

SENATE SUBSTITUTE

FOR

SENATE BILL NO. 306

AN ACT

To repeal sections 167.020 and 173.1155, RSMo, and to enact in lieu thereof two new sections relating to education for dependents of members of the military, with existing penalty provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Sections 167.020 and 173.1155, RSMo, are
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 167.020 and 173.1155, to read as follows:

4 167.020. 1. As used in this section, the term "homeless
5 child" or "homeless youth" shall mean a person less than
6 twenty-one years of age who lacks a fixed, regular and adequate
7 nighttime residence, including a child or youth who:

8 (1) Is sharing the housing of other persons due to loss of
9 housing, economic hardship, or a similar reason; is living in
10 motels, hotels, or camping grounds due to lack of alternative
11 adequate accommodations; is living in emergency or transitional
12 shelters; is abandoned in hospitals; or is awaiting foster care
13 placement;

14 (2) Has a primary nighttime residence that is a public or
15 private place not designed for or ordinarily used as a regular
16 sleeping accommodation for human beings;

17 (3) Is living in cars, parks, public spaces, abandoned
18 buildings, substandard housing, bus or train stations, or similar

1 settings; and

2 (4) Is a migratory child or youth who qualifies as homeless
3 because the child or youth is living in circumstances described
4 in subdivisions (1) to (3) of this subsection.

5 2. In order to register a pupil, the parent or legal
6 guardian of the pupil or the pupil himself or herself shall
7 provide, at the time of registration, one of the following:

8 (1) Proof of residency in the district. Except as
9 otherwise provided in section 167.151, the term "residency" shall
10 mean that a person both physically resides within a school
11 district and is domiciled within that district or, in the case of
12 a private school student suspected of having a disability under
13 the Individuals With Disabilities Education Act, 20 U.S.C.
14 Section 1412, et seq., that the student attends private school
15 within that district. The domicile of a minor child shall be the
16 domicile of a parent, military guardian pursuant to a
17 military-issued guardianship or court-appointed legal guardian.
18 For instances in which the family of a student living in Missouri
19 co-locates to live with other family members or live in a
20 military family support community because one or both of the
21 child's parents are stationed or deployed out of state or
22 deployed within Missouri under [Title 32 or Title 10] active duty
23 orders under Title 10 or Title 32 of the United States Code, the
24 student may attend the school district in which the family
25 member's residence or family support community is located. If
26 the active duty orders expire during the school year, the student
27 may finish the school year in that district; [or]

28 (2) Proof that the person registering the student has

1 requested a waiver under subsection 3 of this section within the
2 last forty-five days; or

3 (3) Proof that one or both of the child's parents are being
4 relocated to the state of Missouri under military orders.

5
6 In instances where there is reason to suspect that admission of
7 the pupil will create an immediate danger to the safety of other
8 pupils and employees of the district, the superintendent or the
9 superintendent's designee may convene a hearing within five
10 working days of the request to register and determine whether or
11 not the pupil may register.

12 3. Any person subject to the requirements of subsection 2
13 of this section may request a waiver from the district board of
14 any of those requirements on the basis of hardship or good cause.
15 Under no circumstances shall athletic ability be a valid basis of
16 hardship or good cause for the issuance of a waiver of the
17 requirements of subsection 2 of this section. The district board
18 or committee of the board appointed by the president and which
19 shall have full authority to act in lieu of the board shall
20 convene a hearing as soon as possible, but no later than
21 forty-five days after receipt of the waiver request made under
22 this subsection or the waiver request shall be granted. The
23 district board or committee of the board may grant the request
24 for a waiver of any requirement of subsection 2 of this section.
25 The district board or committee of the board may also reject the
26 request for a waiver in which case the pupil shall not be allowed
27 to register. Any person aggrieved by a decision of a district
28 board or committee of the board on a request for a waiver under

1 this subsection may appeal such decision to the circuit court in
2 the county where the school district is located.

3 4. Any person who knowingly submits false information to
4 satisfy any requirement of subsection 2 of this section is guilty
5 of a class A misdemeanor.

6 5. In addition to any other penalties authorized by law, a
7 district board may file a civil action to recover, from the
8 parent, military guardian or legal guardian of the pupil, the
9 costs of school attendance for any pupil who was enrolled at a
10 school in the district and whose parent, military guardian or
11 legal guardian filed false information to satisfy any requirement
12 of subsection 2 of this section.

13 6. Subsection 2 of this section shall not apply to a pupil
14 who is a homeless child or youth, or a pupil attending a school
15 not in the pupil's district of residence as a participant in an
16 interdistrict transfer program established under a court-ordered
17 desegregation program, a pupil who is a ward of the state and has
18 been placed in a residential care facility by state officials, a
19 pupil who has been placed in a residential care facility due to a
20 mental illness or developmental disability, a pupil attending a
21 school pursuant to sections 167.121 and 167.151, a pupil placed
22 in a residential facility by a juvenile court, a pupil with a
23 disability identified under state eligibility criteria if the
24 student is in the district for reasons other than accessing the
25 district's educational program, or a pupil attending a regional
26 or cooperative alternative education program or an alternative
27 education program on a contractual basis.

28 7. Within two business days of enrolling a pupil, the

1 school official enrolling a pupil, including any special
2 education pupil, shall request those records required by district
3 policy for student transfer and those discipline records required
4 by subsection 9 of section 160.261 from all schools previously
5 attended by the pupil within the last twelve months. Any school
6 district that receives a request for such records from another
7 school district enrolling a pupil that had previously attended a
8 school in such district shall respond to such request within five
9 business days of receiving the request. School districts may
10 report or disclose education records to law enforcement and
11 juvenile justice authorities if the disclosure concerns law
12 enforcement's or juvenile justice authorities' ability to
13 effectively serve, prior to adjudication, the student whose
14 records are released. The officials and authorities to whom such
15 information is disclosed must comply with applicable restrictions
16 set forth in 20 U.S.C. Section 1232g(b) (1) (E).

17 8. If one or both of a child's parents are being relocated
18 to the state of Missouri under military orders, a school district
19 shall allow remote registration of the student and shall not
20 require the parent or legal guardian of the student or the
21 student himself or herself to physically appear at a location
22 within the district to register the student. Proof of residency,
23 as described in this section, shall not be required at the time
24 of the remote registration but shall be required within ten days
25 of the student's attendance in the school district.

26 173.1155. Notwithstanding any other provision of law, all
27 dependents, as defined by 37 U.S.C. Section 401, of active duty
28 military personnel, or activated or temporarily mobilized

1 reservists or guard members, assigned to a permanent duty station
2 or workplace geographically located in this state, who reside in
3 this state, shall be deemed to be domiciled in this state for
4 purposes of eligibility for in-state tuition and shall be
5 eligible to receive in-state tuition at public institutions of
6 higher education in this state. The determination of eligibility
7 for in-state tuition shall be made at the time the dependent is
8 accepted for admission by the institution. All such dependents
9 shall be afforded the same educational benefits as any other
10 individual receiving in-state tuition so long as he or she is
11 continuously enrolled in an undergraduate or graduate degree
12 program of an institution of higher education in Missouri, or
13 transferring between Missouri institutions of higher education or
14 from an undergraduate degree program to a graduate degree
15 program.