AN ACT

To repeal sections 167.020, 173.234, 173.900, and 173.1155, RSMo, and to enact in lieu thereof four new sections relating to education for members of the military families, with existing penalty provisions.

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

Section A. Sections 167.020, 173.234, 173.900, and 173.1155, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 167.020, 173.234, 173.900, and 173.1155, to read as follows: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 sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; is living in motels, hotels, 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 qualifies as homeless because the child or youth is living in circumstances described in subdivisions (1) to (3) of this

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

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 or, in the case of a private school student suspected of having a disability under the Individuals With Disabilities Education Act, 20 U.S.C. Section 1412, et seq., that the student attends private school 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. For instances in which the family of a student living in Missouri co-locates to live with other family members or live in a military family support community because one or both of the child's parents are stationed or deployed out of state or deployed within Missouri under Title 32 or Title 10 active duty orders under Title 10 or Title 32 of the United States Code, the student may attend the school district in which the family member's residence or family support community is located. If the active duty orders expire during the school year, the student may finish the school year in that district; [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; or

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

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 five 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 or committee of the board appointed by the president and which shall have full authority to act in lieu of the 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 or committee of the board may grant the request for a waiver of any requirement of subsection 2 of this section. The district board or committee of the 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 or committee of the 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 9 of section 160.261 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).

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

173.234. 1. As used in this section, unless the context clearly requires
otherwise, the following terms mean:
(1) "Board", the coordinating board for higher education;
(2) "Books", any books required for any course for which tuition was paid
by a grant awarded under this section;
(3) "Eligible student", the natural, adopted, or stepchild of a qualifying
military member, who is less than twenty-five years of age and who was a
dependent of a qualifying military member at the time of death or injury or
within five years subsequent to the injury, or the spouse of a qualifying military
member which was the spouse of a veteran at the time of death or injury or
within five years subsequent to the injury;
(4) "Grant", the veteran's survivors grant as established in this section;
(5) "Institution of postsecondary education", any approved Missouri public
institution of postsecondary education, as defined in subdivision (3) of subsection
1 of section 173.1102;
(6) "Qualifying military member", any member of the military of the
United States, whether active duty, reserve, or National Guard, who served in the
military after September 11, 2001, during time of war and for whom the following
criteria apply:
(a) A veteran was a Missouri resident when first entering the military
service or at the time of death or injury;
(b) A veteran died or was injured as a result of combat action or a
veteran's death or injury was certified by the Department of Veterans' Affairs medical authority to be attributable to an illness or accident that occurred while serving in combat, or became eighty percent disabled as a result of injuries or accidents sustained in combat action after September 11, 2001; and

(c) "Combat veteran", a Missouri resident who is discharged for active duty service having served since September 11, 2001, and received a DD214 in a geographic area entitled to receive combat pay tax exclusion exemption, hazardous duty pay, or imminent danger pay, or hostile fire pay;

(7) "Survivor", an eligible student of a qualifying military member;

(8) "Tuition", any tuition or incidental fee, or both, charged by an institution of postsecondary education for attendance at the institution by a student as a resident of this state. The tuition grant shall not exceed the amount of tuition charged a Missouri resident at the University of Missouri-Columbia for attendance.

2. Within the limits of the amounts appropriated therefor, the coordinating board for higher education shall award annually up to twenty-five grants to survivors of qualifying military members to attend institutions of postsecondary education in this state, which shall continue to be awarded annually to eligible recipients as long as the recipient achieves and maintains a cumulative grade point average of at least two and one-half on a four-point scale, or its equivalent. If the waiting list of eligible survivors exceeds fifty, the coordinating board may petition the general assembly to expand the quota. If the quota is not expanded, then the eligibility of survivors on the waiting list shall be extended.

3. A survivor may receive a grant under this section only so long as the survivor is enrolled in a program leading to a certificate, or an associate or baccalaureate degree. In no event shall a survivor receive a grant beyond the completion of the first baccalaureate degree, regardless of age.

4. The coordinating board for higher education shall:

(1) Promulgate all necessary rules and regulations for the implementation of this section; and

(2) Provide the forms and determine the procedures necessary for a survivor to apply for and receive a grant under this section.

5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and,
if applicable, section 536.028. This section and chapter 536 are nonseverable and
if any of the powers vested with the general assembly pursuant to chapter 536 to
review, to delay the effective date, or to disapprove and annul a rule are
subsequently held unconstitutional, then the grant of rulemaking authority and
any rule proposed or adopted after August 28, 2008, shall be invalid and void.

6. In order to be eligible to receive a grant under this section, a survivor
shall be certified as eligible by the Missouri veterans' commission.

7. A survivor who is enrolled or has been accepted for enrollment as an
undergraduate postsecondary student at an approved institution of postsecondary
education, and who is selected to receive a grant under this section, shall receive
the following:

(1) An amount not to exceed the actual tuition charged at the approved
institution of postsecondary education where the survivor is enrolled or accepted
for enrollment;

(2) An allowance of up to two thousand dollars per semester for room and
board; and

(3) The actual cost of books, up to a maximum of five hundred dollars per
semester.

