

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 827
94TH GENERAL ASSEMBLY

Reported from the Special Committee on Student Achievement February 28, 2007 with recommendation that House Committee Substitute for House Bill No. 827 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

1986L.03C

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 known as section 167.128, to read as follows:

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

2. Nothing in this section shall be construed to infringe upon the rights or due process provisions of the federal Individuals with Disabilities Education Act. Nothing in this section shall be construed to impede the ability of the family support team or the facility staff from making a referral for special education services, if appropriate, when a child is placed in a facility described in this section without an individualized education program or without a pending referral for such services. If a child is referred for such services, the provisions of the Individuals with Disabilities Education Act shall apply and

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.

15 control while the referral is pending and through the evaluation process, including
16 provisions for educational decision-makers and educational surrogates. Nothing in this
17 section shall be construed to deny any child domiciled in Missouri appropriate and
18 necessary free public education services.

19 **3. When the department of social services by contract places a child for treatment**
20 **in a licensed residential care facility setting for children as defined in section 210.481,**
21 **RSMo, such facility shall be responsible for the educational needs of the child if the child**
22 **at the time of placement does not have an individualized education program or a pending**
23 **referral for special education services under sections 162.670 to 162.999, RSMo.**

24 **(1) Such facilities operating an on-site school for which they hire their own**
25 **education staff shall:**

26 **(a) Provide, on site at such facility, a full school day of education for each child**
27 **placed in such facility by the department of social services unless the child's plan of**
28 **treatment and care supports his or her ability to attend public school; and**

29 **(b) Be reimbursed by the local school district for the full cost of education services**
30 **provided to children placed in their care by the department of social services when the**
31 **facility provides education services. The local school district shall be compensated under**
32 **section 167.126, RSMo, for such education services.**

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34 **No child placed in the facilities for treatment described in this subdivision shall be**
35 **considered by the local school district as homebound for purposes of education unless the**
36 **family support team under subsection 1 of this section has approved homebound**
37 **instruction. A full school day of education shall be provided unless fewer hours of**
38 **instruction per day are approved by the family support team under subsection 1 of this**
39 **section. Nothing in this subsection shall create an obligation for a licensed residential care**
40 **facility to have on-site classrooms, to operate an on-site school, or to hire its own education**
41 **staff.**

42 **(2) When such facilities have on-site classrooms but do not hire their own education**
43 **staff, the local school district:**

44 **(a) Shall provide, on site at such facility, a full school day of education for each**
45 **child placed in such facility for care by the department of social services unless the child's**
46 **plan of treatment and care supports his or her ability to attend public school;**

47 **(b) Shall be compensated under section 167.126 for such education services; and**

48 **(c) May consider such education services as homebound instruction but shall**
49 **provide each homebound child with a full school day of education unless fewer hours of**

50 instruction per day are approved by the family support team under subsection 1 of this
51 section.

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53 Nothing in this subdivision shall create an obligation for a licensed residential care facility
54 to have on-site classrooms, to operate an on-site school, or to hire its own education staff.

55 (3) When such facilities do not operate an on-site school or have on-site classrooms,
56 the local school district shall:

57 (a) Provide a full school day of education for each child placed in such facility for
58 care by the department of social services; and

59 (b) Be compensated for such education services under section 167.126.

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61 If the child's behavior or plan of treatment and care does not support the child's being
62 educated in a regular education class, education services shall be provided in an alternative
63 setting approved by the family support team under subsection 1 of this section. A full
64 school day of education shall be provided unless fewer hours of instruction per day are
65 approved by the family support team under subsection 1 of this section. Nothing in this
66 subdivision shall create an obligation for a licensed residential care facility to have on-site
67 classrooms, to operate an on-site school, or to hire its own education staff.

68 4. Notwithstanding any other provision of law, a child placed for treatment by the
69 department of social services in a licensed residential care facility setting for children as
70 defined in section 210.481, RSMo, who does not have an individualized education program
71 for special education services or a pending referral for such services under sections 162.670
72 to 162.999, RSMo, whose plan of treatment and care supports his or her ability to attend
73 public school but who is then suspended or otherwise demonstrates school failure based
74 on behavior or academic performance shall then be provided a full school day of education
75 according to subsection 2 of this section.

76 5. Nothing in this section shall prevent a licensed residential care facility setting for
77 children as defined in section 210.481, RSMo, from contracting with school districts for
78 education services. Nothing in this section shall prevent a school district from contracting
79 with a licensed residential care facility setting for children as defined in section 210.481,
80 RSMo, for education services.

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