

HCS HB 827 -- CHILDREN IN LICENSED RESIDENTIAL CARE FACILITIES

SPONSOR: Muschany

COMMITTEE ACTION: Voted "do pass" by the Special Committee on Student Achievement by a vote of 8 to 0.

This substitute requires that the educational needs of certain children committed to the guardianship of the Department of Social Services are to be considered by the child's family support team. When a child who is not receiving special education services is placed in a licensed residential care facility by the department, the facility is responsible for the child's educational services, unless the child's plan of treatment indicates that the child is able to attend public school. The substitute addresses the use of homebound instruction; alternative settings; and reimbursement for educational services for facilities with their own school and staff, facilities with their own school room using school district staff, and facilities with neither school facilities nor teachers of their own.

Any child under the care of a facility whose plan of treatment supports attendance at a public school but who subsequently is suspended or otherwise demonstrates school failure will receive educational services as described in the substitute.

Facilities with schools on site may contract with the local school district to provide educational services at the facility, and districts may contract with facilities to provide services. Residential care facilities are not obligated to create an on-site school.

FISCAL NOTE: No impact on General Revenue Fund in FY 2008, FY 2009, and FY 2010. Estimated Cost on Other State Funds of \$2,353,950 in FY 2008, FY 2009, and FY 2010.

PROPONENTS: Supporters say that traditionally, arrangements between treatment facilities and the school district have been worked out locally; but when administrations change, the arrangements may collapse. Frequently, children receive less than a full school day through homebound instruction or must attend the local school when they are not emotionally ready. The bill gives guidelines for three types of arrangements, attempting to keep as close as possible to existing practices.

Testifying for the bill were Representative Muschany; Doug Zimmerman, Ozanam; Matthew Ramsey, Gillis Center; Susan Fillmore, Crittenton Children's Center; Missouri Coalition of Children's Agencies; and Missouri National Education Association.

OPPONENTS: Those who oppose the bill say that it transfers the educational authority to the facility and leaves the cost to the school district.

Testifying against the bill were George Wilson, Missouri School Boards' Association and Missouri Council of Administrators of Special Education; and Missouri Council of School Administrators/School Administrators Coalition.

OTHERS: Others testifying on the bill say children are entitled to a free and appropriate public education in the least restrictive environment, but the environment may change over the course of a child's treatment. A child's emotional health and education shouldn't be at odds with each other.

Testifying on the bill was Representative Fares.