

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 447

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DAVIDSON.

1387H.01P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 160.2705, 160.2720, 160.2725, 167.019, and 167.126, RSMo, and to enact in lieu thereof six new sections relating to educational expenses.

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

Section A. Sections 160.2705, 160.2720, 160.2725, 167.019, and 167.126, RSMo, are
2 repealed and six new sections enacted in lieu thereof, to be known as sections 160.2705,
3 160.2720, 160.2725, 163.063, 167.019, and 167.126, to read as follows:

160.2705. 1. [~~The department of elementary and secondary education shall authorize~~
2 ~~before January 1, 2018, a~~ **The department of social services shall authorize** Missouri-
3 based nonprofit [~~organization~~] **organizations** meeting the criteria [~~under subsection 2~~] of this
4 section to establish and operate [~~four~~] **up to five** adult high schools, with:

5 (1) One adult high school to be located in a city not within a county;

6 (2) One adult high school to be located in a county of the third classification without a
7 township form of government and with more than forty-one thousand but fewer than forty-
8 five thousand inhabitants or a county contiguous to that county;

9 (3) One adult high school to be located in a county of the first classification with
10 more than two hundred sixty thousand but fewer than three hundred thousand inhabitants or a
11 county contiguous to that county; [~~and~~]

12 (4) One adult high school to be located in a county of the first classification with
13 more than one hundred fifty thousand but fewer than two hundred thousand inhabitants; **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.

14 **(5) One adult high school to be located in a county with more than seven**
15 **hundred thousand but fewer than eight hundred thousand inhabitants, or a contiguous**
16 **county.**

17 2. ~~[The department of elementary and secondary education shall grant the~~
18 ~~authorization described under subsection 1 of this section based on a bid process~~
19 ~~conducted in accordance with the rules and regulations governing purchasing through the~~
20 ~~office of administration. The successful bidder shall:]~~ **The department of social services**
21 **shall administer funding to adult high schools subject to appropriations. The**
22 **department shall be responsible for granting and maintaining authorization for adult**
23 **high schools. For adult high schools in operation prior to January 1, 2023, the**
24 **department shall maintain authorization for the nonprofit organization to operate the**
25 **schools, subject to compliance with this section. No more than one organization shall be**
26 **authorized to operate an adult high school at each location described in subsection 1 of**
27 **this section. An organization may establish satellite campuses for any adult high school**
28 **it is authorized to operate. The department shall administer funding for satellite**
29 **campuses subject to appropriations.**

30 **3. On or before January 1, 2024, the department of social services shall select an**
31 **eligible Missouri-based nonprofit organization to operate in a location described in**
32 **subdivision (5) of subsection 1 of this section. An eligible organization shall:**

33 (1) Demonstrate the ability to establish, within twenty-one months of the receipt of
34 the authorization, ~~[four]~~ **an adult high [schools] school** offering high school diplomas, an
35 industry certification program or programs, and child care for children of the students
36 attending the high schools;

37 (2) ~~[Commit at least two million dollars in investment for the purpose of establishing~~
38 ~~the necessary infrastructure to operate four adult high schools]~~ **Demonstrate the ability to**
39 **commit at least five hundred thousand dollars for the purpose of establishing the**
40 **necessary infrastructure at the adult high school;**

41 (3) Demonstrate substantial and positive experience in providing services, including
42 industry certifications and job placement services, to adults twenty-one years of age or older
43 whose educational and training opportunities have been limited by educational disadvantages,
44 disabilities, homelessness, criminal history, or similar circumstances;

45 (4) Establish a partnership with a state-supported postsecondary education institution
46 or more than one such partnership, if a partnership or partnerships are necessary in order to
47 meet the requirements for an adult high school;

48 (5) Establish a comprehensive plan that sets forth how the adult high schools will help
49 address the need for a sufficiently trained workforce in the surrounding region for each adult
50 high school;

51 (6) Establish partnerships and strategies for engaging the community and business
52 leaders in carrying out the goals of each adult high school;

53 (7) Establish the ability to meet quality standards through certified teachers and
54 programs that support each student in such student's goal to find a more rewarding job;

55 (8) Establish a plan for assisting students in overcoming barriers to educational
56 success including, but not limited to, educational disadvantages, homelessness, criminal
57 history, disability, including learning disability such as dyslexia, and similar circumstances;

58 (9) Establish a process for determining outcomes of the adult high school, including
59 outcomes related to a student's ability to find a more rewarding job through the attainment of
60 a high school diploma and job training and certification; and

61 (10) ~~[Bids shall not include an]~~ **Limit the** administrative fee ~~[greater than]~~ **to no**
62 **more than** ten percent.

63 ~~[3-]~~ **4.** (1) The department of elementary and secondary education shall establish
64 academic requirements for students to obtain high school diplomas.

65 (2) Requirements for a high school diploma shall be based on an adult student's prior
66 high school achievement and the remaining credits and coursework that would be necessary
67 for the student to receive a high school diploma if such student were in a traditional high
68 school setting. The adult student shall meet the requirements with the same level of academic
69 rigor as would otherwise be necessary to attain such credits.

70 (3) The adult high school authorized under this section shall award high school
71 diplomas to students who successfully meet the established academic requirements. The
72 adult high school authorized under this section shall confer the diploma as though the student
73 earned the diploma at a traditional high school. The diploma shall have no differentiating
74 marks, titles, or other symbols.

