

FIRST REGULAR SESSION

HOUSE BILL NO. 827

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES MUSCHANY (Sponsor), CORCORAN, ROBB, BAKER (123),
AULL, FARES, FRANZ, CUNNINGHAM (86), STREAM, SATER, MEINERS, TILLEY, BROWN (50),
KINGERY, MAY, SMITH (150) AND SUTHERLAND (Co-sponsors).

Read 1st time February 12, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1986L.01I

AN ACT

To amend chapter 167, RSMo, by adding thereto one new section relating to educational needs
of children in licensed residential care facilities.

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

Section A. Chapter 167, RSMo, is amended by adding thereto one new section, to be
2 known as section 167.128, to read as follows:

**167.128. 1. The educational needs of each child under the jurisdiction of the
2 juvenile court or family court under subdivision (5) of subsection 1 of section 211.031,
3 RSMo, shall be considered as part of the function of the child's family support team
4 pursuant to policy of the department of social services. Such needs shall include, but not
5 be limited to, the assumption that regular full school days of education are warranted. For
6 the purposes of this section, "full school day" shall mean six hours in which the child is
7 under the guidance and direction of teachers in the education process.**

**8 2. When the department of social services by contract places a child for treatment
9 in a licensed residential care facility setting for children as defined in 210.481, RSMo, such
10 facility shall be responsible for the educational needs of the child.**

**11 (1) Such facilities that have a school located on site shall provide the educational
12 services for children placed in their care by the department of social services unless the
13 child's plan of treatment and care supports his or her ability to attend public school. Any**

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.

14 facility staff who provide education services at the facility shall be certified under section
15 168.021, RSMo.

16 (2) Such facilities shall be financially compensated by the local school district for
17 educational services provided to children placed in their care by the department of social
18 services when the facility provides educational services. The local school district shall be
19 compensated for such services as defined in section 167.126, RSMo.

20 (3) Children placed for treatment in a facility that has a school located on site shall
21 not be considered by the local school district as "homebound" for purposes of education
22 unless the family support team has approved homebound instruction under subsection 1
23 of this section.

24 3. Notwithstanding any other provision of law, a child placed for treatment by the
25 department of social services in a facility described in subsection 2 of this section whose
26 plan of treatment and care supports his or her ability to attend public school but who is
27 suspended or otherwise demonstrates school failure based on behavior or academic
28 performance shall then be provided an appropriate full school day of education at such
29 facility with a school located on site. The facility and the local school district shall be
30 financially compensated for the education of such child according to subdivision (2) of
31 subsection 2 of this section.

32 4. Nothing in subsection 2 or 3 of this section shall prevent facilities that have a
33 school located on site from contracting with the local school district to provide the
34 educational services at such facility. Nothing in this section shall create an obligation for
35 a licensed residential care facility to create an on-site school.

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