

SECOND REGULAR SESSION
[P E R F E C T E D]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 904
98TH GENERAL ASSEMBLY

Reported from the Committee on Education, March 31, 2016, with recommendation that the Senate Committee Substitute do pass.

Senate Committee Substitute for Senate Bill No. 904, adopted April 12, 2016.

Taken up for Perfection April 12, 2016. Bill declared Perfected and Ordered Printed, as amended.

5842S.03P

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 162.720, 162.1115, and 163.031, RSMo, and to enact in lieu thereof six new sections relating to gifted education, with a delayed effective date for a certain section.

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

Section A. Sections 162.720, 162.1115, and 163.031, RSMo, are repealed
2 and six new sections enacted in lieu thereof, to be known as sections 162.720,
3 162.1115, 163.031, 170.047, 170.048, and 633.420, to read as follows:

162.720. 1. Where a sufficient number of children are determined to be
2 gifted and their development requires programs or services beyond the level of
3 those ordinarily provided in regular public school programs, districts may
4 establish special programs for such gifted children.

5 2. The state board of education shall determine standards for such
6 programs. Approval of such programs shall be made by the state department of
7 elementary and secondary education based upon project applications submitted
8 by July fifteenth of each year.

9 **3. No district shall make a determination as to whether a child**
10 **is gifted based on the child's participation in an advanced placement**
11 **course or international baccalaureate course. Districts shall determine**
12 **a child is gifted only if the child meets the definition of "gifted**
13 **children" as provided in section 162.675.**

14 162.1115. 1. Notwithstanding any provision of law to the contrary, no
15 district shall be penalized for any reason under the Missouri school improvement
16 program if students who graduate from the district complete career and technical

17 education programs approved by the department of elementary and secondary
18 education but are not placed in occupations directly related to their training
19 within six months of graduating.

20 2. The department of elementary and secondary education shall revise its
21 scoring guide under the Missouri school improvement program to provide
22 additional points to districts that create and enter into a partnership with area
23 career centers, comprehensive high schools, industry, and business to develop and
24 implement a pathway for students to:

25 (1) Enroll in a program of career and technical education while in high
26 school;

27 (2) Participate and complete an internship or apprenticeship during their
28 final year of high school; and

29 (3) Obtain the industry certification or credentials applicable to their
30 program or career and technical education and internship or apprenticeship.

31 3. Each school district shall be authorized to create and enter into a
32 partnership with area career centers, comprehensive high schools, industry, and
33 business to develop and implement a pathway for students to:

34 (1) Enroll in a program of career and technical education while in high
35 school;

36 (2) Participate and complete an internship or apprenticeship during their
37 final year of high school; and

38 (3) Obtain the industry certification or credentials applicable to their
39 program or career and technical education and internship or apprenticeship.

40 4. **In establishing career and technical education offerings, each**
41 **school district may rely on technical coursework and skills assessments**
42 **developed for industry-recognized certificates and credentials.**

43 5. The department of elementary and secondary education shall permit
44 student scores, that are from a nationally recognized examination that
45 demonstrates achievement of workplace employability skills, to count towards
46 credit for college and career readiness standards on the Missouri school
47 improvement program or any subsequent school accreditation or improvement
48 program.

163.031. 1. The department of elementary and secondary education shall
2 calculate and distribute to each school district qualified to receive state aid under
3 section 163.021 an amount determined by multiplying the district's weighted

4 average daily attendance by the state adequacy target, multiplying this product
5 by the dollar value modifier for the district, and subtracting from this product the
6 district's local effort and subtracting payments from the classroom trust fund
7 under section 163.043.

8 2. Other provisions of law to the contrary notwithstanding:

9 (1) For districts with an average daily attendance of more than three
10 hundred fifty in the school year preceding the payment year:

11 (a) For the 2008-09 school year, the state revenue per weighted average
12 daily attendance received by a district from the state aid calculation under
13 subsections 1 and 4 of this section, as applicable, and the classroom trust fund
14 under section 163.043 shall not be less than the state revenue received by a
15 district in the 2005-06 school year from the foundation formula, line 14, gifted,
16 remedial reading, exceptional pupil aid, fair share, and free textbook payment
17 amounts multiplied by the dollar value modifier, and dividing this product by the
18 weighted average daily attendance computed for the 2005-06 school year;

19 (b) For each year subsequent to the 2008-09 school year, the amount shall
20 be no less than that computed in paragraph (a) of this subdivision, multiplied by
21 the weighted average daily attendance pursuant to section 163.036, less any
22 increase in revenue received from the classroom trust fund under section 163.043;

