

SECOND REGULAR SESSION

SENATE BILL NO. 959

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CASKEY.

Read 1st time February 25, 1998, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S4007.02I

AN ACT

To repeal section 167.280, RSMo 1994, relating to placements of school age children, and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions.

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

Section A. Section 167.280, RSMo 1994, is repealed and seven new sections enacted in lieu thereof, to be known as sections 167.022, 167.104, 167.267, 167.280, 210.489, 210.517 and 210.518, to read as follows:

167.022. Within forty-eight hours of enrolling a nonresident pupil placed pursuant to sections 210.481 to 210.536, RSMo, the school official enrolling a pupil, including any special education pupil, shall request those records required by district policy for student transfer and those discipline records required by subsection 7 of section 160.261, RSMo, from all schools and other facilities previously attended by the pupil and from other state agencies as enumerated in section 210.518 and any entities involved with the placement of the student within the last twenty-four months. Such records shall include, if applicable to the student, any individualized education plan, diagnostic summary, school history, school records, medical history, court records, placement orders and any criminal history. Any school district or other entity involved in the placement of the student that receives a request for such records pursuant to this section from a school district enrolling a pupil shall respond to such request within five business days of receiving the request. Other than according to the provisions of subsection 2 of section 160.261, RSMo, or in response to a subpoena in a pending civil or criminal action, no personally identifiable records provided pursuant to this section, however maintained, shall be made available to:

(1) Any person who is not employed by the school district or another school

district; or

(2) Any governmental entity other than a school district or juvenile or family court, unless the school district has obtained within the current school year and has on file prior written permission of the parent, guardian or other custodian of a student under the age of eighteen or by the student if the student is eighteen years of age or older, and no personally identifiable student records, shall be made available until after the parent, guardian, or the student, if eighteen years of age or older, has been notified and provided a period of at least three working days within which to view such records. Any person found in violation of this subsection is guilty of a class B misdemeanor. Whenever any school entity fails to comply with these provisions, a parent may bring a civil action against the school district for attorney fees, litigation costs and damages.

167.104. 1. There is hereby created the "Interagency Committee on Homes for Children" within the department of elementary and secondary education. The committee shall consist of the following members:

(1) The director of the division of family services, department of social services, or the designee of the director;

(2) The director of the division of youth services, department of social services, or the designee of the director;

(3) The commissioner of the department of elementary and secondary education, or the designee of the director;

(4) The director of the department of mental health, or the designee of the director;

(5) Two superintendents of school districts appointed by the state board of education; and

(6) Two circuit judges with substantial experience in the placement of juveniles in foster homes and residential care facilities appointed by the supreme court.

The department of elementary and secondary education shall reimburse the school district superintendents for their actual and necessary expenses. All other members shall be reimbursed for expenses by their respective employers.

2. The committee shall meet at least twice annually at the call of the department of elementary and secondary education or the committee chairperson. The committee shall elect a chairperson and a vice chairperson at its first meeting and the department of elementary and secondary education shall provide staff for the committee.

3. When a school district determines that the placement of nonresident children pursuant to the provisions of chapter 210, RSMo, imposes an undue hardship on the district, it may request a hearing before the committee. The committee shall approve or deny the hearing request within thirty days. If the request is denied, the committee

must specify in writing the reasons for its denial. Within sixty days of the approval of a district's hearing request, the committee shall conduct the hearing. Within fifteen days of the conclusion of the proceeding, the committee shall notify the district of the committee's decision.

4. At the hearing, the district may submit evidence that the current number of placements imposes or any additional placements will impose a negative impact on the resources of the district. Such evidence may include existing limitations on the district's staffing, space or transportation methods, the lack of appropriate programs for the children to be placed and the resulting affect of placements on student-to-teacher ratios. If the committee finds that the district has demonstrated such a negative impact, there shall be a two year moratorium or reduction, whichever appropriately applies, on placements within the district. The committee shall notify all affected child placing agencies of any moratorium or reduction which shall become effective five days following the date of the committee's finding.

167.267. 1. A program is hereby established to provide school-based case managers for districts determined pursuant to section 167.104 to have a sufficient number of nonresident placements pursuant to chapter 210, RSMo, to warrant such managers.

2. An eligible school district may apply to the department of elementary and secondary education for a state financial supplement to employ a school-based case manager. The state financial supplement shall not exceed ten thousand dollars per case manager. No more than one case manager per school district shall be supplemented by the state pursuant to this section, except that a district may apply for an additional case manager if the enrollment of nonresident students placed in the district pursuant to sections 210.481 to 210.536 requires more than one case manager. Case managers thus employed shall at a minimum engage in direct activities with the nonresident pupils placed in the school during a portion of the school day that represents that portion of the case manager's salary that is supplemented by the state pursuant to this section.

