

## **Governor Nixon Signs Three Bills Impacting Home Education**

Today, Monday, July 13, 2009, Missouri Governor Jeremiah (Jay) Nixon signed into law Senate Bill 291. Like many bills that are adopted by the Legislature, **SB 291** started out only as a simple one page bill. However, as the bill advanced through the legislative process, it gained weight. A week and a half before the annual General Assembly finished its work in mid-May, the House Education Committee force fed the bill amendment after amendment until it swelled to an obese size. Tipping the scales at just under 300 pages, SB 291 was now the "omnibus education bill" containing provisions to over fifty different areas of education policy.

In reviewing the bill prior to floor debates, I was aghast to discover two separate proposed policies which were designed to highlight and promote homosexuality in Missouri's public schools. Immediately I went to work preparing amendments, securing sponsors for the amendments to remove or drastically rewrite these offensive sections, and working to gain the needed votes to finish the project. In the end we were completely successful and the pro-homosexual issues were out of the bill. Then a strange thing happened - the House voted to kill the bill! SB 291 was dead. I, like everyone else, tossed the bill in the trash can and refocused on the twenty or so other issues demanding attention.

This bill had simply overdosed on too many pages and programs. Its pages were clogged with the bad cholesterol that causes heart attacks - which far too many lawmakers were starting to have as they reviewed the bill. Seeing how the homosexual agenda had so easily slipped into the proposal made even more legislators leery of the overstuffed bill.

A sideline plan was then hatched to resurrect the bill as a leaner and healthier proposal. Agreements were worked out to send the bill back to committee and put it on a crash diet to lose a third of its weight, leaving only about 200 pages of the less controversial portions.

This is when I received "the phone call." (You know, the kind of phone call that makes you swallow a big gulp of air.) FHE Executive Director Brad Haines was on the other end asking me about a portion of the bill I had not yet reviewed. (After all, the bill had died and I tossed it in the recycle bin with everyone else's.)

There it was, as plain as day, just further into the bill than I had had time to get to. SB 291 proposed changing the generations old education paradigm of compulsory education. Rather than mandating school attendance until a student

## **Missouri's Home School Law Change - 2009**

### *Compulsory Education Requirements Policy Shift from Age to Statutory Credits*

This new law ONLY effects minimal compulsory education and does not impact a student's graduation goals or records for creating transcripts for higher education purposes.

Missouri law (167.031 RSMo.) defines the minimal standards for home schools. As with all other state residents the compulsory education portion of the statute addresses the bare minimum education required of any Missouri student. These requirements focus on minors between the ages of seven and sixteen years of age. Under the new law a student reaching seventeen will be able to drop out of school without finishing or graduating.

Senate Bill 291 (effective August 28, 2009) changed the minimum ending age requirement from the day the student turns sixteen to the day that student accomplishes "sixteen credits towards graduation." (For a public high school student this is two-thirds of the way towards the twenty-four credits needed for graduation; and almost impossible before age sixteen.) But because some students may not put forth the effort or be able to accumulate sixteen credits in a reasonable time, the law does not apply to any student once they reach age seventeen. Yet for many home schoolers this provides a means to fulfill compulsory education requirements well before age sixteen!

### **How, What, When & Why Your Home School Has NOT Changed!**

The ultimate goal of home education is to direct the total development of the children God has blessed you with from immature childhood to Godly adulthood

reaches age 16, Missouri would now base mandatory education on how many credits a student accomplishes. Until they accumulate at least 16 "credits," a student must remain in school and cannot drop-out.

*Public school students are required to fulfill 24 credits in order to graduate under the authority of the Department of Elementary and Secondary Education. However, compulsory attendance law is established under state statutes and applies to all minors in the state, regardless of their education venue. These are two related, yet totally separate, policies. Since about 80% of Missouri students are enrolled in public schools (the other 20% in home and private schools) the idea behind changing the compulsory education law is to try to motivate high school drop-outs by requiring them to earn their right to drop-out rather than just sit and do nothing until they reach age 16. The hope is that potential drop-outs may get over whatever barriers have discouraged their participation and that a significant portion of them might rediscover the interest and value of staying in school until graduation.*

Upon checking, it became clear that few folks had taken any notice of this provision since it was added of late and had never had a public hearing or any public discussion - ever. Upon further checking, this provision was slated to stay in the resurrected version of the bill. And upon even more digging, I uncovered the full plan that this once dead bill was greased for ultimate passage.

