

SECOND REGULAR SESSION

HOUSE BILL NO. 1905

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PIKE.

4135H.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 residency requirements.

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Section A. Section 167.020, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.020, to read as follows: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. **(1)** As used in this section, the ~~[term]~~ **following terms mean:**

(a) "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)]~~ **a.** 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; **or** is abandoned in hospitals; ~~[or is awaiting foster care placement;]~~

~~[(2)]~~ **b.** 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)]~~ **c.** Is living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

~~[(4)]~~ **d.** 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)]~~ **subparagraphs a. to c.** of this ~~[subsection]~~ **paragraph;**

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.

16 (b) "Parent or guardian", the parent, legal guardian, custodian, military guardian
17 under a military-issued guardianship, court-appointed legal guardian, or other person
18 having legal custody of the child or pupil.

19 (2) A pupil who runs away from home may be deemed a homeless child or a
20 homeless youth under this section even if the pupil's parents or guardians are willing to
21 provide a home for the pupil.

22 2. In order to register a pupil **other than a homeless child or homeless youth**, the
23 parent or ~~legal~~ guardian of the pupil or the pupil himself or herself shall provide, at the time
24 of registration, one of the following:

25 (1) Proof ~~[of residency]~~ **that at least one parent or guardian resides** in the district.
26 Except as otherwise provided in section 167.151, the term "residency" shall mean that a person
27 both physically resides within a school district and is domiciled within that district or, in the case
28 of a private school student suspected of having a disability under the Individuals with Disabilities
29 Education Act, 20 U.S.C. Section ~~[1412]~~ **1411**, et seq., **as amended**, that the student attends
30 private school within that district. ~~[The domicile of a minor child shall be the domicile of a~~
31 ~~parent, military guardian pursuant to a military-issued guardianship or court-appointed legal~~
32 ~~guardian.]~~ For instances in which the family of a student living in Missouri co-locates to live
33 with other family members or live in a military family support community because one or both
34 of the child's parents are stationed or deployed out of state or deployed within Missouri under
35 active duty orders under Title 10 or Title 32 of the United States Code, the student may attend
36 the school district in which the family member's residence or family support community is
37 located. If the active duty orders expire during the school year, the student may finish the school
38 year in that district;

39 (2) Proof that the ~~[person registering the student has requested a waiver under subsection~~
40 ~~3 of this section within the last forty-five days; or]~~ **pupil is living in the district with someone**
41 **who is acting as a parent or guardian for reasons other than primarily for accessing the**
42 **district's schools or programs, but who is not a parent or guardian. The district may first**
43 **require documentation from the person acting as a parent or guardian under section**
44 **431.058 or 475.602, or a statement signed by the person acting as a parent or guardian that**
45 **the pupil is under their custody and control;**

46 (3) Proof that one or both of the child's parents are being relocated to the state of
47 Missouri under military orders[;

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49 ~~In instances where there is reason to suspect that admission of the pupil will create an immediate~~
50 ~~danger to the safety of other pupils and employees of the district, the superintendent or the~~

51 superintendent's designee may convene a hearing within five working days of the request to
52 register and determine whether or not the pupil may register] ; or

53 **(4) Proof that the pupil is otherwise entitled to or allowed enrollment in accordance**
54 **with state or federal law.**

55 3. **(1)** Any person subject to the requirements of subsection 2 of this section may request
56 a waiver from the district board of any of those requirements on the basis of [~~hardship or good~~
57 ~~cause~~] **extreme and compelling evidence that enrollment is necessary to protect the health**
58 **and safety of the pupil, and the district board may grant the waiver at its discretion and**
59 **permit enrollment without compliance with subsection 2 of this section. In such cases, the**
60 **enrolling district shall receive state and federal funds for the pupil's attendance as if the**
61 **pupil resides in the district, and neither the parent or guardian nor the pupil shall be**
62 **charged tuition.**

63 **(2)** Under no circumstances shall athletic ability be a valid basis [~~of hardship or good~~
64 ~~cause~~] for the issuance of a waiver of the requirements of subsection 2 of this section.

