

# Missouri Department of Elementary and Secondary Education

## Home Schooling

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Home schooling is one of the options available for meeting the state's compulsory attendance law, Section 167.031, RSMo. The Department of Elementary and Secondary Education does NOT regulate or monitor home schooling in Missouri. Neither the State Board of Education nor the Department has the authority to issue regulations or guidelines concerning home schooling. The information contained in this handout is intended to answer the most common questions about home schooling.

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### **The current statutory provisions for home schooling can be summarized as follows:**

1. According to section 167.031, RSMo. a parent or guardian of a child, between seven and seventeen years of age, shall cause the child to attend regularly some public, private, parochial, parish, home school or a combination of such schools.
2. Any parent may educate a child at home. The parent does not have to have a teaching certificate or meet any education requirements.
3. If a parent decides to home school, he or she shall offer 1,000 hours of instruction during the school year, with at least 600 hours in the basics, which will be in reading, language arts, mathematics, social studies, and science. At least 400 of the 600 hours shall occur in the home location.
4. A completed credit towards high school graduation is defined as 100 hours or more of instruction in a course.
5. The school year is defined as beginning July 1 and ending the next June 30.
6. A parent who is home schooling a child must maintain the following records:
  - a. A plan book, diary, daily log, or other written record indicating the subjects taught and the activities engaged in with the student;
  - b. A portfolio containing samples of the student's academic work;
  - c. A record of evaluation of the student's academic progress; or
  - d. Other written, or credible evidence equivalent to a, b, and c.
7. Children with disabilities attending a home school program may receive special education services provided by the local school district, in accordance with Section 162.996 of the Revised Statutes of Missouri and State Plan for Special Education.
8. The law is permissive in the area of registering. The statute says the parent may notify the superintendent of schools or the recorder of county deeds in the county where the parents reside. This is to be done before September 1 annually.

Sections 162.996, 167.031 through 167.071, and Section 210.167 of the Revised Statutes of Missouri provide the framework for home schooling in Missouri.

# Topics and Resources

## Accreditation

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The Missouri State Board of Education and the Department of Elementary and Secondary Education do not have authority to regulate private or home schools. There is no program for the inspection, approval, or accreditation of home schools in Missouri.

## Assessment Tests

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Missouri does not have an annual testing requirement for home schooled students. School districts may allow home schooled students to take the annual Missouri Assessment Program (MAP) test offered every spring in public schools. Honoring a parental request for a home-schooled student to be included in the MAP testing is a local district decision; the district may request reimbursement for the cost involved. The MAP testing of home-schooled students must take place in one of the district buildings. The district may obtain a special home-school packet to ensure that the student's score is not reported in the building or district group results. This packet may be obtained by contacting CTB McGraw-Hill at (800) 544-9868.

## Curriculum/Textbooks

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Missouri does not have a statewide-adopted school curriculum nor is there a state-approved textbook listing. The selection of instructional materials is the responsibility of parents who home school their children. Missouri public, private and home school students have the option to take online courses through the Department of Elementary and Secondary Education's Virtual Instruction Program, (573) 526-4219.

## Diplomas

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There is no state recognized high school diploma for home school students. Home schooled students may take the high school equivalency examination to obtain a General Educational Development (GED) certificate. Most employers, colleges and universities, and the military accept the GED as equivalent to a high school diploma.

For information about the GED program contact:

GED Office

PO Box 480

Jefferson City, Missouri 65102-0480

Phone: (573) 751-3504

## Transfer Credit

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Public school districts should have a written board adopted "assignment to grade level" policy which addresses the transfer of students from one school to another. This policy should address the transfer of grades and credit requirements for that district. The Department recommends requesting the policy from the enrolling district for more information regarding that district's transfer policy. Many school district policy manuals are available on that district's website.