75 (4) Students at adult high schools may complete required coursework at their own
76 pace and as available through the adult high school. They shall not be required to satisfy any
77 specific number of class minutes. The adult high school may also make classes available to
78 students online as may be appropriate. However, students shall not complete the majority of
79 instruction of the school's curriculum online or through remote instruction. For the purposes
80 of this subsection, synchronous instruction connecting students to a live class conducted in a
81 Missouri adult high school shall be treated the same as in-person instruction.

82 (5) The department of elementary and secondary education shall not create additional
83 regulations or burdens on the adult high school or the students attending the adult high
84 schools beyond certifying necessary credits and ensuring that students have sufficiently
85 mastered the subject matter to make them eligible for credit.

86 ~~[4-]~~ **5.** An adult high school shall be deemed a secondary school system for the
87 purposes of subdivision (15) of subsection 1 of section 210.211.

160.2720. The nonprofit organization who receives the authorization described under
2 section 160.2705 shall submit to the department of elementary and secondary education, **the**
3 **department of social services**, the joint committee on education, and the offices of the
4 governor, speaker of the house of representatives, and president pro tempore of the senate an
5 annual report concerning evaluations of the adult high schools, including the impact the adult
6 high schools have had in meeting industry needs in the state before December first of each
7 year.

160.2725. The department of [~~elementary and secondary education~~] **social services**
2 may promulgate rules to implement the provisions of sections 160.2700 to 160.2720. Any
3 rule or portion of a rule, as that term is defined in section 536.010, that is created under the
4 authority delegated in this section shall become effective only if it complies with and is
5 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
6 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
7 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a
8 rule are subsequently held unconstitutional, then the grant of rulemaking authority and any
9 rule proposed or adopted after August 28, 2017, shall be invalid and void.

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

- 2 **(1) "Nonresident pupil", a child who:**
3 **(a) At the time such child is admitted to a residential care facility, is domiciled in**
4 **one school district in Missouri but resides in a residential care facility located in another**
5 **school district in Missouri as a result of placement arranged by or approved by the**
6 **department of mental health or the department of social services or placement arranged**
7 **by or ordered by a court of competent jurisdiction;**
8 **(b) Receives care or treatment in such residential care facility that is not within**
9 **the school district in which the child's domicile is located;**
10 **(c) Is unable to attend school in either the school district in which such domicile**
11 **is located or the school district in which such residential care facility is located because**
12 **such child:**
13 **a. May be a safety risk; or**
14 **b. Has behavioral conditions that support the need to educate such child on such**
15 **residential care facility's site or campus; and**
16 **(d) Is being provided all required educational services within such residential**
17 **care facility;**
18 **(2) "Resident district", a school district in this state in which a resident pupil**
19 **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**
23 **child's 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**
27 **residential care facility's site or campus; and**

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

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

32 **2. This section shall apply only to a child who is admitted to programs or**
33 **facilities of the department of mental health or whose domicile is in one school district in**
34 **Missouri but whose residence is in another school district in Missouri as a result of**
35 **placement arranged by or approved by the department of mental health or the**
36 **department of social services or placement arranged by or ordered by a court of**
37 **competent jurisdiction.**

38 **3. For purposes of calculating state aid payments under sections 163.011 and**
39 **163.031 and receiving federal aid, a nonresident pupil shall continue to be included in**
40 **the enrollment of the school district in which such nonresident pupil was domiciled**
41 **prior to being placed in a residential care facility.**

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

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

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

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

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

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

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

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

29 **7. In the event a best interest determination is not completed within five business**
30 **days of a child being placed in a foster care placement that is located in a school district**
31 **different than the child's school district prior to the placement, it shall be deemed that**
32 **enrollment in the school district where the child resides as a result of the foster care**
33 **placement shall be in the best interests of the child.**

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

12 2. Each school district or special school district constituting the domicile of any child
13 for whom educational services are provided or procured under this section shall pay toward
14 the per-pupil costs for educational services for such child. A school district which is not a
15 special school district shall pay an amount equal to the average sum produced per child by the

16 local tax effort of the district of domicile. A special school district shall pay an amount not to
17 exceed the average sum produced per child by the local tax efforts of the domiciliary districts.

18 3. When educational services have been provided by the school district or special
19 school district in which a child actually resides, including a child who temporarily resides in a
20 children's hospital licensed under chapter 197 **or a psychiatric residential treatment**
21 **facility**, for rendering health care services to children under the age of eighteen for more than
22 three days, other than the district of domicile, the amounts as provided in subsection 2 of this
23 section for which the domiciliary school district or special school district is responsible shall
24 be paid by such district directly to the serving district. The school district, or special school
25 district, as the case may be, shall send a written voucher for payment to the regular or special
26 district constituting the domicile of the child served and the domiciliary school district or
27 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
29 of the domiciliary districts. In the event the responsible district fails to pay the appropriate
30 amount 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 from the next
32 payments of any state financial aid due that district and shall pay the same to the appropriate
33 district.

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

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

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

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

62 8. For the purpose of distributing state aid under section 163.031, a child receiving
63 educational services provided by the district in which the child actually resides, other than the
64 district of domicile, shall be included in average daily attendance, as defined under section
65 163.011, of the district providing the educational services for the child.

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

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