

FIRST REGULAR SESSION

HOUSE BILL NO. 715

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KELLY (141).

1606H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 163, RSMo, by adding thereto one new section relating to educational costs of children in state custody.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 163, RSMo, is amended by adding thereto one new section, to be known as section 163.063, to read as follows:

163.063. 1. As used in this section, the following words mean:

(1) "Nonresident pupil", a child who:

(a) At the time such child is admitted to a residential care facility, is domiciled in one school district in Missouri but resides in a residential care facility located in another school district in Missouri as a result of placement arranged by or approved by the department of mental health or the department of social services or placement arranged by or ordered by a court of competent jurisdiction;

(b) Receives care or treatment in such residential care facility that is not within the school district in which the child's domicile is located;

(c) Is unable to attend school in either the school district in which such domicile is located or the school district in which such residential care facility is located because such child:

a. May be a safety risk; or

b. Has behavioral conditions that support the need to educate such child on such residential care facility's site or campus; and

(d) Is being provided all required educational services within such residential care facility;

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 (2) "Resident district", a school district in this state in which a resident pupil
19 resides;

20 (3) "Resident pupil", a child who:

21 (a) Resides in such child's resident district;

22 (b) Receives care or treatment at a residential care facility located within such
23 child's resident district;

24 (c) Is unable to attend school in such child's resident district because such child:

25 a. May be a safety risk; or

26 b. Has behavioral conditions that support the need to educate such child on such
27 residential care facility's site or campus; and

28 (d) Is being provided required educational services within such residential care
29 facility located within such resident district;

30 (4) "Residential care facility", any residential care facility required to be
31 licensed under sections 210.481 to 210.536, or a similar facility.

32 2. This section shall apply only to a child who is admitted to programs or
33 facilities of the department of mental health or whose domicile is in one school district in
34 Missouri but whose residence is in another school district in Missouri as a result of
35 placement arranged by or approved by the department of mental health or the
36 department of social services or placement arranged by or ordered by a court of
37 competent jurisdiction.

38 3. A resident district shall remit the following amounts to a residential care
39 facility located within such resident district that provides care or treatment to a resident
40 pupil who receives all of such resident pupil's required educational services from such
41 residential care facility:

42 (1) A sum equal to ninety-five percent of the proportionate share, on a per-
43 weighted average daily attendance basis, of the local and state funding received by such
44 resident district that is attributable to such resident pupil; and

45 (2) Any other moneys available for such resident pupil to such resident district
46 through the department of elementary and secondary education.

47 4. A resident district shall remit the following amounts to a residential care
48 facility located within such resident district that provides care or treatment to a resident
49 pupil who receives less than all of such resident pupil's required educational services
50 from such residential care facility:

51 (1) A sum equal to ninety-five percent of the proportionate share, on a per-
52 weighted average daily attendance basis, of the local and state funding received by such
53 resident district that is attributable to the time such resident pupil received such
54 required educational services at such residential care facility; and

55 **(2) Any other moneys available for such resident pupil to such resident district**
56 **through the department of elementary and secondary education.**

57 **5. (1) A school district in which the domicile of a nonresident pupil is located**
58 **shall remit the following amounts to a residential care facility that provides care or**
59 **treatment to such nonresident pupil who receives all of such nonresident pupil's**
60 **required educational services from such residential care facility:**

61 **(a) A sum equal to ninety-five percent of the proportionate share, on a per-**
62 **weighted average daily attendance basis, of the local and state funding received by such**
63 **school district in which such domicile is located that is attributable to such nonresident**
64 **pupil; and**

65 **(b) Any other moneys available for such nonresident pupil to such school district**
66 **in which such domicile is located through the department of elementary and secondary**
67 **education.**

68 **(2) For purposes of calculating state aid payments under sections 163.011 and**
69 **163.031 and receiving federal aid, a nonresident pupil shall continue to be included in**
70 **the enrollment of the school district in which such nonresident pupil resided prior to**
71 **being admitted to such residential care facility.**

72 **6. Any educational costs incurred by a residential care facility that are not**
73 **remitted under this section may be reimbursed as provided in section 167.126.**

74 **7. Educational costs incurred by a residential care facility for a child who was**
75 **not enrolled in a school district in Missouri at the time the child was admitted to such**
76 **residential care facility shall be reimbursed as provided in section 167.126.**

77 **8. No provision of this section shall be construed to prevent a residential care**
78 **facility and a school district from mutually agreeing to a financial arrangement that**
79 **deviates from the provisions of this section.**

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