# Missouri Revised Statutes That Pertain to Home Schooling

## Chapter 162 School Districts Section 162.996

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### **Handicapped children attending private, parochial, parish or home schools, districts may provide special educational services--state aid, how calculated.**

- 162.996. 1. Special educational services may be offered during the regular school day. Children who attend special educational services in the district and who otherwise attend a private, parochial, parish or home school shall be in compliance with section 167.031, RSMo.
2. A public school district shall be entitled to state aid for resident handicapped children who attend special educational services and who otherwise attend private, parochial, parish or home schools. State aid shall be calculated on the basis of full-time equivalent average daily attendance of part-time students as provided in section 163.011, RSMo.
3. Nothing in this section shall change the authority of a public school board to set the schedule of classes for full-time or part-time public school pupils including pupils receiving services under this section.
4. Nothing herein shall be construed to require transportation for these services.
5. No resident child shall be denied or discriminated against in special educational services offered by a school district on the grounds that the child regularly attends a private, parochial, parish or home school.
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## Chapter 167 Pupils and Special Services Section 167.031

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### **School attendance compulsory, who may be excused--nonattendance, penalty--home school, definition, requirements--school year defined--daily log, defense to prosecution--compulsory attendance age for the district defined.**

- 167.031. 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, parish school or full-time equivalent attendance in a combination of such schools and between the ages of seven years and the compulsory attendance age for the district 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 years of age and the compulsory attendance age for the district shall cause the child to attend regularly some public, private, parochial, parish, 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 years of age and the compulsory attendance age for the district 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 years and the compulsory attendance age for the district, of which no more than four are unrelated by affinity or consanguinity in 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, except as otherwise provided in this subsection:

(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

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

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 or, in the case of a pupil over the age of sixteen years who attended a metropolitan school district the previous year, a written statement that the pupil is attending home school in compliance with 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, RSMo.

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

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

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

7. For purposes of subsection 2 of this section as applied in subsection 6 herein, a completed credit towards high school graduation shall be defined as one hundred hours or more of instruction in a course. Home school education enforcement and records pursuant to this section, and sections 210.168 and 211.031, RSMo, shall be subject to review only by the local prosecuting attorney.

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**Chapter 167**  
**Pupils and Special Services**  
**Section 167.042**

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**Home school, declaration of enrollment, contents--filing with recorder of deeds or chief school officer--fee.**

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, 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 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.

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**Chapter 167**  
**Pupils and Special Services**  
**Section 167.051**

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**Compulsory attendance of part-time schools.**

167.051. 1. If a school board establishes part-time schools or classes for children under seventeen years of age, lawfully engaged in any regular employment, every parent, guardian or other person having charge, control or custody of such a child shall cause the child to attend the school not less than four hours a week between the hours of eight o'clock in the morning and five o'clock in the evening during the school year of the part-time classes.

2. All children who are under eighteen years of age, who have not completed the elementary school course in the public schools of Missouri, or its equivalent, and who are not attending regularly any day school shall be required to attend regularly the part-time classes not less than four hours a week between the hours of eight o'clock in the morning and five o'clock in the afternoon during the entire year of the part-time classes.

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**Chapter 167**  
**Pupils and Special Services**  
**Section 167.061**

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**Penalty for violating compulsory attendance law.**

167.061. 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.

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**Chapter 167**  
**Pupils and Special Services**  
**Section 167.071**

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**School attendance officers in seven-director districts, powers and duties--powers of police officers in certain areas.**

- 167.071. 1. In school districts having seven 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 nonattendants or 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 district, any metropolitan school district and in school districts having seven or more directors and which are located in a first class county having a charter form of government, any 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.

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**Chapter 210**  
**Child Protection and Reformation**  
**Section 210.167**

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**Report to school district on violations of compulsory school attendance law--referral by school district to prosecutor, when.**

210.167. 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 section 167.031, RSMo, 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 section 167.031, RSMo, to the prosecuting attorney.

## **Compulsory Attendance and Part-Time Public School Enrollment**

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### **1. What does the compulsory attendance statute require in respect to children's enrollment and attendance at school?**

All parents or guardians having custody or control of a child between the ages of seven and sixteen, must ensure that the child is enrolled in and regularly attends some public, private, parochial school, or home school meeting the statutory requirements for home schooling, or a combination of such school for the full term of the school.

Children between five and seven years of age are not required to be enrolled in school. If they are enrolled in a public school, however, their parents or guardians must ensure that they attend regularly.

