

FIRST REGULAR SESSION

# HOUSE BILL NO. 952

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES HAYWOOD, THOMPSON, BOWMAN,  
WILSON (42) (Co-sponsors), CURLS, SELBY, DAVIS, COPENHAVER, SANDERS BROOKS, GEORGE,  
HAGAN-HARRELL, GREEN (15), LOWE, WARD, VILLA, HARDING AND SKAGGS.

Read 1<sup>st</sup> time March 8, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

2227L.011

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### AN ACT

To repeal section 167.126, RSMo 2000, and to enact in lieu thereof one new section relating to student placement.

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

Section A. Section 167.126, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 167.126, to read as follows:

167.126. 1. Children who are admitted to programs or facilities of the department of mental health or whose domicile is one school district in Missouri but who reside in another school district in Missouri as a result of placement arranged by or approved by the department of mental health, the department of social services or placement arranged by or ordered by a court of competent jurisdiction shall have a right to be provided the educational services as provided by law and shall not be denied admission to any appropriate regular public school or special school district program or program operated by the state board of education, as the case may be, where the child actually resides because of such admission or placement; provided, however, that nothing in this section shall prevent the department of mental health, the department of social services or a court of competent jurisdiction from otherwise providing or procuring educational services for such child.

2. Each school district or special school district constituting the domicile of any child for whom educational services are provided or procured under this section shall pay toward the per pupil costs for educational services for such child. **The agency making the placement shall determine the district of domicile prior to placement and shall provide the information to**

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

16 **the district in which the child is placed at the time the child enrolls.** A school district which  
17 is not a special school district shall pay an amount equal to the average sum produced per child  
18 by the local tax effort of the district of domicile. A special school district shall pay an amount  
19 not to exceed the average sum produced per child by the local tax efforts of the domiciliary  
20 districts.

21 3. [When educational services have been provided by the school district or special school  
22 district in which a child actually resides, other than the district of domicile, the amounts as  
23 provided in subsection 2 for which the domiciliary school district or special school district is  
24 responsible shall be paid by such district directly to the serving district. The school district, or  
25 special school district, as the case may be, shall send a written voucher for payment to the regular  
26 or special district constituting the domicile of the child served and the domiciliary school district  
27 or special school district receiving such voucher shall pay the district providing or procuring the  
28 services an amount not to exceed the average sum produced per child by the local tax efforts of  
29 the domiciliary districts. In the event the responsible district fails to pay the appropriate amount  
30 to the district within ninety days after a voucher is submitted,] The state department of  
31 elementary and secondary education shall deduct the appropriate amount due **pursuant to**  
32 **subsection 2 of this section** from the next payments of any state financial aid due that district  
33 and shall pay the same to the appropriate district, **when educational services have been**  
34 **provided by the school district or special school district in which a child actually resides,**  
35 **other than the district of domicile.**

36 4. In cases where a child whose domicile is in one district is placed in programs or  
37 facilities operated by the department of mental health or resides in another district pursuant to  
38 assignment by that department or is placed by the department of social services or a court of  
39 competent jurisdiction into any type of publicly contracted residential site in Missouri, the  
40 department of elementary and secondary education shall, as soon as funds are appropriated, pay  
41 the serving district from funds appropriated for that purpose the amount by which the per pupil  
42 costs of the educational services exceeds the amounts received from the domiciliary district  
43 except that any other state money received by the serving district by virtue of rendering such  
44 service shall reduce the balance due.

45 5. Institutions providing a place of residence for children whose parents or guardians do  
46 not reside in the district in which the institution is located shall have authority to enroll such  
47 children in a program in the district or special district in which the institution is located and such  
48 enrollment shall be subject to the provisions of subsections 2 and 3 of this section. The  
49 provisions of this subsection shall not apply to placement authorized pursuant to subsection 1  
50 of this section or if the placement occurred for the sole purpose of enrollment in the district or  
51 special district. "Institution" as used in this subsection means a facility organized under the laws

52 of Missouri for the purpose of providing care and treatment of juveniles.

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

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

63         8. For the purpose of distributing state aid under section 163.031, RSMo, a child  
64 receiving educational services provided by the district in which the child actually resides, other  
65 than the district of domicile, shall be included as an "eligible pupil", as defined under section  
66 163.011, RSMo, of the district providing the educational services for the child.

67         9. Each school district or special school district where the child actually resides, other  
68 than the district of domicile, may receive payment from the department of elementary and  
69 secondary education, in lieu of receiving the local tax effort from the domiciliary school district.  
70 Such payments from the department shall be subject to appropriation and shall only be made for  
71 children that have been placed in a school other than the domiciliary school district by a state  
72 agency or a court of competent jurisdiction and from whom excess educational costs are billed  
73 to the department of elementary and secondary education.