep. Hurlbert, indicated that his bill (HB2369), similar to the Senate Bill 839 (Sen. O'Loughlin) are not priorities in this legislative session. **I have informed him that we will take no position on his legislation, but that I will testify against home school participation in public school activities.**

Also of interest, the **House Committee on Judiciary** heard a series of bills relating to COVID vaccinations, mandates, and exemptions. Missouri employer groups opposed each bill arguing against any state mandate or employee exemption (essentially stating that each employer should be permitted to establish its own policy).

**Senate committees on Judiciary and Government Accountability and Fiscal Oversight** heard legislation relating to tort reform (statute of limitations and allocation of fault), and the Senate Committee on Ways and Means heard proposals limiting property tax and income tax.

Neither legislative chamber has yet established a legislative calendar for floor debate.

[January 20th&nbsp;Legislative Report](#)

The House and Senate convened on Tuesday, January 18, 2022, for an abbreviated, but important, week of committee and floor activity. Both chambers continued to focus on the time-sensitive priorities of congressional reapportionment (HB 2117, Rep. Shaul), supplemental appropriations (HB 117, Rep. Smith), and election reform (e.g. initiative petition & referendum reform).

The House of Representatives gave preliminary approval (01.18.2022) to the congressional reapportionment legislation (84-60) that would create a map likely to allow the election of six (6) republicans and two (2) democrats to congress. The House rejected efforts by both parties to change the map's political balance. The House gave final approval to the legislation on Wednesday (01.19.2022) but defeated the "emergency clause" (95-55), meaning that the legislation, if passed into law, will not go into effective until August 28, 2022. According to Sen. Eigel, Sen. Onder, and Sen. Hoskins, the legislation will receive a unfavorable reception once considered in the senate. The senators have, via twitter, called for the senate to reject the 5-3 "Biden-Pelosi" congressional map.

**STATE OF THE STATE** On Wednesday afternoon (01.19.2022) Missouri's 57th Governor, Michael L. Parson, delivered the annual State of the State Address in the chamber of the Missouri House of Representatives.

The Governor began his address with an overview of Missouri's challenges with COVID-19, masks, and vaccinations. The administration has been an opponent of mandates and closures, and has encouraged local and individual control over such issues. The Governor then outlined his budgetary priorities for FY2023 that would increase the state's operating budget from \$35B to \$47B, such an increase being possible due to the influx of federal dollars. The Governors priorities include: 1) a cut in the state tax rate to 5.3%, 2) 2.5% contribution to a general revenue emergency fund, 3) workforce development "fast track" and "one start" expansion, 3) state employee 5.5% cost of living adjustment, 4) fully funding the elementary and secondary education school foundation formula, 5) investment in college enrollment and grant programs to address labor shortages, 6) higher education/community college investment, 7) state and local public infrastructure investments including potable, wastewater, and storm-water systems, 8) road and bridge repair, 9) broadband expansion in rural and underserved areas, 10) agriculture tax credits, 11) local economic development and state park initiatives, 12) healthcare, state lab, and autism projects, 13) increasing the number of law enforcement personnel, and 14) behavioral and mental health centers. Please let me know if you would like a line item budget summary.

Flush in cash, the address was reminiscent of the 1990s when the state budget was growing \$1-2B each year. The Governor's priorities will now

have to be reconciled with those of the state legislature.

**COMMITTEE HEARINGS** Consistent with the State of the State address, the **Senate Committee on Budget** heard an overview of the \$5.4 Billion FY 2022 Early Supplemental Budget on Wednesday morning (01.19.2022). In approximately one hour, senate appropriations staff outlined the Governor's recommendations including a 5.5% salary increase for state employees (42,000 state employees, down 8%), education requests, and the Medicaid expansion. (HB 3014, HJR 117).