65 **(3) The district board may delegate to the superintendent or the superintendent's**
66 **designee responsibility to review all waiver requests and may grant the superintendent or**
67 **the superintendent's designee the authority to grant the waiver on the board's behalf. If**
68 **such authority is not granted or if the waiver is denied by the superintendent or the**
69 **superintendent's designee, the parent or guardian may request a hearing by the district**
70 **board.** The district board or committee of the board appointed by the president and which shall
71 have full authority to act in lieu of the board shall convene a hearing as soon as possible, but no
72 later than forty-five days after receipt of the waiver request made under this subsection or the
73 waiver request shall be granted. The district board or committee of the board may grant the
74 request for a waiver of any requirement of subsection 2 of this section. The district board or
75 committee of the board may also reject the request for a waiver in which case the pupil shall not
76 be allowed to register. [~~Any person aggrieved by a decision of a district board or committee of~~
77 ~~the board on a request for a waiver under this subsection may appeal such decision to the circuit~~
78 ~~court in the county where the school district is located.] **The district board or committee may**
79 **grant a waiver for a specific period of time, after which the parent or guardian or the pupil**
80 **shall request and be granted another waiver to continue to attend school in the district.**~~

81 **(4) If a waiver is granted the district shall document the reasons for the waiver and**
82 **submit a report to the department of elementary and secondary education within ten**
83 **business days. If the waiver is granted, the student may enroll. The department may**
84 **overrule the waiver for good cause. If the waiver is overruled, the district shall receive**
85 **state and federal funds for the pupil's attendance for the period of time the pupil attended**
86 **the district.**

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

89 5. In addition to any other penalties authorized by law, a district board may file a civil
90 action to recover, from the parent~~[-military guardian]~~ or ~~[legal]~~ guardian of the pupil, the costs
91 of school attendance for any pupil who was enrolled at a school in the district and whose parent~~[-~~
92 ~~military guardian]~~ or ~~[legal]~~ guardian filed false information to satisfy any requirement of
93 subsection 2 of this section. **If the district is the prevailing party, the district shall receive**
94 **court costs and reasonable attorney's fees.**

95 6. Subsection 2 of this section shall not apply to a pupil who is a homeless child or
96 youth, or a pupil attending a school not in the pupil's district of residence as a participant in an
97 interdistrict transfer program established under a court-ordered desegregation program, a pupil
98 who is a ward of the state and has been placed in a residential care facility by state officials, a
99 pupil who has been placed in a residential care facility due to a mental illness or developmental
100 disability, a pupil attending a school pursuant to sections 167.121 and 167.151, a pupil placed
101 in a residential facility by a juvenile court, a pupil with a disability identified under state
102 eligibility criteria if the student is in the district for reasons other than accessing the district's
103 educational program, or a pupil attending a regional or cooperative alternative education program
104 or an alternative education program on a contractual basis. **Any homeless child or homeless**
105 **youth shall be enrolled as required by federal law.**

106 7. Within two business days of enrolling a pupil, the school official enrolling a pupil,
107 including any special education pupil, shall request **all education records deemed necessary**
108 **by the district or charter school for enrollment including, but not limited to,** those records
109 required by district policy for student transfer, **individual education plans, health records,** and
110 those discipline records required by subsection 9 of section 160.261 from all schools previously
111 attended by the pupil within the last twelve months. Any school district, **charter school, or**
112 **private or parochial school** that receives a request for such records from ~~[another]~~ a school
113 district **or charter school** enrolling a pupil that had previously attended a school in such district
114 **or charter school** shall ~~[respond to such request]~~ **send the requested records** within five
115 business days of receiving the request. School districts **and charter schools** may report or
116 disclose education records to law enforcement and juvenile justice authorities if the disclosure
117 concerns law enforcement's or juvenile justice authorities' ability to effectively serve, prior to
118 adjudication, the student whose records are released. The officials and authorities to whom such
119 information is disclosed must comply with applicable restrictions set forth in 20 U.S.C. Section
120 1232g(b)(1)(E).

121 8. If one or both of a child's parents are being relocated to the state of Missouri under
122 military orders, a school district shall allow remote registration of the student and shall not

123 require the parent or ~~legal~~ guardian of the student or the student himself or herself to physically
124 appear at a location within the district to register the student. Proof of residency, as described
125 in this section, shall not be required at the time of the remote registration but shall be required
126 within ten days of the student's attendance in the school district.

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