23 (2) For districts with an average daily attendance of three hundred fifty
24 or less in the school year preceding the payment year:

25 (a) For the 2008-09 school year, the state revenue received by a district
26 from the state aid calculation under subsections 1 and 4 of this section, as
27 applicable, and the classroom trust fund under section 163.043 shall not be less
28 than the greater of state revenue received by a district in the 2004-05 or 2005-06
29 school year from the foundation formula, line 14, gifted, remedial reading,
30 exceptional pupil aid, fair share, and free textbook payment amounts multiplied
31 by the dollar value modifier;

32 (b) For each year subsequent to the 2008-09 school year, the amount shall
33 be no less than that computed in paragraph (a) of this subdivision;

34 (3) The department of elementary and secondary education shall make an
35 addition in the payment amount specified in subsection 1 of this section to assure
36 compliance with the provisions contained in this subsection.

37 3. School districts that meet the requirements of section 163.021 shall
38 receive categorical add-on revenue as provided in this subsection. The categorical

39 add-on for the district shall be the sum of: seventy-five percent of the district
40 allowable transportation costs under section 163.161; the career ladder
41 entitlement for the district, as provided for in sections 168.500 to 168.515; the
42 vocational education entitlement for the district, as provided for in section
43 167.332; and the district educational and screening program entitlements as
44 provided for in sections 178.691 to 178.699. The categorical add-on revenue
45 amounts may be adjusted to accommodate available appropriations.

46 4. For any school district meeting the eligibility criteria for state aid as
47 established in section 163.021, but which is considered an option district under
48 section 163.042 and therefore receives no state aid, the commissioner of education
49 shall present a plan to the superintendent of the school district for the waiver of
50 rules and the duration of said waivers, in order to promote flexibility in the
51 operations of the district and to enhance and encourage efficiency in the delivery
52 of instructional services as provided in section 163.042.

53 5. (1) No less than seventy-five percent of the state revenue received
54 under the provisions of subsections 1 and 2 of this section shall be placed in the
55 teachers' fund, and the remaining percent of such moneys shall be placed in the
56 incidental fund. No less than seventy-five percent of one-half of the funds
57 received from the school district trust fund distributed under section 163.087
58 shall be placed in the teachers' fund. One hundred percent of revenue received
59 under the provisions of section 163.161 shall be placed in the incidental
60 fund. One hundred percent of revenue received under the provisions of sections
61 168.500 to 168.515 shall be placed in the teachers' fund.

62 (2) A school district shall spend for certificated compensation and tuition
63 expenditures each year:

64 (a) An amount equal to at least seventy-five percent of the state revenue
65 received under the provisions of subsections 1 and 2 of this section;

66 (b) An amount equal to at least seventy-five percent of one-half of the
67 funds received from the school district trust fund distributed under section
68 163.087 during the preceding school year; and

69 (c) Beginning in fiscal year 2008, as much as was spent per the second
70 preceding year's weighted average daily attendance for certificated compensation
71 and tuition expenditures the previous year from revenue produced by local and
72 county tax sources in the teachers' fund, plus the amount of the incidental fund
73 to teachers' fund transfer calculated to be local and county tax sources by dividing

74 local and county tax sources in the incidental fund by total revenue in the
75 incidental fund.

76 In the event a district fails to comply with this provision, the amount by which
77 the district fails to spend funds as provided herein shall be deducted from the
78 district's state revenue received under the provisions of subsections 1 and 2 of
79 this section for the following year, provided that the state board of education may
80 exempt a school district from this provision if the state board of education
81 determines that circumstances warrant such exemption.

82 6. **(1)** If a school district's annual audit discloses that students were
83 inappropriately identified as eligible for free and reduced lunch, special
84 education, or limited English proficiency and the district does not resolve the
85 audit finding, the department of elementary and secondary education shall
86 require that the amount of aid paid pursuant to the weighting for free and
87 reduced lunch, special education, or limited English proficiency in the weighted
88 average daily attendance on the inappropriately identified pupils be repaid by the
89 district in the next school year and shall additionally impose a penalty of one
90 hundred percent of such aid paid on such pupils, which penalty shall also be paid
91 within the next school year. Such amounts may be repaid by the district through
92 the withholding of the amount of state aid.

