

SECOND REGULAR SESSION

# SENATE BILL NO. 770

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RUPP.

Pre-filed December 1, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

3693S.011

## AN ACT

To amend chapter 163, RSMo, by adding thereto one new section relating to scholarship programs for elementary and secondary education students with developmental disabilities.

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

Section A. Chapter 163, RSMo, is amended by adding thereto one new section, to be known as section 163.402, to read as follows:

**163.402. 1. As used in this section "autism spectrum disorder" shall be defined to include: pervasive developmental disorder; Asperger's Syndrome; childhood disintegrative disorder; Rett's syndrome; fragile X syndrome; and autism.**

**2. There is hereby established the "Missouri Scholarship for Students with Developmental Disabilities Program". This scholarship is established to provide the option to attend a public school other than the one to which assigned, or to provide a scholarship to a private school of choice, for students with a developmental disability for whom an individual education program has been written by the school district. Students with developmental disabilities include K-12 students who are documented as having mental retardation, a speech or language impairment, a traumatic brain injury, or autism spectrum disorder.**

**3. The parent of a public school student with a disability who is dissatisfied with the student's progress may request and receive from the state a Missouri scholarship for students with developmental disabilities for the child to enroll in and attend a public school other than the one to which assigned or a private school in accordance with this section if:**

21           (1) The student has spent the prior school year in attendance at  
22 a Missouri public school. "Prior school year in attendance" means that  
23 the student was enrolled and reported by a school district for state aid  
24 purposes under section 163.031. A dependent child of a member of the  
25 United States armed forces who transfers to a school in this state from  
26 out of state or from a foreign country pursuant to a parent's permanent  
27 change of station orders is exempt from this subdivision but shall meet  
28 all other eligibility requirements to participate in the program; and

29           (2) The parent has already obtained acceptance for admission of  
30 the student to a public school other than the one to which assigned or  
31 to a private school that is eligible for the program and has notified the  
32 school district of the request for a scholarship. The request shall be  
33 through a communication directly to the department of elementary and  
34 secondary education in a manner that creates a written or electronic  
35 record of the request and the date of receipt of the request. The  
36 department of elementary and secondary education shall notify the  
37 district of the parent's intent upon receipt of the parent's request.

38           4. A student is not eligible for a scholarship under this section  
39 while he or she is:

40           (1) Participating in a home school program;

41           (2) Participating in the virtual public school under section  
42 161.670, RSMo; or

43           (3) Not having regular and direct contact with his or her private  
44 school teachers at the school's physical location.

45           5. For purposes of continuity of educational choice, the  
46 scholarship shall remain in force until the student returns to the public  
47 school to which he or she was originally assigned, graduates from high  
48 school, or reaches the age of twenty-two, whichever occurs first.

49           6. Upon reasonable notice to the department of elementary and  
50 secondary education, the student's parent may remove the student from  
51 the private school and place the student in a public school other than  
52 the one to which he or she was originally assigned in accordance with  
53 this section.

54           7. Upon reasonable notice to the department of elementary and  
55 secondary education, the student's parent may move the student from  
56 one participating private school to another participating private  
57 school.

58           8. By April first of each year and within ten days after an  
59 individual education program meeting, a school district shall notify the  
60 parent of the student of all options available pursuant to this section,  
61 inform the parent of the availability of the department's Internet  
62 website for additional information on the scholarship program and  
63 offer that student's parent an opportunity to enroll the student in  
64 another public school within the district. The parent is not required  
65 to accept the offer of enrolling in another public school in lieu of  
66 requesting a scholarship to a private school. If the parent chooses the  
67 public school option, the student may continue attending a public  
68 school chosen by the parent until the student graduates from high  
69 school.

70           9. The parent of a child participating in the scholarship program  
71 shall:

72           (1) Select the private school and apply for the admission of his  
73 or her child;

74           (2) Comply with the private school's published policies; and

75           (3) Ensure that his or her child receiving a scholarship shall  
76 remain in good attendance throughout the school year unless excused  
77 by the school for illness or other good cause.

78           10. If the parent chooses the private school option and the  
79 student is accepted by the private school pending the availability of a  
80 space for the student, the parent of the student shall notify the  
81 department of elementary and secondary education before entering the  
82 private school in order to be eligible for the scholarship when a space  
83 becomes available for the student in a private school.

84           11. The parent of a student may choose, as an alternative, to  
85 enroll the student in and transport the student to a public school in an  
86 adjacent school district that has available space and has a program  
87 with the services agreed to in the student's individual education  
88 program already in place, and that school district shall accept the  
89 student and report the student for purposes of the district's funding  
90 under section 163.031 of this chapter.

91           12. The department of elementary and secondary education,  
92 pursuant to rules and regulations, shall establish, including but not  
93 limited to, procedures for determining the eligibility of private schools  
94 to participate in the scholarship program under this section, an

95 approval process for schools to participate in the scholarship program,  
96 a process for individuals to notify the department of elementary and  
97 secondary education of complaints or violations, a process for  
98 distribution of scholarship payments, and a process for the department  
99 of elementary and secondary education to suspend or revoke a private  
100 school's participation, and any other rules or regulations necessary to  
101 implement this section.

102 13. The amount of the scholarship amount shall be the per pupil  
103 state funding distributed to the school district under section 163.031,  
104 or the actual cost of tuition, whichever is less.

105 14. Weighted average daily attendance count for state aid  
106 purposes of a school district whose resident students receive a  
107 scholarship under this section shall be adjusted such that no school  
108 district shall receive state aid for any pupil who is no longer enrolled  
109 in the school district as the result of using the proceeds of an  
110 educational scholarship to transfer to a qualified school.

111 15. Any rule or portion of a rule, as that term is defined in  
112 section 536.010, RSMo, that is created under the authority delegated in  
113 this section shall become effective only if it complies with and is  
114 subject to all of the provisions of chapter 536, RSMo, and, if applicable,  
115 section 536.028, RSMo. This section and chapter 536, RSMo, are  
116 nonseverable and if any of the powers vested with the general assembly  
117 pursuant to chapter 536, RSMo, to review, to delay the effective date,  
118 or to disapprove and annul a rule are subsequently held  
119 unconstitutional, then the grant of rulemaking authority and any rule  
120 proposed or adopted after August 28, 2008, shall be invalid and void.

121 16. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

122 (1) The provisions of the new program authorized under this  
123 section shall sunset automatically six years after the effective date of  
124 this section unless reauthorized by an act of the general assembly; and

125 (2) If such program is reauthorized, the program authorized  
126 under this section shall sunset automatically twelve years after the  
127 effective date of the reauthorization of this section; and

128 (3) This section shall terminate on September first of the  
129 calendar year immediately following the calendar year in which the  
130 program authorized under this section is sunset.