The **House Independent Bipartisan Citizens Commission on Redistricting** successfully concluded months of discussion, negotiation, and revision on Wednesday afternoon (01.19.2022). By a unanimous vote of commissioners in attendance, 14 votes required, the Commission drew 163 House district boundaries that will govern House district elections for the next ten (10) years. The House Commission stands in stark contrast to the Senate Independent Bipartisan Citizens Commission on Redistricting. The Senate Commission deadlocked. And, as a result, a commission of six members appointed from among the judges of the appellate courts will be selected by the state supreme court, a majority of whom shall sign and file its redistricting plan [of the 34 state senate districts] with the secretary of state within ninety days of the date of the discharge of the independent bipartisan citizens commission. (Mo. Const. Art III, Sec. 3).

## NEXT WEEK

At this time, the Missouri House of Representatives has a limited calendar, and the Senate will accept committee reports today (thus creating a calendar).

[January 27th&nbsp;Legislative Report](#)

The House and Senate convened on Monday, January 24, 2022, distracted by the unfinished business of congressional reapportionment (HB 2117,

Rep. Shaul) and supplemental appropriations (HB 3014 & 3015 Rep. Smith).

Recall, the House gave its initial approval to HB 2117 last week and the Senate was expected to take the proposed map up for consideration this week. However, several conservative members of the senate objected to the work product of the House arguing that the congressional map would result in the election of less than seven (7) Republicans (out of eight (8) congressional seats allocated to the state). The initial four hour discussion on the senate floor (01.26.2022) between members of the Republican caucus was personal and insulting and foretells that the bill will be negotiated (between senate/senate and senate/house republicans). Interestingly, the legislation itself has not yet been brought up for debate! (Filing for state and federal offices begins February 22, 2022).

Meanwhile, the House debated and gave its approval to only one bill, HB 1720 (Rep. Pollitt) relating to agricultural economic opportunities (tax credits).

### **COMMITTEE HEARINGS**

The **House Committee on Elementary and Secondary Education** heard (01.25.2022) HJR 110 (Rep. Christofanelli) that proposes a constitutional amendment relating to the parents' bill of rights. The bill is similar to legislation filed in previous years, and "protects" a parents right to the upbringing and education of their children.

The

### **House Committee on Judiciary**

heard (01.25.2022) heard multiple bills relating to vaccine mandates, public health, and employer liability/responsibilities. In general, the testimony from the business community was in opposition to governmental interference in the individual business' decisions.

[February 3rd&nbsp;Legislative Report](#)

Due to the inclement weather, the House of Representatives and Senate

adjourned after only two (2) days of committee and floor activity.

On Tuesday, February 1, 2022, the House of Representatives debated HB 1667 (Rep. Christofanelli) relating to kratom products, and gave preliminary approval to HB 2162 (Rep. Deaton) relating to the opioid addiction treatment and recovery fund to the senate for its consideration.

Meanwhile, the Senate considered (02.01.2022) giving its advice and consent to Governor Mike Parson's nominees for various Boards and Commissions, but rejected the Governor's choice for Director of the Department of Health and Senior Services Don Kauerauf. Senate conservative Republican members concluded that the nominee's positions on vaccines, mask-mandates, and abortion, were not acceptable and forced the Governor to withdraw his support. The Republican in-fighting (senate/senate, senate/house, and now senate/Governor) has now gone full-circle with the Governor hammering members of the Senate saying, "I pray that honor, integrity and order can be returned to the Missouri Senate and that it comes sooner rather than later.&quot;

## **COMMITTEE HEARINGS**

The

### **House Committee on General Laws**

(01.31.2022) heard HB 2369 (Rep. Hurlbert) that prohibits public school membership in any statewide activities association that prohibits home school students from participating in any event or activity offered by the school district in which the student resides. I had Joshua testify on behalf of Family Covenant Ministries (FCM)

**For Information Purposes Only.**

The

### **House Committee on Elementary and Secondary Education**

(02.01.2022) heard HB 1814 (Rep. Politt) that establishes transfer procedures to non resident districts for students in public schools.

## NEXT WEEK

The

### **House Committee on Rules-Administrative Oversight**

(02.07.2022) is scheduled to advance bills relating to the right to refuse the COVID-19 vaccine and medical treatment HB 1686, (Rep. Hardwick) and HB 2358 (Rep. Evans) that modifies provisions relating to vaccine discrimination, employee misconduct, and worker's compensation.

