

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1606H.02P  
Bill No.: Perfected HCS for HB 715  
Subject: Education, Elementary and Secondary; Department of Elementary and Secondary  
Education; Mental Health; Children and Minors; Department of Social Services;  
Courts, Juvenile  
Type: Original  
Date: March 1, 2023

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Bill Summary: This proposal designates methods for determining state aid for educational costs of children in state custody.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>
General Revenue*	(\$89,262 to Unknown, could exceed \$300,618)	(\$18,299 to Unknown, could exceed \$61,626)	(\$18,756 to Unknown, could exceed \$63,166)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$89,262 to Unknown, could exceed \$300,618)</b>	<b>(\$18,299 to Unknown, could exceed \$61,626)</b>	<b>(\$18,756 to Unknown, could exceed \$63,166)</b>

\*Oversight notes the unknown cost to General Revenue largely depends on the number of students newly eligible for school districts to receive reimbursement through Public Placement Funding. Oversight assumes this cost could exceed the \$250,000 threshold as a 1% increase in the number of eligible students is estimated to cost \$290,000 based on the average cost of current participants.

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: () indicate costs or losses.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

- ☒ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- ☐ Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>
<b>Local Government</b>	<b>Unknown to (Unknown, Could be substantial)</b>	<b>Unknown to (Unknown, Could be substantial)</b>	<b>Unknown to (Unknown, Could be substantial)</b>

## **FISCAL ANALYSIS**

### **ASSUMPTION**

#### **Section 163.063 - Children Receiving Care in a Residential Care Facility**

Officials from the **Department of Elementary and Secondary Education (DESE)** assume this section requires a resident district to remit a sum equal to 95% of the proportionate share, on a per-weighted average daily attendance basis, of the local and state funding received by a resident district for a child receiving care or treatment in a residential care facility to said residential care facility. DESE would need to provide a separate local effort report in the ASBR (Annual Secretary of the Board Report) to help determine the amounts required to be paid. This can be done by creating a SSRS (SQL Server Reporting Services) report and linking said report on the ASBR page.

Officials from the **Office of Administration – Information Technology (ITSD)** state it is assumed that every new IT project/system will be bid out because all ITSD resources are at full capacity. This project would have to be prioritized by DESE to be worked among DESE's other projects. ITSD assumes this proposal would require modifications to create a separate local effort report in the ASBR. ITSD estimates the project would take 939.60 hours at a contract rate of \$95 for a total cost of **\$89,262** with on-going support costs.

Upon further inquiry, **DESE** stated children in residential treatment facilities are currently claimed in the average daily attendance (ADA) of resident districts for purposes of distributing foundation formula dollars and this proposal would not impact the call to the foundation formula.

Under this proposal, **Oversight** assumes school districts will remit an amount equal to 95% of the proportional share of weighted average daily attendance (WADA) of local and state funding to residential care facilities as well as any other moneys available for such child receiving care in a residential care facility. Oversight assumes this would be a loss to school districts if districts are currently allowed to retain the state and local moneys for such children.

**Oversight** notes there were approximately 1,626 children in the Children's Division custody in residential care facilities in FY 2021 per the Department of Social Services Children's Division FY 2021 [Annual Report](#). Oversight is uncertain what ages this number comprises.

**Oversight** is uncertain how the remitted payment would be calculated but notes the average expenditure per ADA is approximately \$11,311. If the average current expenditure approximated the payment to residential care facilities, the cost to school districts is estimated at \$18,391,686 (1,626 x \$11,311) assuming all children in residential care facilities were of school age.

**Oversight** notes that residential treatment facilities are private entities that contract with the state to provide care for children. Oversight assumes the flow of money from school districts to treatment facilities could potentially result in a savings to the state (if some of the contracted costs are covered by school district dollars). Oversight assumes that this would be an indirect effect of the proposal.

Section 167.126 - Educational Services Associated with the Public Placement Fund

Officials from **Department of Elementary and Secondary Education** state they currently provide reimbursement for educational services associated with a provision included in this language through the Public Placement Fund (PPF). The PPF was established pursuant to RSMo 167.126 to provide funding support to districts educating non-domicile students placed by the Department of Mental Health, Children's Division, Division of Youth Services, or a Court. This fund calculates the educational costs of these non-domicile students, minus any educational revenues to determine the "excess cost" associated with servicing these students. Districts are reimbursed the excess cost amount, but the reimbursement may be prorated based on the number of applications submitted and the available appropriation amount. This appropriation is now \$5.6 million which allows DESE to make payments at roughly a 30% prorated amount. With the addition of students in psychiatric treatment facilities the current appropriation would require payments to be prorated at a lower percentage that is unknown at this time.

DESE currently has a new decision item request for FY 2024 for \$9,759,630 that will assist in providing full funding for the PPF for current participants. DESE concludes that this additional language would dramatically increase the PPF costs depending on the number of students who would be eligible, and the total number of applications DESE receives. The total cost could be much higher than the request for \$9,759,630. DESE therefore estimates an additional cost of \$9,759,630 to an unknown amount associated to children in public placement. At this time DESE cannot estimate the potential number of students that would be impacted as the term psychiatric treatment facility is not defined.

**Oversight** notes the following information for the PPF program for FY 2022:

Number of Students Claimed on PPF Applications	2,842
Total Costs of Educating PPF Students Reported	\$29,741,210
Total Reimbursement for PPF Students	\$5,625,000

Source: DESE Budget Request FY 2024

Based on DESE's response, **Oversight** assumes this proposal could increase the number of students and the type of costs eligible for reimbursement through the PPF program. Based on the current PPF program, Oversight notes the average cost per student is approximately \$10,465. Oversight estimates the following costs depending on the number of additional students eligible for reimbursement in the table below.

