

FIRST REGULAR SESSION
[PERFECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 715
102ND GENERAL ASSEMBLY

1606H.02P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 167.126, RSMo, and to enact in lieu thereof two new sections relating to educational costs of children.

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

Section A. Section 167.126, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 163.063 and 167.126, to read as follows: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.**

 167.126. 1. **(1) The following children shall have the right to educational services**
2 **as provided in subdivision (2) of this section:**

3 **(a) Children** who are admitted to programs or facilities of the department of mental
4 health ~~[or]~~; **and**

5 **(b) Children** whose domicile is one school district in Missouri but who reside in
6 another school district in Missouri as a result of:

7 **a.** Placement arranged by or approved by the department of mental health~~]~~ **or** the
8 department of social services ~~[or]~~;

9 **b.** Placement arranged by or ordered by a court of competent jurisdiction; **or**

10 **c. Admittance under a physician's order because of a determination of medical**
11 **necessity for a diagnosed mental illness.**

12 **(2) Children described in subdivision (1) of this subsection** shall have a right to be
13 provided the educational services as provided by law and shall not be denied admission to any
14 appropriate regular public school or special school district program or program operated by
15 the state board of education, as the case may be, where the child actually resides because of
16 such admission or placement; provided, however, that nothing in this section shall prevent the
17 department of mental health, the department of social services or a court of competent
18 jurisdiction from otherwise providing or procuring educational services for such child.

19 2. Each school district or special school district constituting the domicile of any child
20 for whom educational services are provided or procured under this section shall pay toward
21 the per-pupil costs for educational services for such child. A school district which is not a
22 special school district shall pay an amount equal to the average sum produced per child by the
23 local tax effort of the district of domicile. A special school district shall pay an amount not to
24 exceed the average sum produced per child by the local tax efforts of the domiciliary districts.

25 3. When educational services have been provided by the school district or special
26 school district in which a child actually resides, including a child who temporarily resides in a
27 children's hospital licensed under chapter 197 **or a psychiatric residential treatment**
28 **facility**, for rendering health care services to children under the age of eighteen for more than
29 three days, other than the district of domicile, the amounts as provided in subsection 2 of this
30 section for which the domiciliary school district or special school district is responsible shall
31 be paid by such district directly to the serving district. The school district, or special school
32 district, as the case may be, shall send a written voucher for payment to the regular or special
33 district constituting the domicile of the child served and the domiciliary school district or
34 special school district receiving such voucher shall pay the district providing or procuring the
35 services an amount not to exceed the average sum produced per child by the local tax efforts
36 of the domiciliary districts. In the event the responsible district fails to pay the appropriate
37 amount to the district within ninety days after a voucher is submitted, the state department of
38 elementary and secondary education shall deduct the appropriate amount due from the next
39 payments of any state financial aid due that district and shall pay the same to the appropriate
40 district.

41 4. In cases where a child whose domicile is in one district is placed in programs or
42 facilities operated by the department of mental health or resides in another district pursuant to
43 assignment by that department [øø], is placed by the department of social services or a court
44 of competent jurisdiction into any type of publicly contracted residential site in Missouri, **or**
45 **is admitted under a physician's order because of a determination of medical necessity**
46 **for a diagnosed mental illness**, the department of elementary and secondary education shall,
47 as soon as funds are appropriated, pay the serving district from funds appropriated for that
48 purpose the amount by which the per-pupil costs of the educational services exceeds the

49 amounts received from the domiciliary district except that any other state money received by
50 the serving district by virtue of rendering such service shall reduce the balance due.

51 5. Institutions providing a place of residence for children whose parents or guardians
52 do not reside in the district in which the institution is located shall have authority to enroll
53 such children in a program in the district or special district in which the institution is located
54 and such enrollment shall be subject to the provisions of subsections 2 and 3 of this section.
55 The provisions of this subsection shall not apply to placement authorized pursuant to
56 subsection 1 of this section or if the placement occurred for the sole purpose of enrollment in
57 the district or special district. "Institution" as used in this subsection means a facility
58 organized under the laws of Missouri for the purpose of providing care and treatment of
59 juveniles.

60 6. Children residing in institutions providing a place of residence for three or more
61 such children whose domicile is not in the state of Missouri may be admitted to schools or
62 programs provided on a contractual basis between the school district, special district or state
63 department or agency and the proper department or agency, or persons in the state where
64 domicile is maintained. Such contracts shall not be permitted to place any financial burden
65 whatsoever upon the state of Missouri, its political subdivisions, school districts or taxpayers.

66 7. For purposes of this section the domicile of the child shall be the school district
67 where the child would have been educated if the child had not been placed in a different
68 school district. No provision of this section shall be construed to deny any child domiciled in
69 Missouri appropriate and necessary, gratuitous public services.

70 8. For the purpose of distributing state aid under section 163.031, a child receiving
71 educational services provided by the district in which the child actually resides, other than the
72 district of domicile, shall be included in average daily attendance, as defined under section
73 163.011, of the district providing the educational services for the child.

74 9. Each school district or special school district where the child actually resides, other
75 than the district of domicile, may receive payment from the department of elementary and
76 secondary education, in lieu of receiving the local tax effort from the domiciliary school
77 district. Such payments from the department shall be subject to appropriation and shall only
78 be made for children that have been placed in a school other than the domiciliary school
79 district by a state agency ~~[or]~~, a court of competent jurisdiction, **or by being admitted under**
80 **a physician's order because of a determination of medical necessity for a diagnosed**
81 **mental illness** and from whom excess educational costs are billed to the department of
82 elementary and secondary education.

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