## STATE OF THE JUDICIARY

On Tuesday morning (02.07.2022 at 10:15 am) the Honorable Paul C. Wilson, Chief Justice of the Supreme Court of the State of Missouri, will deliver the State of the Judiciary address to the Joint Session of the Missouri General Assembly in the House Chamber.

[February](#); [10th](#); [Legislative Report](#)

The Missouri General Assembly is now entering its seventh week of session, and it is the House of Representatives alone that is debating and passing the session's legislative priorities.

To that end, the House perfected (02.09.2022) and is scheduled to advance (Third Read) HB 3014 (Rep. Smith, Chair of the House Committee on Budget) relating to appropriating money for supplemental purposes (e.g. Medicaid expansion, state employee salary decompression and increases, and education) later today. The House is also scheduled to send to the Senate HB 1667 (Rep. Christofanelli) that creates new provisions relating to the



sale of kratom products, HB 1555 (Rep. Gregory) that modifies provision relating to the scope of practice for physical therapists, HB 2149 (Rep. Shields) that modifies provisions relating to physical therapists and physical therapist assistants, and HB 1590 (Rep. Fitzwater) that changes the laws regarding state contracts, taxation, and the Department of Economic Development.

The Senate was scheduled to reconvene at 12:00 pm on Monday, February 7, 2022, to take up the issue of congressional reapportionment (HB 2117, Rep. Shaul). However, due to a continued fracture within the Senate Republican caucus (opposition to the congressional district maps) the senate convened at 4:30 pm. with seven senators (the "Conservative Caucus") filibustering for 32 consecutive hours to block the bill's passage. The filibuster continues to date and the bill currently remains on the House Bills for Third Reading, Informal Calendar. **COMMITTEE**

**HEARINGS** The House Committee on Rules-Administrative Oversight (02.07.2022) advanced HB 1713 (Rep. Riley) that establishes the "Missouri Religious Freedom Protection Act."

The House Committee on Elementary and Secondary Education (02.08.2022) advanced HB 1814 (Rep. Politt) that establishes transfer procedures to nonresident districts for students in public schools, HB 1995 (Rep. Richey) that provides for protections for parental rights and transparency in public schools, and HJR 110 (Rep. Christofanelli) that proposes a constitutional amendment relating to the parents' bill of rights.

[February](#) [17th](#) [Legislative Report](#)

Due to inclement weather, the House of Representatives and Senate canceled Thursday's committee and floor activity. And, a first for the General Assembly, both chambers are not scheduled to reconvene until Tuesday (02.22.2022) due to the recognition of Presidents Day. Historically, the legislature did not alter its schedule because of a state or federal holiday. That policy began to change in 2003, when the legislature canceled session in recognition of the Martin Luther King, Jr. holiday. The Presidents Day holiday can not come at a better time.

Hoping to restore decorum and calm flaring tempers, senate leadership momentarily abandoned consideration of HB 2117 (Rep. Shaul) relating to congressional reapportionment, and took up senate bills for perfection (debate) on Monday, February 14, 2022. However, the first bill to be considered, SB 672 (Sen. Hough) relating to a workforce development issue known as Fast Track, was derailed by senate conservatives who attempted to amend the legislation with limits on illegal immigration eligibility, transexual participation in women's athletics, and critical race theory. All three amendments were ultimately defeated, but not without prolonged debate, procedural maneuvering, and enraged senators. Nevertheless, after three (3) days of debate, the bill became the senate's first bill of the session to be given preliminary approval.

The House of Representatives, meanwhile, continued to perfect legislation such as: HB 1686 (Rep. Hardwick) that creates provisions relating to the right to refuse the COVID-19 vaccine and medical treatment, HB 2358 (Rep. Evans) that modifies provisions relating to vaccine discrimination, employee misconduct and workers compensation, HJR 117 (Rep. Today Smith) that proposes a constitutional amendment relating to Missouri HealthNet

(defining program eligibility), HB 1713 (Rep. Riley) that establishes the “Missouri Religious Freedom Protection Act,” and, HJR 70 (Rep. Davidson) that modifies provisions for amending the constitution (another initiative petition measure).

