

SECOND REGULAR SESSION

HOUSE BILL NO. 2181

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KORMAN.

6160L.031

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 167.126, RSMo, and to enact in lieu thereof one new section relating to per-pupil costs for educational services for foster children.

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Section A. Section 167.126, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.126, to read as follows: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. **The department of elementary and secondary education has an affirmative duty to ensure that educational services for children whose care is undertaken by the state are adequately funded. The department shall make an estimate each year as part of the budget process to determine how much funding is required under this section and shall direct funds appropriated to the classroom trust fund to the fulfillment of the requirements of this section. If adequate funds are not appropriated, the department shall make a supplemental budget request.**

2. Children who are admitted to programs or facilities of the department of mental health or whose domicile is one school district in Missouri but who reside in another school district in Missouri as a result of placement arranged by or approved by the department of mental health, the department of social services or placement arranged by or ordered by a court of competent jurisdiction 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 department of mental health, the department of social services or a court

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 of competent jurisdiction from otherwise providing or procuring educational services for such
18 child.

19 [2.] 3. 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 the
21 per-pupil costs for educational services for such child. A school district which is not a special
22 school district shall pay an amount equal to the average sum produced per child by the local tax
23 effort of the district of domicile. A special school district shall pay an amount not to exceed the
24 average sum produced per child by the local tax efforts of the domiciliary districts.

25 [3.] 4. 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] 3 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 served
33 and the domiciliary school district or special school district receiving such voucher shall pay the
34 district providing or procuring the services an amount not to exceed the average sum produced
35 per child by the local tax efforts of the domiciliary districts. In the event the responsible district
36 fails to pay the appropriate amount to the district within ninety days after a voucher is submitted,
37 the state department of elementary and secondary education shall deduct the appropriate amount
38 due from the next payments of any state financial aid due that district and shall pay the same to
39 the appropriate district.

40 [4.] 5. 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 of
43 competent jurisdiction into any type of publicly contracted residential site in Missouri, the
44 department of elementary and secondary education shall[, as soon as funds are appropriated,] pay
45 the serving district from funds appropriated for that purpose the amount by which the per-pupil
46 costs of the educational services exceeds the amounts received from the domiciliary district
47 except that any other state money received by the serving district by virtue of rendering such
48 service shall reduce the balance due.

49 [5.] 6. Institutions providing a place of residence for children whose parents or guardians
50 do not reside in the district in which the institution is located shall have authority to enroll such
51 children in a program in the district or special district in which the institution is located and such
52 enrollment shall be subject to the provisions of subsections [2] 3 and [3] 4 of this section. The

53 provisions of this subsection shall not apply to placement authorized pursuant to subsection [1]
54 **2** of this section or if the placement occurred for the sole purpose of enrollment in the district or
55 special district. "Institution" as used in this subsection means a facility organized under the laws
56 of Missouri for the purpose of providing care and treatment of juveniles.

57 [6.] **7.** Children residing in institutions providing a place of residence for three or more
58 such children whose domicile is not in the state of Missouri may be admitted to schools or
59 programs provided on a contractual basis between the school district, special district or state
60 department or agency and the proper department or agency, or persons in the state where
61 domicile is maintained. Such contracts shall not be permitted to place any financial burden
62 whatsoever upon the state of Missouri, its political subdivisions, school districts or taxpayers.

63 [7.] **8.** For purposes of this section the domicile of the child shall be the school district
64 where the child would have been educated if the child had not been placed in a different school
65 district. No provision of this section shall be construed to deny any child domiciled in Missouri
66 appropriate and necessary, gratuitous public services.

67 [8.] **9.** For the purpose of distributing state aid under section 163.031, a child receiving
68 educational services provided by the district in which the child actually resides, other than the
69 district of domicile, shall be included in average daily attendance, as defined under section
70 163.011, of the district providing the educational services for the child.

71 [9.] **10.** Each school district or special school district where the child actually resides,
72 other than the district of domicile, may receive payment from the department of elementary and
73 secondary education, in lieu of receiving the local tax effort from the domiciliary school district.
74 Such payments from the department shall be subject to appropriation and shall only be made for
75 children that have been placed in a school other than the domiciliary school district by a state
76 agency or a court of competent jurisdiction and from whom excess educational costs are billed
77 to the department of elementary and secondary education.

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