

Missouri Homeschool Cleanup Bill – Information Sheet

(updated 1/6/2020)

FHE proposed legislation would give much needed protections to homeschoolers:

1. Eliminate the optional Declaration of Enrollment that has caused so many headaches and unjustified investigations. It was supposed to reduce unnecessary investigations, but it has boomeranged and actually *caused* many unnecessary, stressful investigations for families and chronic confusion among school staff.
2. Last Session (2019) the Elementary and Secondary Education Committee amended HB 1139 to give an extra measure of protection against unnecessary investigations. The new material the committee added says:

“WRITTEN STATEMENT OF WITHDRAWAL FROM PUBLIC SCHOOL. A written statement by the parent, guardian or other person in this state having charge, control or custody of a child which advises a representative of a public school district that he or she is withdrawing the child from public school and which indicates the provision of §167.031 under which the child’s instruction will thereafter proceed is not in itself grounds or cause for investigation, referral to another agency, or enforcement procedures.”

This language does not require anyone to do anything. However, if a family withdraws a child from public school, and does it in writing, with a brief word about whether they plan to put the child in a private school, parochial school, home school, or some other appropriate alternative, this language gives the family protection against being investigated. It creates a “safe harbor.” While it does not require them to withdraw in writing, they can feel confident that if they do withdraw in writing, the school won’t bother them.

3. The proposed legislation will add protection for homeschools by adding that the Prosecuting Attorney can only look at homeschool records if there is a “reasonable suspicion”.

In 2009 RSMo 137.031.7 was a restatement of the statute, “Home school education enforcement and records 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 have demanded to review the homeschool records for no other reason than the family chooses to homeschool their child/children. This proposed legislation would correct this by adding, “and only if there is a reasonable suspicion to believe that there has been a violation of this section.”

This would require that a Prosecuting Attorney would need a reason to look at the records of a homeschool. At present the Prosecuting Attorney is not required to have a reason to look at homeschool records.

4. This proposed legislation would also add a protection for homeschool students and parents by adding a privacy clause. At present, a homeschool family is not afforded the same privacy protections by the

public school as a public school student when the school is in possession of a student or parent's personally identifiable information.

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.

5. The proposed legislation would also relieve the burdensome double record keeping requirement by giving a homeschool a choice to either keep the hours or keep the lesson plan book/diary, record of evaluations, portfolio of the child's work, or other written credible evidence equivalent to the preceding 3 records.

In summary----

What will the proposed legislation do:

- Eliminates the confusions created by the optional voluntary registration of a home school with "the Recorder of Deeds or chief school officer of the public school district".
- Prosecuting Attorney would only request home school records if there is "reasonable suspicion" for the prosecutor to believe the law has been violated.
- Establishes data privacy rights for home school students which currently exist for public school students.
- Makes a slight change to reduce over burdensome record keeping.

Things the proposed legislation will not do:

- Does not remove, lessen, or eliminate, any accountability or obligation currently required for home education, other than providing an option to the record keeping methods which best suits the family.
- Will not change the statutory requirement of homeschooling parents to provide their students an education. The law will still require necessary records for each child.
- Where there is a "reasonable suspicion" of educational neglect, the prosecuting attorney will not be prevented from requesting homeschool records.