

FIRST REGULAR SESSION

HOUSE BILL NO. 365

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SOMMER.

1075H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 167.020, RSMo, and to enact in lieu thereof one new section relating to school registration, with 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Section A. Section 167.020, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.020, to read as follows: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, the term "residency" shall mean that a person both physically resides within a school district and

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.

18 is domiciled within that district or, in the case of a private school student suspected of having
19 a disability under the Individuals With Disabilities Education Act, 20 U.S.C. Section 1412, et
20 seq., that the student attends private school within that district. The domicile of a minor child
21 shall be the domicile of a parent, military guardian pursuant to a military-issued guardianship or
22 court-appointed legal guardian. For instances in which the family of a student living in Missouri
23 co-locates to live with other family members or live in a military family support community
24 because one or both of the child's parents are stationed or deployed out of state or deployed
25 within Missouri under ~~[Title 32 or Title 10]~~ active duty orders **under Title 10 or Title 32 of the**
26 **United States Code**, the student may attend the school district in which the family member's
27 residence or family support community is located. If the active duty orders expire during the
28 school year, the student may finish the school year in that district; ~~or~~

29 (2) Proof that the person registering the student has requested a waiver under subsection
30 3 of this section within the last forty-five days; **or**

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

33

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

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

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

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

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

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

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

✓