## **COMMITTEE HEARINGS**

The **House Special Committee On Governmental Accountability** (02.14.2022) heard HB 1955 (Rep. Richey) that establishes provisions governing statewide athletic association employees and members.

The **House Committee on Elementary and Secondary Education** (02.15.2022) advanced HB 1814 (Rep. Pollit) that establishes transfer procedures to nonresident districts for students in public schools, HB 1995 (Rep. Richey) that provides for protections for parental rights and transparency in public schools, and HJR 110 (Rep. Christofanelli) that proposes a constitutional amendment relating to the parents' bill of rights.

## **NEXT WEEK**

The **House Committee on Fiscal Review** (02.22.2022) is schedule to advance HB 1686 (Rep. Hardwick) that creates provisions relating to the right to refuse the COVID-19 vaccine and medical treatment.

## **STATE OF THE JUDICIARY**

Please note that due to the filibuster in the Missouri Senate of HB 2117 (Rep. Shaul) relating to congressional reapportionment, the State of the Judiciary address scheduled for Tuesday, February 7, 2022, was postponed.

[February  24th  Legislative Report](#)

The House of Representatives and Senate convened its eighth week on Tuesday, February 22, 2022, and continued committee hearings and floor debate as usual. (Note, however, that the word "usual" should not be mistakenly interpreted as "normal"). The House and Senate, by rule, have until March 1, 2022, to file new legislation to be considered in this Second Regular Session of the 101st Missouri General Assembly, and to date, 2,083 bills and resolutions have been filed. The House of Representative gave initial approval (Third Read) legislation such as: HB 2358 (Rep. Evans) that modifies provisions relating to vaccine discrimination, employee misconduct, and workers' compensation, HB 1667 (Rep. Christofanelli) that creates new provisions relating to the sale of kratom products, HB 1555 (Rep. Gregory) that modifies provisions relating to the scope and practice of physical therapists, HB 1590 (Rep. Fitzwater) that changes the laws regarding state contracts, taxation, and the Department of Economic Development, HB 2149 (Rep. Shields) that modifies provisions related to physical therapists and physical therapist assistants, HB 1697 (Rep Baker) that allows cottage food production operation to sell food over the internet, and HJR 117 (Rep. Smith) relating to Medicaid eligibility (95-45).

The House also debated HB 1743 (Rep. Dogan) that prohibits certain discriminatory practices on the basis of hair texture and protective hairstyles, HB 1481 (Rep. Dinkins) that modifies provisions relating to school protection officers, HJR91 (Rep. Eggelston) relating to initiative

petition reform (including the following election reform measures: increasing signature requirements, 66% vote to pass a constitutional amendment, simple majority vote to remove a constitutional amendment, and simple majority to pass a statute).

When the Senate reconvened on Tuesday, Sen. Mike Moon (R-29) filibustered the adoption of the senate journal in protest of his having been removed from his committee assignments. Senate President Pro Tem Dave Schatz (R-26) disciplined Sen. Moon because of a perceived dress-code rule violation. On Wednesday evening, the logjam that has become the senate apparently began to break. The Senate passed (25-7) HB 3014 (Sen. Hegeman) relating to Elementary and Secondary supplemental budget, the state pay plan (allowing departments to create a minimum wage through appropriations), and Medicaid Expansion.

### **The House of Representatives Truly Agreed Finally Passed the supplemental appropriation bill, 133-12, earlier today**

. The Senate also gave their final approval to SB 672 (Sen. Hough) relating to the Fast Track Workforce Incentive Program and SJR 33 (Sen. Koenig) that would, if enacted by a vote of the people, constitutionally cap state income taxes at 5.9%.

## **COMMITTEE HEARINGS**

The **House Committee on Fiscal Review** (2.22.2022) advanced HB 1636 (Rep. Hardwick) that creates provision relating to the right to refuse the COVID-19 vaccine and medical treatment.

The **House Committee on Elementary and Secondary Education** (02.23.2022) advanced HB 1858 (Rep. ) that establishes the Parents' Bill of Rights Act of 2022, and HB 1908 (Rep. ) that requires school districts to review curricula intended for use in each school year.

