

MISSOURI

- Compulsory Attendance Ages:** “between the ages of 7 and 16 years.” Missouri Annotated Statutes § 167.031. Beginning with the 2007-2008 school year, St. Louis City has authorization to raise age to 17, but in that case the 1,000 hour requirement and the record requirements in paragraph 2 would not apply.
- Required Days of Instruction:** 1,000 hours of instruction. At least 600 hours must be in the five required subjects. 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 term (12 months or less) the parents establish.
- Required Subjects:** Reading, math, social studies, language arts, and science. Mo. Ann. Stat. § 167.031.2(2)(b).

Home School Statute: Mo. Ann. Stat. § 167.031.2. Home schools must meet the following additional requirements:

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. § 167.031.2(1)(a)-(c).”
2. Home schools must *maintain* the following records (there is no requirement to submit them):
 - a. a plan book, diary, or other record indicating subjects taught and activities engaged in;
 - 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)” § 167.031.2(2)(a). Parents have the option to follow: *a*, *b*, and *c*, or they can choose to follow only *d*) which permits more flexibility.
3. “For the purpose of minimizing unnecessary investigations” parents “*may* provide to the recorder of deeds of the county 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. § 167.042. Filing is strictly optional. Filing may compromise the family's privacy.

4. “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....” § 167.031.3.
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 (See 1 and 2 above) shall be a defense to any prosecution under this section and to any charge or action for educational neglect.” § 167.031 (5).
6. This 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.*

Teacher Qualifications: None.

Standardized Tests: None.

Religious Freedom Act: RSMo §§ 1.302 and 1.307

The Religious Freedom Restoration Act (RFRA), passed with the help of HSLDA members, gives religious home schoolers another legal means to protect their right to home school. If the parents’ free exercise of religion is substantially burdened by having to comply with the homeschool law, the parents may use the RFRA as a defense or file suit against the state. Under this statute, the burden is on the state to prove that its requirement "furthers a compelling state interest" and is the "least restrictive means" of fulfilling its interest that children be educated. This Act restores the highest protection of the individual's right to freely exercise his religious beliefs taken away by the U.S. Supreme Court in its 1997 *City of Boerne* decision. 520 U.S. 507.