

FIRST REGULAR SESSION

SENATE BILL NO. 306

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WHITE.

Read 1st time January 28, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1669S.011

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Section A. Sections 167.020 and 173.1155, RSMo, are repealed and four
2 new sections enacted in lieu thereof, to be known as sections 41.952, 41.953,
3 167.020, and 173.1155, to read as follows:

**41.952. 1. The provisions of the Servicemembers Civil Relief Act,
2 50 U.S.C. 3901, et seq., as amended, and the Uniformed Services
3 Employment and Reemployment Rights Act, 38 U.S.C. 4301, et seq., as
4 amended, shall apply to all members of the Missouri Active Guard
5 Reserves with thirty or more consecutive days of service and to all
6 members of the Missouri National Guard who are called to active duty
7 by an executive order from the governor.**

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

11 **"If you are in the Missouri National Guard, you have
12 certain protected employment and reemployment rights,
13 rights to freedom from discrimination, and the right to
14 civil relief under federal laws 38 U.S.C. 4301, et seq.
15 (USERRA) and 50 U.S.C. 3901, et seq. (SCRA) and under
16 41.952, RSMo. If you feel that you have been discriminated
17 against or denied these rights on account of your service
18 in the Missouri National Guard, contact the Missouri**

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

19 **Veterans Commission at 573-751-3779".**

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

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

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

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

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

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.

✓