This was now a full blown threat to home schoolers due to the fact that a "credit" is never defined in statute, only under the rules and regulations of the Department of Elementary & Secondary Education (DESE). This proposal would result in the public school system having the sole authority to define and verify any credits earned in a home school setting!

In short, I had to start drafting an amendment, garner support for it from the right legislative leaders, sell the idea to alter the provision to public education lobbyists who have the greatest influence over such a bill, and keep everyone happy and on track with the idea of amending a bill that had already been virtually sealed against such amendments.

All this led to a special called rally. As many as 3,000 of you showed up with only 21 hours notice from the first network email. Those of you who attended heard the commitments from the lawmakers handling the bill. About an hour later our protective amendment was adopted, as was a second amendment in response to FHE criticisms. Only FHE pointed out to lawmakers that the new proposal would leave some students held under compulsory education into their twenties! As a result the second amendment added would drop the "16

– this is your stewardship responsibility before a Holy God. As home schoolers we seek to fulfill this task in a variety of ways as we each focus on the learning styles and developing personalities of our children.

This new law changes little to nothing for home schools. In fact it gives us a second option, rather than just the old one, to satisfy the compulsory education aspect of the law as we continue on the path towards graduation.

The first option is to simply continue doing what you have been until your child reaches age seventeen. This satisfies the requirements for compulsory education and you can then finish high school and graduation when the child is ready. Note: Nothing else in the old law regarding record keeping, 1,000 hours, etc. has been changed.

Your second option is to count up your "statutory credits" until you accumulate sixteen credits. At this point you will have satisfied the compulsory education law and you can then continue to home school as you wish without keeping any other records except what you need to create a transcript for future use.

Under this second option you only need to account for 100 hours of instruction in a given course to fulfill a "statutory credit." Remember, any and all math work composes a math course. As an example, the first 100 hours of Algebra 2 would constitute a credit that could be titled "Math 1," then the additional 50 hours spent with that text book may be combined with the 50 hours in an area of Calculus to fulfill "Math 2" as a second statutory credit. This same principle for counting statutory credits applies to any general education heading (i.e. Language Arts, History, etc.).

For clarification all course work for a "statutory credit" must be a legitimate

credit" requirement after the student reaches 17 years of age.

Missouri's new compulsory education standard will require an adjustment for everyone. Public, private, parochial, charter, magnet, virtual, and home schools will all have to work out management details to satisfy the law. Thankfully home schoolers will continue to be self-guided under state law and will not have to submit to any controlling government agency.

And to make things even better, our amendment clarifies that no social worker, juvenile officer, or truancy officer has any right to review any home school records! While SB 291 does create a new paradigm for compulsory education, it also closes the gaping loophole used by various state agencies and public schools to harass home schoolers! State law now, for the first time, states that ONLY the prosecuting attorney has the right to review the home school records of a family. "Home school education enforcement and records pursuant to this section, and sections 210.167 and 211.031, RSMo, shall be subject to review only by the local prosecuting attorney."

Meanwhile: Just days prior to all the activity on SB 291, we had finally received the last votes on SB 47 and SB 232. Both now signed into law by Governor Nixon (7-9-09) address government discrimination against home schoolers.

**SB 47** sponsored by **Senator Delbert Scott** proposed changing an old antiquated law that predated the contemporary state home school law established through FHE and the hundreds of home education families that forged the legal genesis of Missouri's modern home school movement in 1986. Prior to the State's home school statute being in place, any high school graduate that did not have a diploma from an "accredited" high school had to obtain a GED (general education diploma) from the State before they could be admitted to the State Highway Patrol Academy. This made perfect sense thirty years ago, but now amounts to unfair discrimination as the Academy is required to reject home school graduates who already fulfilled all the State's education requirements!