### **2. Are there any exceptions to the compulsory attendance law?**

There are several exceptions to the general law. Children under seven and children over sixteen years old are not required to be enrolled in school. Some children with disabilities between seven and sixteen may be excused from attending school all day under certain circumstances; and, students between the ages of fourteen and sixteen may be excused from attending school full time under circumstances defined in the statute.

### **3. Does the law permit students to attend a private or parochial school, for example, for part of the school day and a public school for part of the school day?**

Yes. Any students may be enrolled in and attend a private, parochial or home school part of the day and enrolled in and attend a public school for part of the school day.

### **4. How may different schools might one student enroll in and attend during a single school day?**

There is no limit specified in the statute. The number of schools in which one student might be enrolled and attend during one day would depend upon time, the logistics of travel, and local regulations concerning part-time enrollment.

### **5. Who is responsible for ensuring that all children within compulsory attendance ages attend one or a combination of schools as required by the statute?**

According to Section 167.031, RSMo, every parent, guardian or other person having charge, control or custody of a child between the ages of seven and sixteen is responsible for ensuring compliance with the compulsory attendance law. In addition Section 167.111, RSMo, requires the Commissioner of Education, superintendent of schools, school boards, and every school attendance and probation officer to enforce the compulsory attendance laws. More comprehensive records may be required for part-time public school students to help ensure that they are in compliance with the compulsory attendance law.

### **6. What accommodations are local school districts required to make for enrolling part-time public school students?**

Local school districts are not required to make any particular adjustments to accommodate students who wish to be enrolled part-time. Course offerings, class schedules and lunch schedules are developed and adopted to meet state requirements and local concerns and issues. The interests and needs of part-time students may be taken into account, certainly, but the law does not require any particular response to their interests and needs.

### **7. May local boards of education adopt rules to regulate part-time public school enrollment?**

Local boards of education have authority to adopt policies and rules for the governance and control of school districts. In general, any local board of education rules affecting part-time enrollment must be adopted to provide for the orderly, efficient and safe conduct of school, and not for the purpose of preventing or restricting part-time enrollment. The law should not be interpreted as creating an "open campus" environment where students come and go as they please. It will be important to establish "check in" and "check out" procedures to ensure that all part-time students are accounted for at all times and to ensure their safety.

**8. How will students enrolled part-time in public school get from one school to another? Who will pay the cost of transportation?**

In general, the Missouri Constitution is interpreted to prohibit the use of public money to transport students to and from schools other than public schools. In most cases, parents or guardians of students enrolled part-time must arrange and pay for transportation among the schools in which they are enrolled. A special education student enrolled part-time in public school is entitled to transportation if transportation is a related service to a student's individualized education program. There are two possible exceptions under which public schools may pay for part-time public school students' transportation: (1) part-time students may be transported from their homes to public schools if their part-time enrollment in the public schools begins when the school day begins; and, (2) part-time students may be transported from public schools to their homes if their part-time enrollment in the public schools ends at the close of the school day.

**9. Does this same restriction on transportation apply when students are part-time in public school to take advantage of federal programs such as Chapter 1, ESEA?**

Yes. The Missouri Supreme Court has ruled that federal funds awarded to Missouri or any political subdivision of the State are public moneys of the State and are subject to all constitutional and statutory spending limitations and proscriptions.

**10. How are part-time public school students counted in membership and average daily attendance for state foundation aid?**

The portion of the day during which resident, part-time students are enrolled in and attend public schools would be counted in the same manner for state aid as any other part-time students. In general, students are counted for the period of time that they are enrolled.

**11. How are part-time students who are eligible "free and reduced price" lunches counted for state aid purposes?**

"Free and reduced price" lunch counts for state aid formula purposes will be calculated on a full-time equivalence (FTE) basis. In the case of nonresident students, the district of domicile which pays tuition and generates state aid for a student receives the "free and reduced price" lunch credit for formula purposes.

**12. How will part-time public school students' eligibility for participation in athletics and other extra-curricular and co-curricular activities be determined?**

The Missouri State High School Activities Association (MSHSAA) regulations govern students eligibility for participation in many extra-curricular activities involving interscholastic competition. Member school districts must follow MSHSAA regulations to be eligible to participate in MSHSAA sponsored or sanctioned events. Local boards of education generally adopt policies and rules governing students' participation in extra- and co-curricular activities not regulated by the MSHSAA.