## **NEXT WEEK**

The

### **House Committee on Workforce Development**

(02.28.2022) is scheduled to hear HB 2190 (Rep. Henderson) relating to liability claims in educational settings.

The

**House Committee on General Laws**

is expected (not yet scheduled) to advance HB 2369 (Rep. Hurlbert) relating to home school student participation in public school extracurricular activities.

**ELECTIONS**

Filing for statewide offices began on Tuesday, February 22, 2022, albeit in the midst of uncertainty with regard to the congressional and state senate boundaries. The appellate panel constitutionally charged with drawing the state senate maps will convene on Friday, February 25, 2022, to consider public testimony. There is speculation that the judicial panel is close to finalizing their plan. Whether the legislature will take up and pass a version of HB 2117 (Rep. Shaul) relating to congressional redistricting is the subject of rumor. Apparently, Missouri's congressional delegation, and House and Senate democrats (some), have agreed to a new congressional map. It is unclear whether the "conservative caucus" (e.g. Sen. Moon and Sen. Onder) has capitulated. But, Senate Majority Floor Leader Caleb Rowden was quoted earlier today (02.24.2022) saying "I would be surprised if something doesn't happen next week."

**STATE OF THE JUDICIARY**

House Concurrent Resolution 74 (Rep. Plocher) was adopted in the House of Representatives earlier today (02.24.2022). The Resolution reschedules a joint session of the House of Representatives and Senate to hear Chief Justice of the Supreme Court of the State of Missouri, Paul C. Wilson, deliver the State of the Judiciary address on March 8, 2022, at 10:15 am.

[March 4th&nbsp; Legislative Report](#)

The Missouri General Assembly has now passed the half-way point of the Second Regular Session of the 101st Missouri General Assembly. And, albeit a session marked to date by anger, hostility, and dysfunction, both chambers debated (perfected) and passed (third read) legislation this week.

The Senate successfully perfected SB 652 (Sen. Rizzo) relating to a sales tax exemption for the sale of certain tickets, SB 681 (Sen. O'Loughlin) that modifies educational outcomes, SB 655 (Sen. Crawford) that modifies the Local Government Employees' Retirement System, and SB 649 (Sen. Eigel) relating to taxation. Note, however, that contrary to the Senate Majority Floor Leader Caleb Rowden's comments last week regarding the imminent passage of congressional redistricting legislation (HB 2117, Rep. Shaul), the Senate did not take up the issue. The chamber was hastily adjourned for the week after senators began to fight about abortion, procedural issues (points of personal privilege), and senate priorities.

The House of Representatives continued to address its priorities and perfected HB 1861 (Rep. Eggleston) that creates provisions relating to COVID-19 vaccination status with respect to organ transplants, HB 1732 (Rep. O'Donnell) relating to workplace retirement savings plans, HB 1986 (Rep. Brown) that modifies provisions relating to the funding of the Kansas

City Police Department, and HR 2658 (Rep. Haffner) relating to Russia's attack on Ukraine.

The last day of filing bills and resolutions was March 1, 2022, and members passed a new milestone in the introduction of legislation: 2,281 bills introduced.

The House and Senate will adjourn next Thursday (03.10.2022) for their annual spring break and upon their return (03.21.2022) there will be seven (7) weeks remaining in the session.

**NEXT WEEK** The **House Committee on Fiscal Review** (03.07.2022) is scheduled to hear HB 1724 (Rep. Hudson) that prohibits public institutions of higher learning from discriminating against a religious student association or denying a religious student association any benefit available to any other student association.

The

**House Committee on General Laws**

(03.07.2022) is scheduled to vote on HB 2369 (Rep. Hurlbert) that prohibits public school membership in any statewide activities association that prohibits home school students from participating in any event or activity offered by the school district in which the student resides.



## STATE OF THE JUDICIARY

The State of the Judiciary address will be delivered by the Chief Justice of the Missouri Supreme Court, Paul C. Wilson, to a joint session of the Missouri General Assembly on Tuesday, March 8, 2022, at 10:15 am in the Missouri House of Representatives chamber.

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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