It is bad enough for a private employer or institution of higher learning to question the validity of a home school graduate's education. But for a state agency to do so when the State itself already authorizes home schooling - is clearly discriminatory. In all fairness this contradictory law was unintended and even the Highway Patrol stood with FHE to have the law repealed. In the end it took three years of legislative haranguing to get this bill passed even though no one ended up voting against it. Sadly, far too many home school graduates who did not expect to jump this additional hurdle either missed their opportunity to enter the academy or were too offended to pursue a law

high school course. Any hours counted towards your sixteen "statutory credits" may be combined from year to year or from a single semester. And for those enrolled in a college program for home school high schoolers, the general rule of thumb is two hours of homework for every hour of class time – all three of which count towards your "statutory credit."

### **The Phase Out Year?**

The law does not say when your student begins high school level education. Many homes experience different students taking on high school courses at various ages. It is not uncommon to begin a specific high school course at an earlier age than other course work as a student masters some subjects better than others. So whatever age your child is at, if they have not accumulated their sixteen "statutory credits" by age sixteen, or if you are not counting them as you simply continue under the old option, your record keeping requirements still drop off at age sixteen!

Remember the old law was not repealed nor altered regarding record keeping for proving you are in compliance with the compulsory education law. Therefore the portion of the law that states that no home school records are 'required' after a child reaches sixteen is still law. So from age sixteen to age seventeen you do not have to keep the same detailed records. You could be required to prove the child is "enrolled in school" or in 'a course of study' that constitutes a school. This can be done by showing the current text and work books, an abbreviated form of your previous style of record keeping, or other evidence. However, if you have the sixteen "statutory credits" recorded and fulfilled by any reasonable age, you are not required to continue keeping any records for legal purposes anyway.

enforcement career.

**SB 232** sponsored by **Senator Jane Cunningham** took on a much broader challenge while addressing the same type of anti-homeschool discrimination. Following the lead of the State's Highway Patrol Academy, some local fire and law enforcement academies also have this additional GED requirement. Even several local government agencies refuse to recognize home school graduations in their hiring policies. This bill requires all local and state government policies to recognize any "nonaccredited" graduation diplomas as long as the student's education was legally authorized under state statutes. Thus the bill prohibits any government agency, state or local, from discriminating in this way against home school graduates.

Senator Cunningham worked with us to draft SB 232 and to nurture the bill through the difficult legislative process. As these bills go into effect on August 28, 2009, she would like to hear from any home schooler who faces illegal discrimination from any government agency. You may contact her office by phone, letter, or fax, (all publicly available) or email Senator Jane Cunningham at [jane.cunningham@senate.mo.gov](mailto:jane.cunningham@senate.mo.gov) with any problems you may have with discriminatory government agency hiring policies.

SB 47 and SB 232 have no impact upon private industry. However, SB 291 impacts every home school in Missouri. Thankfully this impact is only a minor procedural one that may only have a small impact on the way we keep records. The fact that home educators came so close to falling under the authority of the public school bureaucracy reminds us how important it is to join and support FHE!

Please pray that FHE continues to survive into the future.  
Please pay your annual membership to FHE as we fight every year to protect and promote your freedom to home school.  
Please provide FHE with an occasional donation of support, and please promote FHE to your fellow home school friends as we defend them also.

*Kerry Messer serves as FHE's full time lobbyist. As the head of Missouri Family Network, he also serves as the state's leading pro-family lobbyist, addressing a broad scope of topics. After 25 years of work in this faith ministry, he has well earned the respect of Legislators and leaders across Missouri.*

### **The St. Louis Defense**

Due to a change in the law a few years ago, the St. Louis City School District, and only this one, already had the right to raise compulsory education to age seventeen. As a result home schools in St. Louis City have a previous right under the law during the 'phase out year' (between ages 16 and 17) to simply draft a statement that their child is in compliance with the law. Their written word is a total defense if ever challenged with "educational neglect" during this "phase out year." Everyone else outside St. Louis City must be prepared to demonstrate in good faith that an education program is in place.

### **In Summary**

Home schools now have two options for fulfilling compulsory education law, home schooling through age seventeen or accumulating sixteen "statutory credits." One hundred hours in a course accounts for each statutory credit. However, these "statutory credits" are not the same as an academic credit to be used for transcripts or other such purposes. A high school graduation or college application or transcript requires much higher standards than the state – more in line with common home school studies. Regardless of which option you use (I would personally track both to see which works best for us) you still keep records (portfolios, evaluations, logs) until age sixteen.

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