

FIRST REGULAR SESSION
[CORRECTED]
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE FOR

SENATE BILL NO. 306

100TH GENERAL ASSEMBLY

2019

1669S.02T

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
2 repealed and four new sections enacted in lieu thereof, to be known as sections
3 167.020, 173.234, 173.900, and 173.1155, to read as follows:

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

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

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

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

14 (4) Is a migratory child or youth who qualifies as homeless because the
15 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.

16 subsection.

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

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

36 (2) Proof that the person registering the student has requested a waiver
37 under subsection 3 of this section within the last forty-five days; **or**

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

40 In instances where there is reason to suspect that admission of the pupil will
41 create an immediate danger to the safety of other pupils and employees of the
42 district, the superintendent or the superintendent's designee may convene a
43 hearing within five working days of the request to register and determine
44 whether or not the pupil may register.

45 3. Any person subject to the requirements of subsection 2 of this section
46 may request a waiver from the district board of any of those requirements on the
47 basis of hardship or good cause. Under no circumstances shall athletic ability be
48 a valid basis of hardship or good cause for the issuance of a waiver of the
49 requirements of subsection 2 of this section. The district board or committee of
50 the board appointed by the president and which shall have full authority to act
51 in lieu of the board shall convene a hearing as soon as possible, but no later than

52 forty-five days after receipt of the waiver request made under this subsection or
53 the waiver request shall be granted. The district board or committee of the board
54 may grant the request for a waiver of any requirement of subsection 2 of this
55 section. The district board or committee of the board may also reject the request
56 for a waiver in which case the pupil shall not be allowed to register. Any person
57 aggrieved by a decision of a district board or committee of the board on a request
58 for a waiver under this subsection may appeal such decision to the circuit court
59 in the county where the school district is located.

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

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

68 6. Subsection 2 of this section shall not apply to a pupil who is a homeless
69 child or youth, or a pupil attending a school not in the pupil's district of residence
70 as a participant in an interdistrict transfer program established under a
71 court-ordered desegregation program, a pupil who is a ward of the state and has
72 been placed in a residential care facility by state officials, a pupil who has been
73 placed in a residential care facility due to a mental illness or developmental
74 disability, a pupil attending a school pursuant to sections 167.121 and 167.151,
75 a pupil placed in a residential facility by a juvenile court, a pupil with a disability
76 identified under state eligibility criteria if the student is in the district for
77 reasons other than accessing the district's educational program, or a pupil
78 attending a regional or cooperative alternative education program or an
79 alternative education program on a contractual basis.

80 7. Within two business days of enrolling a pupil, the school official
81 enrolling a pupil, including any special education pupil, shall request those
82 records required by district policy for student transfer and those discipline
83 records required by subsection 9 of section 160.261 from all schools previously
84 attended by the pupil within the last twelve months. Any school district that
85 receives a request for such records from another school district enrolling a pupil
86 that had previously attended a school in such district shall respond to such
87 request within five business days of receiving the request. School districts may

88 report or disclose education records to law enforcement and juvenile justice
89 authorities if the disclosure concerns law enforcement's or juvenile justice
90 authorities' ability to effectively serve, prior to adjudication, the student whose
91 records are released. The officials and authorities to whom such information is
92 disclosed must comply with applicable restrictions set forth in 20 U.S.C. Section
93 1232g(b)(1)(E).

94 **8. If one or both of a child's parents are being relocated to the**
95 **state of Missouri under military orders, a school district shall allow**
96 **remote registration of the student and shall not require the parent or**
97 **legal guardian of the student or the student himself or herself to**
98 **physically appear at a location within the district to register the**
99 **student. Proof of residency, as described in this section, shall not be**
100 **required at the time of the remote registration but shall be required**
101 **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
2 otherwise, the following terms mean:

3 (1) "Board", the coordinating board for higher education;

4 (2) "Books", any books required for any course for which tuition was paid
5 by a grant awarded under this section;

6 (3) "Eligible student", the natural, adopted, or stepchild of a qualifying
7 military member, who is less than twenty-five years of age and who was a
8 dependent of a qualifying military member at the time of death or injury or
9 within five years subsequent to the injury, or the spouse of a qualifying military
10 member which was the spouse of a veteran at the time of death or injury or
11 within five years subsequent to the injury;

12 (4) "Grant", the veteran's survivors grant as established in this section;

13 (5) "Institution of postsecondary education", any approved Missouri public
14 institution of postsecondary education, as defined in subdivision (3) of subsection
15 1 of section 173.1102;

