

FIRST REGULAR SESSION

HOUSE BILL NO. 743

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KELLY (141).

1777H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 167.126, RSMo, and to enact in lieu thereof one new section relating to educational services costs.

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

Section A. Section 167.126, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.126, to read as follows:

167.126. 1. **(1) The following children shall have the right to educational services as provided in subdivision (2) of this section:**

(a) Children who are admitted to programs or facilities of the department of mental health ~~[or]~~ ; **and**

(b) Children whose domicile is one school district in Missouri but who reside in another school district in Missouri as a result of:

a. Placement arranged by or approved by the department of mental health~~;~~ **or** the department of social services ~~[or]~~;

b. Placement arranged by or ordered by a court of competent jurisdiction; **or**

c. Admittance under a physician's order because of a determination of medical necessity for a diagnosed mental illness.

(2) Children described in subdivision (1) of this subsection shall have a right to be provided the educational services as provided by law and shall not be denied admission to any appropriate regular public school or special school district program or program operated by the state board of education, as the case may be, where the child actually resides because of such admission or placement; provided, however, that nothing in this section shall prevent the

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.

17 department of mental health, the department of social services or a court of competent
18 jurisdiction from otherwise providing or procuring educational services for such child.

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

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

40 4. In cases where a child whose domicile is in one district is placed in programs or
41 facilities operated by the department of mental health or resides in another district pursuant to
42 assignment by that department ~~[or]~~, is placed by the department of social services or a court
43 of competent jurisdiction into any type of publicly contracted residential site in Missouri, **or**
44 **is admitted under a physician's order because of a determination of medical necessity**
45 **for a diagnosed mental illness**, the department of elementary and secondary education shall,
46 as soon as funds are appropriated, pay the serving district from funds appropriated for that
47 purpose the amount by which the per-pupil costs of the educational services exceeds the
48 amounts received from the domiciliary district except that any other state money received by
49 the serving district by virtue of rendering such service shall reduce the balance due.

50 5. Institutions providing a place of residence for children whose parents or guardians
51 do not reside in the district in which the institution is located shall have authority to enroll
52 such children in a program in the district or special district in which the institution is located
53 and such enrollment shall be subject to the provisions of subsections 2 and 3 of this section.

54 The provisions of this subsection shall not apply to placement authorized pursuant to
55 subsection 1 of this section or if the placement occurred for the sole purpose of enrollment in
56 the district or special district. "Institution" as used in this subsection means a facility
57 organized under the laws of Missouri for the purpose of providing care and treatment of
58 juveniles.

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

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

69 8. For the purpose of distributing state aid under section 163.031, a child receiving
70 educational services provided by the district in which the child actually resides, other than the
71 district of domicile, shall be included in average daily attendance, as defined under section
72 163.011, of the district providing the educational services for the child.

73 9. Each school district or special school district where the child actually resides, other
74 than the district of domicile, may receive payment from the department of elementary and
75 secondary education, in lieu of receiving the local tax effort from the domiciliary school
76 district. Such payments from the department shall be subject to appropriation and shall only
77 be made for children that have been placed in a school other than the domiciliary school
78 district by a state agency [ø], a court of competent jurisdiction, **or by being admitted under**
79 **a physician's order because of a determination of medical necessity for a diagnosed**
80 **mental illness** and from whom excess educational costs are billed to the department of
81 elementary and secondary education.

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