

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 447, Page 4, Section 160.2725, Line 9, by inserting after all of said section
2 and line the following:

3
4 "163.063. 1. As used in this section, the following words mean:

5 (1) "Nonresident pupil", a child who:

6 (a) At the time such child is admitted to a residential care facility, is domiciled in one school
7 district in Missouri but resides in a residential care facility located in another school district in
8 Missouri as a result of placement arranged by or approved by the department of mental health or the
9 department of social services or placement arranged by or ordered by a court of competent
10 jurisdiction;

11 (b) Receives care or treatment in such residential care facility that is not within the school
12 district in which the child's domicile is located;

13 (c) Is unable to attend school in either the school district in which such domicile is located
14 or the school district in which such residential care facility is located because such child:

15 a. May be a safety risk; or

16 b. Has behavioral conditions that support the need to educate such child on such residential
17 care facility's site or campus; and

18 (d) Is being provided all required educational services within such residential care facility;

19 (2) "Resident district", a school district in this state in which a resident pupil 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 child's
23 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 residential
27 care facility's site or campus; and

28 (d) Is being provided required educational services within such residential care facility
29 located within such resident district;

Action Taken _____ Date _____

1 (4) "Residential care facility", any residential care facility required to be licensed under
 2 sections 210.481 to 210.536, or a similar facility.

3 2. This section shall apply only to a child who is admitted to programs or facilities of the
 4 department of mental health or whose domicile is in one school district in Missouri but whose
 5 residence is in another school district in Missouri as a result of placement arranged by or approved
 6 by the department of mental health or the department of social services or placement arranged by or
 7 ordered by a court of competent jurisdiction.

8 3. For purposes of calculating state aid payments under sections 163.011 and 163.031 and
 9 receiving federal aid, a nonresident pupil shall continue to be included in the enrollment of the
 10 school district in which such nonresident pupil was domiciled prior to being placed in a residential
 11 care facility.

12 4. Any educational costs incurred by a residential care facility that are not remitted under
 13 this section may be reimbursed as provided in section 167.126.

14 5. Educational costs incurred by a residential care facility for a child who was not enrolled
 15 in a school district in Missouri at the time the child was admitted to such residential care facility
 16 shall be reimbursed as provided in section 167.126.

17 167.019. 1. A child-placing agency, as defined under section 210.481, shall promote
 18 educational stability for foster care children by considering the child's school attendance area when
 19 making placement decisions. The foster care pupil shall have the right to remain enrolled in and
 20 attend his or her school of origin pending resolution of school placement disputes or to return to a
 21 previously attended school in an adjacent district.

22 2. Each school district shall accept for credit full or partial course work satisfactorily
 23 completed by a pupil while attending a public school, nonpublic school, or nonsectarian school in
 24 accordance with district policies or regulations.

25 3. If a pupil completes the graduation requirements of his or her school district of residence
 26 while under the jurisdiction of the juvenile court as described in chapter 211, the school district of
 27 residence shall issue a diploma to the pupil.

28 4. School districts shall ensure that if a pupil in foster care is absent from school due to a
 29 decision to change the placement of a pupil made by a court or child placing agency, or due to a
 30 verified court appearance or related court-ordered activity, the grades and credits of the pupil shall
 31 be calculated as of the date the pupil left school, and no lowering of his or her grades shall occur as
 32 a result of the absence of the pupil under these circumstances.

33 5. School districts, subject to federal law, shall be authorized to permit access of pupil
 34 school records to any child placing agency for the purpose of fulfilling educational case
 35 management responsibilities required by the juvenile officer or by law and to assist with the school
 36 transfer or placement of a pupil.

37 6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
 38 under the authority delegated in this section shall become effective only if it complies with and is
 39 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
 40 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to
 41 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
 42 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
 43 August 28, 2009, shall be invalid and void.

44 7. In the event a best interest determination is not completed within five business days of a
 45 child being placed in a foster care placement that is located in a school district different than the

1 child's school district prior to the placement, it shall be deemed that enrollment in the school district
2 where the child resides as a result of the foster care placement shall be in the best interests of the
3 child.

4 167.126. 1. Children who are admitted to programs or facilities of the department of mental
5 health or whose domicile is one school district in Missouri but who reside in another school district
6 in Missouri as a result of placement arranged by or approved by the department of mental health, the
7 department of social services or placement arranged by or ordered by a court of competent
8 jurisdiction shall have a right to be provided the educational services as provided by law and shall
9 not be denied admission to any appropriate regular public school or special school district program
10 or program operated by the state board of education, as the case may be, where the child actually
11 resides because of such admission or placement; provided, however, that nothing in this section
12 shall prevent the department of mental health, the department of social services or a court of
13 competent jurisdiction from otherwise providing or procuring educational services for such child.

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

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

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

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

1 providing care and treatment of juveniles.

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

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

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

16 9. Each school district or special school district where the child actually resides, other than
17 the district of domicile, may receive payment from the department of elementary and secondary
18 education, in lieu of receiving the local tax effort from the domiciliary school district. Such
19 payments from the department shall be subject to appropriation and shall only be made for children
20 that have been placed in a school other than the domiciliary school district by a state agency or a
21 court of competent jurisdiction and from whom excess educational costs are billed to the department
22 of elementary and secondary education."; and

23
24 Further amend said bill by amending the title, enacting clause, and intersectional references
25 accordingly.