16 (6) "Qualifying military member", any member of the military of the
17 United States, whether active duty, reserve, or National Guard, who served in the
18 military after September 11, 2001, during time of war and for whom the following
19 criteria apply:

20 (a) A veteran was a Missouri resident when first entering the military
21 service or at the time of death or injury;

22 (b) A veteran died or was injured as a result of combat action or a

23 veteran's death or injury was certified by the Department of Veterans' Affairs
24 medical authority to be attributable to an illness or accident that occurred while
25 serving in combat, or became eighty percent disabled as a result of injuries or
26 accidents sustained in combat action after September 11, 2001; and

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

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

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

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

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

51 4. The coordinating board for higher education shall:

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

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

56 5. Any rule or portion of a rule, as that term is defined in section 536.010,
57 that is created under the authority delegated in this section shall become effective
58 only if it complies with and is subject to all of the provisions of chapter 536 and,

59 if applicable, section 536.028. This section and chapter 536 are nonseverable and
60 if any of the powers vested with the general assembly pursuant to chapter 536 to
61 review, to delay the effective date, or to disapprove and annul a rule are
62 subsequently held unconstitutional, then the grant of rulemaking authority and
63 any rule proposed or adopted after August 28, 2008, shall be invalid and void.

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

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

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

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

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

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

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

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

94 11. The benefits conferred by this section shall be available to any

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

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

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

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

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

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

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

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

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

15 3. All public institutions of higher education that receive any state funds
16 appropriated by the general assembly shall limit the amount of tuition such
17 institutions charge to combat veterans to fifty dollars per credit hour, as long as
18 the veteran achieves and maintains a cumulative grade point average of at least
19 two and one-half on a four-point scale, or its equivalent. The tuition limitation
20 shall only be applicable if the combat veteran is enrolled in a program leading to
21 a certificate, or an associate or baccalaureate degree. The period during which
22 a combat veteran is eligible for a tuition limitation under this section shall expire
23 at the end of the ten-year period beginning on the date of such veteran's last

24 discharge from service.

25 **4. All public institutions of higher education that receive any**
26 **state funds appropriated by the general assembly shall limit the**
27 **amount of tuition such institutions charge to combat veterans to no**
28 **more than thirty percent of the cost of tuition and fees. The tuition**
29 **limitation shall only be applicable if the combat veteran is enrolled in**
30 **a program leading to a graduate degree, including master and**
31 **doctorate degrees. For the purposes of this section, "graduate degree"**
32 **shall not be construed to include professional degrees. Professional**
33 **degrees may include but are not limited to law, medicine, or veterinary**
34 **degrees. The period during which a combat veteran is eligible for a**
35 **tuition limitation under this section shall expire at the end of the**
36 **twenty-year period beginning on the date of such veteran's last**
37 **discharge from service.**

38 [4.] **5.** The coordinating board for higher education shall ensure that all
39 applicable institutions of higher education in this state comply with the
40 provisions of this section and may promulgate rules for the efficient
41 implementation of this section.

42 [5.] **6.** If a combat veteran is eligible to receive financial assistance under
43 any other federal or state student aid program, public or private, the full amount
44 of such aid shall be reported to the board by the institution and the veteran. The
45 tuition limitation under this section [shall] **may, at the combat veteran's**
46 **discretion,** be provided before all other federal and state aid for which the
47 veteran is eligible has been applied. **The public institution of higher**
48 **education shall provide each combat veteran with written notice of this**
49 **option and maintain a copy signed by the veteran in their official file.**

50 [6.] **7.** Each institution may report to the board the amount of tuition
51 waived in the previous fiscal year under the provisions of this act. This
52 information may be included in each institution's request for appropriations to
53 the board for the following year. The board may include this information in its
54 appropriations recommendations to the governor and the general assembly. The
55 general assembly may reimburse institutions for the cost of the waiver for the
56 previous year as part of the operating budget. Nothing in this subsection shall
57 be construed to deny a combat veteran a tuition limitation if the general assembly
58 does not appropriate money for reimbursement to an institution.

59 [7.] **8.** Any rule or portion of a rule, as that term is defined in section

60 536.010, that is created under the authority delegated in this section shall
61 become effective only if it complies with and is subject to all of the provisions of
62 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
63 nonseverable and if any of the powers vested with the general assembly pursuant
64 to chapter 536 to review, to delay the effective date, or to disapprove and annul
65 a rule are subsequently held unconstitutional, then the grant of rulemaking
66 authority and any rule proposed or adopted after August 28, 2008, shall be
67 invalid and void.

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

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