

FIRST REGULAR SESSION

SENATE BILL NO. 116

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KRAUS.

Pre-filed December 3, 2014, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0395S.011

AN ACT

To repeal section 167.020, RSMo, and to enact in lieu thereof one new section relating to school district residency for children of certain military members, with existing penalty provisions.

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

Section A. Section 167.020, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 167.020, 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
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
31 under Title 32 or Title 10 active duty orders, the student may attend the school
32 district in which the family member's residence or family support community is
33 located. If the active duty orders expire during the school year, the student may
34 finish the school year in that district; or

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

42 3. Any person subject to the requirements of subsection 2 of this section
43 may request a waiver from the district board of any of those requirements on the
44 basis of hardship or good cause. Under no circumstances shall athletic ability be
45 a valid basis of hardship or good cause for the issuance of a waiver of the
46 requirements of subsection 2 of this section. The district board or committee of
47 the board appointed by the president and which shall have full authority to act
48 in lieu of the board shall convene a hearing as soon as possible, but no later than
49 forty-five days after receipt of the waiver request made under this subsection or
50 the waiver request shall be granted. The district board or committee of the board
51 may grant the request for a waiver of any requirement of subsection 2 of this
52 section. The district board or committee of the board may also reject the request
53 for a waiver in which case the pupil shall not be allowed to register. Any person
54 aggrieved by a decision of a district board or committee of the board on a request
55 for a waiver under this subsection may appeal such decision to the circuit court

56 in the county where the school district is located.

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

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

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

77 7. Within two business days of enrolling a pupil, the school official
78 enrolling a pupil, including any special education pupil, shall request those
79 records required by district policy for student transfer and those discipline
80 records required by subsection 9 of section 160.261 from all schools previously
81 attended by the pupil within the last twelve months. Any school district that
82 receives a request for such records from another school district enrolling a pupil
83 that had previously attended a school in such district shall respond to such
84 request within five business days of receiving the request. School districts may
85 report or disclose education records to law enforcement and juvenile justice
86 authorities if the disclosure concerns law enforcement's or juvenile justice
87 authorities' ability to effectively serve, prior to adjudication, the student whose
88 records are released. The officials and authorities to whom such information is
89 disclosed must comply with applicable restrictions set forth in 20 U.S.C. Section
90 1232g(b)(1)(E).