93 **(2) In the 2017-18 school year and in each subsequent school**
94 **year, if a district experiences a decrease in its gifted program**
95 **enrollment of twenty percent or more or a decrease in the number of**
96 **students who have an IEP of twenty percent or more from the previous**
97 **school year, an amount equal to the product of the difference between**
98 **the number of students enrolled in the gifted program or who have an**
99 **IEP in the current school year and the number of students enrolled in**
100 **the gifted program or who have an IEP in the previous school year**
101 **multiplied by six hundred eighty dollars shall be subtracted from the**
102 **district's current year payment amount. The provisions of this**
103 **subdivision shall apply to districts entitled to receive state aid**
104 **payments under both subsections 1 and 2 of this section but shall not**
105 **apply to any school district with an average daily attendance of three**
106 **hundred fifty or less.**

107 7. Notwithstanding any provision of law to the contrary, in any fiscal year
108 during which the total formula appropriation is insufficient to fully fund the

109 entitlement calculation of this section, the department of elementary and
110 secondary education shall adjust the state adequacy target in order to
111 accommodate the appropriation level for the given fiscal year. In no manner shall
112 any payment modification be rendered for any district qualified to receive
113 payments under subsection 2 of this section based on insufficient appropriations.

170.047. 1. Beginning in the 2017-2018 school year, any licensed
2 educator may annually complete up to two hours of training or
3 professional development in youth suicide awareness and prevention
4 as part of the professional development hours required for state board
5 of education certification.

6 2. The department of elementary and secondary education shall
7 develop guidelines suitable for training or professional development in
8 youth suicide awareness and prevention. The department shall develop
9 materials that may be used for such training or professional
10 development.

11 3. For purposes of this section, the term "licensed educator" shall
12 refer to any teacher with a certificate of license to teach issued by the
13 state board of education or any other educator or administrator
14 required to maintain a professional license issued by the state board of
15 education.

16 4. The department of elementary and secondary education may
17 promulgate rules and regulations to implement this section.

18 5. Any rule or portion of a rule, as that term is defined in section
19 536.010 that is created under the authority delegated in this section
20 shall become effective only if it complies with and is subject to all of
21 the provisions of chapter 536, and, if applicable, section 536.028. This
22 section and chapter 536 are nonseverable and if any of the powers
23 vested with the general assembly pursuant to chapter 536, to review, to
24 delay the effective date, or to disapprove and annul a rule are
25 subsequently held unconstitutional, then the grant of rulemaking
26 authority and any rule proposed or adopted after August 28, 2016, shall
27 be invalid and void.

170.048. 1. By July 1, 2018, each district shall adopt a policy for
2 youth suicide awareness and prevention, including plans for how the
3 district will provide for the training and education of its district
4 employees.

5 2. Each district's policy shall include, but not be limited to the
6 following:

7 (1) Strategies that can help identify students who are at possible
8 risk of suicide;

9 (2) Strategies and protocols for helping students at possible risk
10 of suicide; and

11 (3) Protocols for responding to a suicide death.

12 3. By July 1, 2017, the department of elementary and secondary
13 education shall develop a model policy that districts may adopt. When
14 developing the model policy, the department shall cooperate, consult
15 with, and seek input from organizations that have expertise in youth
16 suicide awareness and prevention. By July 1, 2021, and at least every
17 three years thereafter, the department shall request information and
18 seek feedback from districts on their experience with the policy for
19 youth suicide awareness and prevention. The department shall review
20 this information and may use it to adapt the department's model
21 policy. The department shall post any information on its website that
22 it has received from districts that it deems relevant. The department
23 shall not post any confidential information or any information that
24 personally identifies any student or school employee.

633.420. 1. For the purposes of this section, the term "dyslexia"
2 shall be defined as a disorder that is neurological in origin,
3 characterized by difficulties with accurate and fluent word recognition
4 and poor spelling and decoding abilities that typically result from a
5 deficit in the phonological component of language, often unexpected in
6 relation to other cognitive abilities and the provision of effective
7 classroom instruction, and of which secondary consequences may
8 include problems in reading comprehension and reduced reading
9 experience that can impede growth of vocabulary and background
10 knowledge. Nothing in this definition shall require a student with
11 dyslexia to obtain an individualized education program (IEP) unless
12 the student has otherwise met the federal conditions necessary.

13 2. There is hereby created the "Legislative Task Force on
14 Dyslexia". The joint committee on education shall provide technical
15 and administrative support as required by the task force to fulfill its
16 duties. The task force shall meet at least quarterly and may hold
17 meetings by telephone or video conference. The task force shall advise

18 and make recommendations to the governor, general assembly, and
19 relevant state agencies regarding matters concerning individuals with
20 dyslexia including education and other adult and adolescent services.

