

## SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 769

AN ACT

To amend chapter 167, RSMo, by adding thereto one new section relating to recovery programs for high school students.

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

Section A. Chapter 167, RSMo, is amended by adding thereto one new section, to be known as section 167.850, to read as follows:

167.850. 1. For purposes of the provisions of this section, the following terms shall mean:

- (1) "Board", the state board of education;
- (2) "Commissioner", the commissioner of education;
- (3) "Eligible student", a student who is in recovery from substance use disorder or substance dependency, or such a condition along with co-occurring disorders such as anxiety, depression, and attention deficit hyperactivity disorder, and who is determined by a recovery high school to be a student who would academically and clinically benefit from placement in the recovery high school and is committed to working on their recovery. The recovery high school shall consider available information including any recommendation of a drug counselor, alcoholism counselor, or substance abuse counselor licensed or certified pursuant to applicable laws and regulations;
- (4) "Recovery high school", a public high school that serves eligible students, and that provides both a comprehensive four-year high school education in an alternative public school setting and a structured plan of recovery;

(5) "Sending district", the school district where a student attending or planning to attend the recovery high school resides, and from which the student is referred for enrollment in a recovery high school.

2. (1) The commissioner may approve and authorize up to four pilot recovery high schools, geographically located in metropolitan areas throughout the state, to be established by school districts or groups of school districts for the purpose of demonstrating the effectiveness of the recovery high school model in this state. The commissioner shall issue a request for proposals from school districts to operate a pilot recovery high school. Such proposals may be submitted by an individual school district proposing to operate a recovery high school, or by a group of school districts proposing to jointly operate such a school. Such proposals shall be submitted to the commissioner no later than December first of the school year prior to the school year in which the recovery high school is proposed to begin operation. The approval of the board shall be required in order for the recovery high school to begin operation.

(2) Proposals shall detail how the district or districts will satisfy the criteria for a high school education program pursuant to state law and board rule, and how the recovery high school will satisfy the requirements for accreditation by the Association of Recovery Schools or another recovery school accreditation organization authorized by the state board. The proposal shall include a financial plan outlining the anticipated public and private funding that that will allow the recovery high school to operate and meet the school's educational and recovery criteria. The district or districts may partner with one or more local nonprofit organizations or other local

educational agencies regarding establishment and operation of a recovery high school and may establish a joint board to oversee the operation of the recovery high school, pursuant to a memorandum of understanding entered with such organization or organizations.

(3) By approval of the proposal upon the recommendation of the commissioner, the board shall be deemed to have authorized all necessary equivalencies and waivers of regulations enumerated in the proposal.

(4) The commissioner may specify an authorization period for the recovery high school which shall be no less than four years. By June thirtieth of each year the recovery high school is in operation, the school district or group of school districts, in consultation with the recovery high school, shall submit to the commissioner an analysis of the recovery high school's educational, recovery and other related outcomes, as specified in the proposal. The commissioner shall review the analysis and renew recovery high schools meeting the requirements of this section and the requirements of the school's proposal and may include terms and conditions to address areas needing correction or improvement. The commissioner may revoke or suspend the authorization of a recovery high school not meeting the requirements of this section or the requirements of the school's proposal.

(5) Pupil attendance, dropout rate, student performance on statewide assessments, and other data considered in the Missouri school improvement program and school accreditation shall not be attributed to the general accreditation of either a sending district or the district or districts operating the recovery high school and may only be used by the commissioner in the renewal process for the recovery high school as provided in this subsection.

3. (1) A school district may enter into an agreement with a district or districts operating a recovery high school for the enrollment of an eligible student who is currently enrolled in or resides in the sending district.

(2) A parent or guardian may seek to enroll an eligible student residing in a sending district in a recovery high school created under this section. A student over the age of eighteen years residing in a sending district may seek to enroll in a recovery high school.

(3) A recovery high school shall not limit or deny admission to an eligible student based on race, ethnicity, national origin, disability, income level, proficiency in the English language, or athletic ability.

4. (1) The recovery high school shall annually adopt a policy establishing a tuition rate for its students no later than February first of the preceding school year.

(2) The sending district of an eligible student who is enrolled in and attending a recovery high school shall pay tuition to the recovery high school equal to the lesser of:

(a) The tuition rate established pursuant to subdivision (1) of this subsection; or

(b) The state adequacy target, as defined under section 163.011, plus the average sum produced per child by the local tax effort above the state adequacy target of the sending district.

(3) If costs associated with the provision of special education and related disability services to the student exceed the tuition to be paid pursuant to subdivision (2) of this subsection, the sending district shall remain responsible for paying the excess cost to the recovery high school.

(4) The commissioner may enter into an agreement with the appropriate official or agency of another state to

develop a reciprocity agreement for otherwise eligible, non-resident students seeking to attend a recovery high school in Missouri. A recovery high school may enroll otherwise eligible students residing in a state other than Missouri, pursuant to such reciprocity agreement. Such reciprocity agreement shall require the out-of-state student's district of residence to pay to the recovery high school an annual amount equal to one hundred and five percent of the tuition rate for the recovery high school established pursuant to this subsection. If an otherwise eligible student resides in a state that is not subject to a reciprocity agreement, such student may attend a recovery high school provided such student pays to the school one hundred and five percent of the tuition rate for the recovery high school established pursuant to this subsection. No student enrolled and attending a recovery high school under this subdivision shall be included as a resident pupil for any state aid purpose under chapter 163.

5. The state board of education, in consultation with the department of mental health, may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be invalid and void.