Number of Students	Estimated Cost (at \$10,465 per)
28 newly eligible students (a 1% increase)	\$293,020
142 newly eligible students (a 5% increase)	\$1,486,030
284 newly eligible students (a 10% increase)	\$2,972,060

**Oversight** assumes these costs would be over and above the cost to bring the PPF up to the 100% reimbursement level for existing participants. Oversight notes this program is subject to appropriation. If additional funds are not appropriated, there is not necessarily an additional cost to the state; rather, the reimbursement rate for existing students would decrease as more students' costs are eligible for reimbursement. Oversight will show a range of impact of \$0 (no additional funds appropriated) to an unknown cost to cover additional students' costs. For simplicity, Oversight will show a cost to the General Revenue fund, but notes Lottery Proceeds are also used to fund the program.

Officials from the **DESE/Office of Administration – Information Technology** state it is assumed that every new IT project/system will be bid out because all ITSD resources are at full capacity. Current language is not clear as to how all of the payments flow. OA-ITSD has provided an estimate based on the assumption that changes will be required to current systems to add the additional population of students. There is an assumption that this type of funding and redirection of funding to districts and from districts, is not in place today - the mechanism and practices. The assumption is also that schools do not have a means of transferring dollars from one to another, and that the foundation formula would assist in handling that redirection of funding. This estimate is for the calculation of the funding formula based on the data received from a district or districts that the scenario(s) in this proposal are in affect for a pupil. This estimate also includes secure storage of the additional data elements provided by districts that is needed to calculate the funding based on the criteria outlined in the proposed bill. Further, this estimate is for the data processing from the MOSIS system/application and to the secure DESE databases internal to the State, for further calculations, processes, and of course for funding a district as proposed. ITSD estimates the project would take 2,224.80 hours at a contract rate of \$95 for a total cost of **\$211,356** with on-going support costs.

**Oversight** assumes these mechanisms and practices to reimburse school districts are already in place today and this proposal adds an additional category of students eligible for reimbursement. Oversight is uncertain if the changes generated by this proposal would require 2,224 hours of contracted IT work; therefore, Oversight will show a range of impact of \$0 (IT duties can be absorbed with existing funding/staff) to the estimated cost provided by ITSD.

**Oversight** assumes this may require some school districts to transfer an amount equal to the local tax effort to other districts actually providing or procuring education services. Oversight will show a cost to some districts and a gain to other districts. The transfers between districts will net to zero.

Legislation as Whole

Officials from the **Department of Social Services** and the **Department of Mental Health** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

<u>FISCAL IMPACT – State Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026
<b>GENERAL REVENUE</b>			
<u>Costs</u> - DESE/ITSD - modifications to create a separate local effort report - §163.063 p. 3	(\$89,262)	(\$18,299)	(\$18,756)
<u>Costs</u> - DESE/ITSD - IT modifications - §167.126 p. 5	\$0 to (\$211,356)	\$0 to (\$43,327)	\$0 to (\$44,410)
<u>Costs</u> - to reimburse school districts for costs relating to newly eligible students under the Public Placement Funding - §167.126 p. 4-5	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b>(\$89,262 to Unknown, could exceed \$300,618)</b>	<b>(\$18,299 to Unknown, could exceed \$61,626)</b>	<b>(\$18,756 to Unknown, could exceed \$63,166)</b>

<u>FISCAL IMPACT – Local Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026
<b>SCHOOL DISTRICTS</b>			
<u>Costs</u> - payments remitted to residential care facilities of 95% of the proportional share of the total local and state funding for such student - §163.063	(Unknown, Could be substantial)	(Unknown, Could be substantial)	(Unknown, Could be substantial)
<u>Costs</u> - payments to other school districts - §167.126	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<u>Income</u> - payments received from other school districts - §167.126	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<u>Income</u> - from General Revenue - for reimbursement for students newly eligible for the Public Placement Funding - §167.126	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>
<b>ESTIMATED NET EFFECT ON SCHOOL DISTRICTS</b>	<b>Unknown to (Unknown, Could be <u>substantial</u>)</b>	<b>Unknown to (Unknown, Could be <u>substantial</u>)</b>	<b>Unknown to (Unknown, Could be <u>substantial</u>)</b>

#### FISCAL IMPACT – Small Business

Small business residential care facilities would be impacted by this proposal.

#### FISCAL DESCRIPTION

This bill provides educational funding for children admitted to a residential care facility licensed under Sections 210.481 to 210.536, RSMo. The bill outlines payment amounts for both resident and non-resident pupils.

Payment amounts for pupils receiving all of such pupil's education in a residential care facility shall be equal to 95% of the average daily attendance share of local and state funding attributable to a student in a resident district or in the non-resident district for any non-resident students. For any resident student that receives less than all of their education at a facility the payment amount shall be attributable to the time such education is received.

Residential care facilities may also reach a financial agreement with a school district that deviates from the provisions of this section.

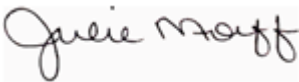
The bill adds admittance under a physician's order due to a determination of medical necessity for a diagnosed mental illness to the current reasons that a school district must provide educational services. This provision applies to both resident and non-resident children and includes the current determination of medical necessity required for an authorization from Department of Elementary and Secondary Education to make payments in lieu of local tax efforts for such children.

Currently, domiciliary school districts must pay costs for educational services rendered by a resident district for any child temporarily in a children's hospital licensed under Chapter 197, RSMo. This bill expands the requirement to include children that are in a psychiatric residential treatment facility.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

#### SOURCES OF INFORMATION

Department of Elementary and Secondary Education  
Department of Social Services  
Department of Mental Health



Julie Morff  
Director  
March 1, 2023



Ross Strobe  
Assistant Director  
March 1, 2023