21 3. The task force shall be comprised of nineteen members
22 consisting of the following:

23 (1) Four members of the general assembly, with two members
24 from the senate to be appointed by the president pro tempore and two
25 members from the house of representatives to be appointed by the
26 speaker of the house of representatives;

27 (2) The commissioner of education, or his or her designee;

28 (3) One representative from an institution of higher education
29 located in this state with specialized expertise in dyslexia and reading
30 instruction appointed by the speaker of the house of representatives;

31 (4) A representative from a state teachers association appointed
32 by the president pro tempore of the senate;

33 (5) A representative from the International Dyslexia Association
34 of Missouri appointed by the speaker of the house of representatives;

35 (6) A representative from Decoding Dyslexia of Missouri
36 appointed by the president pro tempore of the senate;

37 (7) A representative from the Missouri Association of Elementary
38 School Principals appointed by the speaker of the house of
39 representatives;

40 (8) A representative from the Missouri Council of Administrators
41 of Special Education appointed by the president pro tempore of the
42 senate;

43 (9) A professional licensed in the state of Missouri with
44 experience diagnosing dyslexia including, but not limited to, a licensed
45 psychologist, school psychologist, or neuropsychologist appointed by
46 the speaker of the house of representatives;

47 (10) A speech-language pathologist with training in an Orton-
48 Gillingham remediation program recommended by the Missouri Speech-
49 Language Hearing Association to be appointed by the president pro
50 tempore of the senate;

51 (11) A certified academic language therapist recommended by
52 the Academic Language Therapists Association who is a resident of this
53 state appointed by the president pro tempore of the senate;

54 (12) A representative from an independent private provider or

55 nonprofit organization serving individuals with dyslexia appointed by
56 the speaker of the house of representatives;

57 (13) An assistive technology specialist with expertise in
58 accessible print materials and assistive technology used by individuals
59 with dyslexia recommended by the Missouri assistive technology
60 council appointed by the president pro tempore of the senate;

61 (14) One private citizen who has a child that has been diagnosed
62 with dyslexia appointed by the speaker of the house of representatives;

63 (15) One private citizen who has been diagnosed with dyslexia
64 appointed by the president pro tempore of the senate; and

65 (16) A pediatrician with knowledge of dyslexia to be appointed
66 by the speaker of the house of representatives.

67 4. A chairperson shall be selected by the members of the task
68 force. Any vacancy on the task force shall be filled in the same manner
69 as the original appointment. Members shall serve on the task force
70 without compensation.

71 5. The task force shall make recommendations for a statewide
72 system for identification, intervention, and delivery of supports for
73 students with dyslexia including the development of resource materials
74 and professional development activities. These recommendations shall
75 be included in a report to the governor and general assembly and shall
76 include findings and proposed legislation and shall be made available
77 no longer than twelve months from the task force's first meeting.

78 6. The recommendations and resource materials developed by
79 the task force shall:

80 (1) Determine valid and reliable diagnostic assessments and
81 protocols that can be used and the appropriate personnel to administer
82 the assessments in order to identify children with dyslexia or the
83 characteristics of dyslexia as part of an ongoing reading progress
84 monitoring system in schools;

85 (2) Recommend a research-based instruction and intervention
86 system including a list of approved dyslexia therapy programs, to
87 address dyslexia or characteristics of dyslexia for use by schools in
88 multi-tiered systems of support, and for services as appropriate for
89 special education eligible students;

90 (3) Develop and implement preservice and in-service professional
91 development activities to address dyslexia identification and

92 **intervention, including utilization of accessible print materials and**
93 **assistive technology, within degree programs such as education,**
94 **reading, special education, speech-language pathology, and psychology;**

95 **(4) Review teacher certification and professional development**
96 **requirements as they relate to the needs of students with dyslexia;**

97 **(5) Examine the barriers to accurate information on the**
98 **prevalence of students with dyslexia across the state and recommend**
99 **a process for accurate reporting of demographic data; and**

100 **(6) Study and evaluate current practices for diagnosing, treating,**
101 **and educating children in this state and examine how current laws and**
102 **regulations affect students with dyslexia in order to present**
103 **recommendations to the governor and general assembly.**

104 **7. The task force shall hire or contract for hire specialist**
105 **services to support the work of the task force as necessary with**
106 **appropriations made by the general assembly for that purpose or from**
107 **other available funding.**

108 **8. The task force authorized under this section shall**
109 **automatically terminate on August 31, 2018, unless reauthorized by an**
110 **act of the general assembly.**

Section B. Section 163.031 of Section A of this act shall become effective
2 July 1, 2017.

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