

FIRST REGULAR SESSION

# HOUSE BILL NO. 473

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE YATES.

Read 1<sup>st</sup> time February 7, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1353L.011

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### AN ACT

To repeal section 167.020, RSMo, and to enact in lieu thereof one new section relating to pupil residency waiver requests, with penalty provisions.

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*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Section A. Section 167.020, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.020, to read as follows: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 "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 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,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 the term "residency" shall mean that a person both physically resides within a school district and  
18 is domiciled within that district. The domicile of a minor child shall be the domicile of a parent,  
19 military guardian pursuant to a military-issued guardianship or court-appointed legal guardian;  
20 or

21 (2) Proof that the person registering the student has requested a waiver under subsection  
22 3 of this section within the last forty-five days. In instances where there is reason to suspect that  
23 admission of the pupil will create an immediate danger to the safety of other pupils and  
24 employees of the district, the superintendent or the superintendent's designee may convene a  
25 hearing within five working days of the request to register and determine whether or not the pupil  
26 may register.

27 3. Any person subject to the requirements of subsection 2 of this section may request a  
28 waiver from the district board of any of those requirements on the basis of hardship or good  
29 cause. Under no circumstances shall athletic ability be a valid basis of hardship or good cause  
30 for the issuance of a waiver of the requirements of subsection 2 of this section. The district  
31 board **or committee of the board appointed by the president and which shall have full**  
32 **authority to act in lieu of the board**, shall convene a hearing as soon as possible, but no later  
33 than forty-five days after receipt of the waiver request made under this subsection or the waiver  
34 request shall be granted. The district board **or committee of the board** may grant the request  
35 for a waiver of any requirement of subsection 2 of this section. The district board **or committee**  
36 **of the board** may also reject the request for a waiver in which case the pupil shall not be allowed  
37 to register. Any person aggrieved by a decision of a district board **or committee of the board**  
38 on a request for a waiver under this subsection may appeal such decision to the circuit court in  
39 the county where the school district is located.

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

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

47 6. Subsection 2 of this section shall not apply to a pupil who is a homeless child or  
48 youth, or a pupil attending a school not in the pupil's district of residence as a participant in an  
49 interdistrict transfer program established under a court-ordered desegregation program, a pupil  
50 who is a ward of the state and has been placed in a residential care facility by state officials, a  
51 pupil who has been placed in a residential care facility due to a mental illness or developmental  
52 disability, a pupil attending a school pursuant to sections 167.121 and 167.151, a pupil placed

53 in a residential facility by a juvenile court, a pupil with a disability identified under state  
54 eligibility criteria if the student is in the district for reasons other than accessing the district's  
55 educational program, or a pupil attending a regional or cooperative alternative education program  
56 or an alternative education program on a contractual basis.

57         7. Within two business days of enrolling a pupil, the school official enrolling a pupil,  
58 including any special education pupil, shall request those records required by district policy for  
59 student transfer and those discipline records required by subsection [7] 9 of section 160.261,  
60 RSMo, from all schools previously attended by the pupil within the last twelve months. Any  
61 school district that receives a request for such records from another school district enrolling a  
62 pupil that had previously attended a school in such district shall respond to such request within  
63 five business days of receiving the request. School districts may report or disclose education  
64 records to law enforcement and juvenile justice authorities if the disclosure concerns law  
65 enforcement's or juvenile justice authorities' ability to effectively serve, prior to adjudication, the  
66 student whose records are released. The officials and authorities to whom such information is  
67 disclosed must comply with applicable restrictions set forth in 20 U.S.C. Section 1232g  
68 (b)(1)(E).