

March 11, 2022

Mr. Scott Fitzpatrick
Office of the State Treasurer
Harry S. Truman State Office Building
PO Box 210
Jefferson City, MO 65102

(email: info@treasurer.mo.gov)

Mr. Fitzpatrick,

Re: Comments:
Title 15—ELECTED OFFICIALS Division 50—Treasurer Chapter 5—Missouri Empowerment Scholarship Accounts Program Proposed Rules posted in the *Missouri Register*, Volume 47, Number 5 Pages 318-320, March 1, 2022. Specifically, page 319, column 1, section 4. “Qualified Schools”, (B) “Homeschools”.

Families for Home Education (FHE) is a state-wide homeschool organization founded in 1983.

We have some serious concerns about the rules that have been written for a “Home school” in the new rules for the Missouri Empowerment Scholarship Accounts Program. We understand a “home school” does not fall into the traditional classroom definition of education and is set apart in RSMo 166.700 from the traditional schools listed. A home school allows for many teaching styles and learning opportunities for students that have a wide range of learning abilities. Families for Home Education strongly encourages you to reconsider and remove these problematic rules.

1. Proposed rule 1., “Comply with the anti-discrimination provisions of 42 U.S.C. section 2000d”.

RSMO 166.700(7),
(7) "Qualified school", a home school as defined in section 167.031 or any of the following entities that is incorporated in Missouri and that does not discriminate on the basis of race, color, or national origin: (a) A charter school as defined in section 160.400; 16 (b) A private school; (c) A public school as defined in section 160.011; or (d) A public or private virtual school;

As the sentence is structured in the statute, proposed rule 1 does not apply to a “home school”. FHE requests that you remove this rule.

2. Proposed rule 3, “Submit a proposed curriculum plan”.

The Missouri Scholarship Accounts program does not require a home school to submit a proposed curriculum plan. RSMo 167.031.2 requires a lesson plan book, diary, or other credible written evidence, but does not require a curriculum. This would stifle the parental options to be creative in educating their child.

Also, the statute clearly states in 166.720. 1. Sections 166.700 to 166.720 shall not be construed to permit any governmental agency to exercise control or supervision over any qualified school in which a qualified student enrolls other than a qualified school that is a public school.

And RSMo 166.715, states A qualified school shall not be required to alter its creed, practices, admissions policy, or curriculum in order to accept students whose parents pay tuition or fees from a Missouri empowerment scholarship account to participate as a qualified school.

FHE respectfully requests you remove the requirement to submit a proposed curriculum plan..

3. Proposed rule 4. Require Background checks.

The only section which includes “background checks” is in 135.714.1(7).

(7) Provide the state treasurer, upon request, with criminal background checks on all its employees and board members and exclude from employment or governance any individual who might reasonably pose a risk to the appropriate use of contributed funds;

This reference is referring to the Educational Assistance Organization employees and board members in relation to the funds. There is nothing in the statute requiring home school parents be required to submit to background checks.

Families for Home Education respectfully requests you remove this rule as it does not pertain to a home school in the statute.

4. Proposed rule 6. “Provide any other information as requested by the treasurer.”

There is nothing in the Missouri Empowerment Scholarship Accounts Program statues that gives the treasurer this kind of open-ended authority to request information, etc. Any information requested by the treasurer should be in line with the statute requirements and openly listed. The proposed rules require a home school to submit the home school records required in RSMo 167.031.2(2)(a) when requested. This should be sufficient.

(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

Families for Home Education requests that Proposed Rule 6 be removed. If there is any other necessary information needed, please list those requirements in detail.

5. One final comment: The [2022 Guidelines for the Education Assistance Organizations](#), page 12, B. “Qualifying Schools”, 3rd paragraph states,

“Home school students must submit home school registration and certification documents to the selected EAO with the student’s scholarship application. The EAO will review the home school registration and certification documents for pre-approval within 15 days of receipt, then submit to the STO for final approval. The Treasurer will notify the EAO and home school parent(s) of final approval or denial within 15 days of receipt of the pre-approval.”

A homeschool is not required to “register”. And this is not listed in the proposed rules for a “Qualified Home School” as it should not be.

Families for Home Education requests that this issue be corrected.

Families for Home Education respectfully requests your attention to these concerns.

Submitted for the Families for Home Education Board by

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