

FIRST REGULAR SESSION  
[ P E R F E C T E D ]  
SENATE SUBSTITUTE FOR

# SENATE BILL NO. 306

## 100TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR WHITE.

Offered April 3, 2019.

Senate Substitute adopted April 3, 2019.

Taken up for Perfection April 3, 2019. Bill declared Perfected and Ordered Printed.

ADRIANE D. CROUSE, Secretary.

1669S.02P

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### 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.

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

Section A. Sections 167.020 and 173.1155, RSMo, are repealed and two  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

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

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 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.**

173.1155. 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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