3. The state board of education shall promulgate rules and regulations for the implementation of this section pursuant to the provisions of chapter 536, RSMo. Such rules shall include identifying any qualifications for case managers, establishing application procedures for school districts, determining a method of awarding state financial supplements in the event that the number of applications exceeds the amounts appropriated therefor, and establishing an amount of state financial supplement per case manager based upon the salary schedule of the district. Any such rules specifying the qualifications for case managers shall be promulgated in consultation with the division of family services within the department of social services.

167.280. 1. Within the amounts appropriated therefor, the state board of education shall award funds for the purpose of providing support services to pupils enrolled in public and nonpublic schools who are identified as having a high risk of dropping out of school. Such awards shall be made on a competitive basis to public institutions of higher education or consortia of public institutions in cooperation with school districts and not for profit community-based organizations. In areas of the state where public institutions of higher education are unable to provide appropriate services to high school pupils, the state board may award funds to not for profit community-based organizations in cooperation with school districts.

2. All applications for funds shall include the following program elements:

(1) A program for identifying pupils who are at risk of dropping out of school as measured by academic performance, attendance, discipline problems, and other factors affecting school performance including, but not limited to, teenage pregnancy or parenting, residence in a homeless shelter or other temporary living arrangement, **out of home placement**, substance abuse, child abuse or neglect, or limited English proficiency;

(2) A program for encouraging the use of volunteers and promoting parent involvement as counselors in programs;

(3) A program to provide for continuity of services throughout a pupil's progression through secondary school.

3. In awarding such funds, the state board shall give priority to applications that:

(1) Provide services to pupils identified according to criteria established by the state board of education as in need of assistance;

(2) Replicate model programs of proven effectiveness which the state board of education has identified and has made available to applicants;

(3) Demonstrate a high level of institutional commitment to programs in fields of counseling, including education, social work, psychology and sociology, and the extent to which such institutions shall involve faculty members and graduate or professional students from such degree programs;

(4) Demonstrate a high level of commitment to provide services and ensure continuity of services until such pupils graduate from high school or receive a high school equivalency diploma;

(5) Enhance interagency cooperation for the coordination of services to pupils interacting with multiple state agencies.

4. In awarding funds the state board of education may consider any matching funds that the public institutions of higher education, the not for profit community-based organizations, and the school districts may contribute, which may include gifts or bequests from private sources, federal financial aid, or local revenues generated for this purpose.

5. Services for nonpublic school pupils shall be provided at sites other than sectarian nonpublic schools.

6. Funds available under this section shall be used for compensatory and support services to pupils who are identified by the schools as being at risk of dropping out of school. Such services to be provided under this section may include skills assessment, tutoring, academic and personal counseling, family counseling and home visits, **school-based case management services** and staff development activities for personnel with direct responsibility for such pupils.

7. Allowable costs under this program may include, but need not be limited to, salaries of personnel including graduate student stipends, transportation costs for pupils and program personnel, instructional materials, reimbursement to school districts for release time granted to employees while participating in the planning and development activities funded pursuant to this section, training of program personnel, and costs related directly to administration of the program.

8. The state board of education shall promulgate all rules and regulations for the implementation of this section **pursuant to chapter 536, RSMo.**

210.489. 1. At least thirty days prior to the licensing or the increase in licensed capacity of a foster home, a residential care facility, or other licensed facility that serves children requiring education by a school district, the department of health shall notify the department of elementary and secondary education and the school district containing the site affected by the application.

2. The affected school district may file an impact statement with the department of health assessing the impact of the proposal. If the department receives a negative impact statement within fifteen days of notification of the proposed action, the department shall review the statement and shall not grant or modify a license unless it determines that the proposal will not have the anticipated negative effect.

3. Prior to recommending an out-of-home placement for a school age child in a school district other than the school district of residence for the child, the placing agency shall consult with the affected school district and the department of secondary and elementary education to assess the school district's capacity to meet the needs of the child, and to assess the impact of the child on the school district's resources. Any such district may request a moratorium or reduction of placements pursuant to section 167.104.

210.517. Foster homes, residential care facilities, and child placing agencies exempt from licensure as set forth in section 210.516, RSMo, housing school age children accessing education through public schools, shall register with the department of secondary and elementary education, and shall be subject to all state and local health and fire safety requirements and inspections. This section shall not apply to any entity exempt pursuant to subdivision (5) of subsection 1 of section 210.516.

210.518. The department of social services, the department of mental health, the department of elementary and secondary education and all subdivisions thereof shall develop and implement through interagency agreement a common system of

classification for assessing the needs of a child and common terminology to describe the services to be provided to the child. The agreement must establish a standardized form and set of records to be kept for such children which shall include, if applicable to such child, any individualized education plan, diagnostic summary, school history, school records, medical history, court records, placement orders and any criminal history. The agreement shall be adopted and in effect on or before July 1, 1999.

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