8. A survivor who is a recipient of a grant may transfer from one approved
public institution of postsecondary education to another without losing his or her
entitlement under this section. The board shall make necessary adjustments in
the amount of the grant. If a grant recipient at any time withdraws from the
institution of postsecondary education so that under the rules and regulations of
that institution he or she is entitled to a refund of any tuition, fees, room and
board, books, or other charges, the institution shall pay the portion of the refund
to which he or she is entitled attributable to the grant for that semester or
similar grading period to the board.

9. If a survivor is granted financial assistance under any other student
aid program, public or private, the full amount of such aid shall be reported to
the board by the institution and the eligible survivor.

10. Nothing in this section shall be construed as a promise or guarantee
that a person will be admitted to an institution of postsecondary education or to
a particular institution of postsecondary education, will be allowed to continue to
attend an institution of postsecondary education after having been admitted, or
will be graduated from an institution of postsecondary education.

11. The benefits conferred by this section shall be available to any
academically eligible student of a qualifying military member. Surviving children
who are eligible shall be permitted to apply for full benefits conferred by this
section until they reach twenty-five years of age.

12. [Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall
be reauthorized as of June 13, 2016, and shall expire on August 28, 2020, unless
reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this
section shall sunset automatically twelve years after June 13, 2016; and

(3) This section shall terminate on September first of the calendar year
immediately following the calendar year in which the program authorized under
this section is sunset.] Provisions of section 23.253 shall not apply to this
section.

173.900. 1. This act shall be known and may be cited as the "Missouri
Returning Heroes' Education Act".

2. For the purpose of this section, the term "combat veteran" shall mean
a person who served in armed combat [in the military after September 11, 2001],
which shall be shown through military service documentation that
reflects service in a combat theater, receipt of combat service medals,
or receipt of imminent danger or hostile fire pay or tax benefits, and to
whom the following criteria shall apply:

(1) The veteran [was a Missouri resident when first entering the military]
is eligible to register to vote in Missouri, or is eligible to vote, as
determined by the Missouri secretary of state, or is a current Missouri
resident; and

(2) The veteran was discharged from military service under honorable
conditions.

3. All public institutions of higher education that receive any state funds
appropriated by the general assembly shall limit the amount of tuition such
institutions charge to combat veterans to fifty dollars per credit hour, as long as
the veteran achieves and maintains a cumulative grade point average of at least
two and one-half on a four-point scale, or its equivalent. The tuition limitation
shall only be applicable if the combat veteran is enrolled in a program leading to
a certificate, or an associate or baccalaureate degree. The period during which
a combat veteran is eligible for a tuition limitation under this section shall expire
at the end of the ten-year period beginning on the date of such veteran's last
All public institutions of higher education that receive any state funds appropriated by the general assembly shall limit the amount of tuition such institutions charge to combat veterans to no more than thirty percent of the cost of tuition and fees. The tuition limitation shall only be applicable if the combat veteran is enrolled in a program leading to a graduate degree, including master and doctorate degrees. For the purposes of this section, "graduate degree" shall not be construed to include professional degrees. Professional degrees may include but are not limited to law, medicine, or veterinary degrees. The period during which a combat veteran is eligible for a tuition limitation under this section shall expire at the end of the twenty-year period beginning on the date of such veteran's last discharge from service.

The coordinating board for higher education shall ensure that all applicable institutions of higher education in this state comply with the provisions of this section and may promulgate rules for the efficient implementation of this section.

If a combat veteran is eligible to receive financial assistance under any other federal or state student aid program, public or private, the full amount of such aid shall be reported to the board by the institution and the veteran. The tuition limitation under this section may, at the combat veteran's discretion, be provided before all other federal and state aid for which the veteran is eligible has been applied. The public institution of higher education shall provide each combat veteran with written notice of this option and maintain a copy signed by the veteran in their official file.

Each institution may report to the board the amount of tuition waived in the previous fiscal year under the provisions of this act. This information may be included in each institution's request for appropriations to the board for the following year. The board may include this information in its appropriations recommendations to the governor and the general assembly. The general assembly may reimburse institutions for the cost of the waiver for the previous year as part of the operating budget. Nothing in this subsection shall be construed to deny a combat veteran a tuition limitation if the general assembly does not appropriate money for reimbursement to an institution.

Any rule or portion of a rule, as that term is defined in section
536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

173.1155. Notwithstanding any other provision of law, all dependents, as defined by 37 U.S.C. Section 401, of active duty military personnel, or activated or temporarily mobilized reservists or guard members, assigned to a permanent duty station or workplace geographically located in this state, who reside in this state, shall be deemed to be domiciled in this state for purposes of eligibility for in-state tuition and shall be eligible to receive in-state tuition at public institutions of higher education in this state. The determination of eligibility for in-state tuition shall be made at the time the dependent is accepted for admission by the institution. All such dependents shall be afforded the same educational benefits as any other individual receiving in-state tuition so long as he or she is continuously enrolled in an undergraduate or graduate degree program of an institution of higher education in Missouri, or transferring between Missouri institutions of higher education or from an undergraduate degree program to a graduate degree program.