

SECOND REGULAR SESSION

SENATE BILL NO. 1224

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR DOUGHERTY.

Read 1st time February 4, 2004, and ordered printed.

TERRY L. SPIELER, Secretary.

4020S.01I

AN ACT

To repeal sections 167.020 and 431.056, RSMo, and to enact in lieu thereof two new sections relating to homeless youth.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 167.020 and 431.056, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 167.020 and 431.056, to read as follows:

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

(1) Is [living on the street, in a car, tent, abandoned building or some other form of shelter not designed as a permanent home;

(2) Is living in a community shelter facility;

(3) Is living in transitional housing for less than one full year] **sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; is living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations; is living in emergency or transitional shelters; is abandoned in hospitals; or is awaiting foster care placement;**

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

(3) **Is living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and**

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

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

For purposes of this subsection, a "fixed" residence is a residence that is stationary, permanent, and not subject to change; a "regular" residence is a residence that is used on a nightly basis; and an "adequate" residence is a residence that is sufficient for meeting both the physical and psychological needs typically met in home environments.

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

(1) Proof of residency in the district. Except as otherwise provided in section 167.151, the term "residency" shall mean that a person both physically resides within a school district and is domiciled within that district. The domicile of a minor child shall be the domicile of a parent, military guardian pursuant to a military-issued guardianship or court-appointed legal guardian; or

(2) Proof that the person registering the student has requested a waiver under subsection 3 of this section within the last forty-five days. In instances where there is reason to suspect that admission of the pupil will create an immediate danger to the safety of other pupils and employees of the district, the superintendent or the superintendent's designee may convene a hearing within three working days of the request to register and determine whether or not the pupil may register.

3. Any person subject to the requirements of subsection 2 of this section may request a waiver from the district board of any of those requirements on the basis of hardship or good cause. Under no circumstances shall athletic ability be a valid basis of hardship or good cause for the issuance of a waiver of the requirements of subsection 2 of this section. The district board shall convene a hearing as soon as possible, but no later than forty-five days after receipt of the waiver request made under this subsection or the waiver request shall be granted. The district board may grant the request for a waiver of any requirement of subsection 2 of this section. The district board may also reject the request for a waiver in which case the pupil shall not be allowed to register. Any person aggrieved by a decision of a district board on a request for a waiver under this subsection may appeal such decision to the circuit court in the county where the school district is located.

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

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

6. Subsection 2 of this section shall not apply to a pupil who is a homeless child **or youth**, or a pupil attending a school not in the pupil's district of residence as a participant

in an interdistrict transfer program established under a court-ordered desegregation program, a pupil who is a ward of the state and has been placed in a residential care facility by state officials, a pupil who has been placed in a residential care facility due to a mental illness or developmental disability, a pupil attending a school pursuant to sections 167.121 and 167.151, a pupil placed in a residential facility by a juvenile court, a pupil with a disability identified under state eligibility criteria if the student is in the district for reasons other than accessing the district's educational program, or a pupil attending a regional or cooperative alternative education program or an alternative education program on a contractual basis.

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

431.056. 1. A minor shall be qualified and competent to contract for housing, employment, purchase of an automobile, receipt of a student loan, admission to high school or postsecondary school, obtaining medical care, establishing a bank account and admission to a shelter for victims of domestic violence, as defined in section 455.200, RSMo, or a homeless shelter if:

- (1) The minor is sixteen or seventeen years of age; and
- (2) The minor is homeless, as defined in [subdivisions (1), (2) and (3) of] subsection 1 of section 167.020, RSMo, or a victim of domestic violence, as defined in section 455.200, RSMo, unless the child is under the supervision of the **children's** division [of family services] or the jurisdiction of the juvenile court; and
- (3) The minor is self-supporting, **which means the minor is surviving on his or her own without the physical or financial support of the minor's parents**; and
- (4) The minor's parents have consented to the minor living independent of the parents' control. **Such consent may be either expressed or implied.**

2. For purposes of this section, the following terms shall mean:

- (1) **"Expressed consent", any verbal or written statement made by the parents of the minor displaying approval or agreement that the minor may live independently of the parent's control;**

(2) "Implied consent", any action made by the parent of the minor which demonstrates the parent's consent that the minor may live independently of the parent's control, even though the parent has not explicitly stated such consent, including but not limited to:

(a) Barring the minor from the home or otherwise indicating that the minor is not welcome to stay;

(b) Refusing to provide any or all financial support for the minor; or

(c) Physically or verbally inflicting abuse on the minor, as defined in section 455.010, RSMo.

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