

FIRST REGULAR SESSION

# HOUSE BILL NO. 810

## 100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SOMMER.

1753H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To repeal sections 167.020 and 173.1155, RSMo, and to enact in lieu thereof four new sections relating to military affairs, with existing penalty provisions.

*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Section A. Sections 167.020 and 173.1155, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 41.952, 41.953, 167.020, and 173.1155, to read as follows:

**41.952. 1. The provisions of the Servicemembers Civil Relief Act, 50 U.S.C. 3901, et seq., as amended, and the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. 4301, et seq., as amended, shall apply to all members of the Missouri Active Guard Reserves with thirty or more consecutive days of service and to all members of the Missouri National Guard who are called to active duty by an executive order from the governor.**

**2. The department of labor and industrial relations shall make available the following notice, which every employer shall post in a conspicuous place in each employment establishment:**

**"If you are in the Missouri National Guard, you have certain protected employment and reemployment rights, rights to freedom from discrimination, and the right to civil relief under federal laws 38 U.S.C. 4301, et seq., (USERRA) and 50 U.S.C. 3901, et seq., (SCRA) and under 41.952, RSMo. If you feel that you have been discriminated against or denied these rights on account of your service in the Missouri National Guard, contact the Missouri Veterans Commission at 573-751-3779".**

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           **3. Any member of the Missouri Active Guard Reserves or the Missouri National**  
18 **Guard who believes his or her rights under subsection 1 of this section were violated may**  
19 **bring suit in any court of competent jurisdiction and appropriate venue. The office of the**  
20 **attorney general may also bring suit against an employer who violates the provisions of this**  
21 **section.**

**41.953. 1. Members of the United States Armed Forces or the Missouri Active**  
2 **Guard Reserves who are ordered to temporary duty location for more than thirty**  
3 **consecutive days shall have the right to cancel contracts for telecommunications services,**  
4 **internet service, satellite or streaming television services, athletic club or gym**  
5 **memberships, satellite radio service, and other similar services without penalty.**

6           **2. Members of the reserve component of the United States Armed Forces or the**  
7 **Missouri National Guard who are called to active duty service or training for more than**  
8 **thirty consecutive days shall have the right to cancel contracts for telecommunications**  
9 **services, internet service, satellite or streaming television services, athletic club or gym**  
10 **memberships, satellite radio service, and other similar services without penalty.**

11           **3. Termination of a contract under subsection 1 or 2 of this section shall be made**  
12 **by delivery of a written or electronic notice of the termination and a copy of military orders**  
13 **to the service provider showing that the duty location will not support the contract.**

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

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

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

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

12           (4) Is a migratory child or youth who qualifies as homeless because the child or youth  
13 is living in circumstances described in subdivisions (1) to (3) of this subsection.

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

16           (1) Proof of residency in the district. Except as otherwise provided in section 167.151,  
17 the term "residency" shall mean that a person both physically resides within a school district and  
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.**

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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.**

173.1155. Notwithstanding any other provision of law, all dependents, as defined by 37  
2 U.S.C. Section 401, of active duty military personnel, or activated or temporarily mobilized  
3 reservists or guard members, assigned to a permanent duty station or workplace geographically  
4 located in this state, who reside in this state, shall be deemed to be domiciled in this state for  
5 purposes of eligibility for in-state tuition and shall be eligible to receive in-state tuition at public

6 institutions of higher education in this state. **The determination of eligibility for in-state**  
7 **tuition shall be made at the time the dependent is accepted for admission by the institution.**  
8 All such dependents shall be afforded the same educational benefits as any other individual  
9 receiving in-state tuition so long as he or she is continuously enrolled in an undergraduate or  
10 graduate degree program of an institution of higher education in Missouri, or transferring  
11 between Missouri institutions of higher education or from an undergraduate degree program to  
12 a graduate degree program.

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