

SECOND REGULAR SESSION

SENATE BILL NO. 1035

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOENIG.

Read 1st time February 26, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5392S.05I

AN ACT

To amend chapter 162, RSMo, by adding thereto one new section relating to alternative special needs services.

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

Section A. Chapter 162, RSMo, is amended by adding thereto one new section, to be known as section 162.707, to read as follows:

162.707. 1. This section shall be known and may cited as the "Alternative Special Needs Services Act".

2. As used in this section, the following terms mean:

(1) "Alternative special needs agreement" or "agreement", an agreement negotiated between the parents of a special needs child and a school district or charter school that allows alternative special needs services to be provided by an independent provider, either solely or in conjunction with the services provided by the school district or charter school, that results in the reduction of expenditures by the school district or charter school and reimbursement costs paid by the department as set forth in section 162.974;

(2) "Charter school", the same meaning as used in section 160.400;

(3) "Department", the department of elementary and secondary education;

(4) "District" or "school district", the same meaning as used in section 160.011;

(5) "Special needs child", a child with disabilities or a severely handicapped child who is enrolled in a public school district or charter school, whose cost of education is estimated to exceed three times the current expenditure per average daily attendance as would be calculated based on the district or charter school annual secretary of

22 the board report.

23 3. A parent shall initiate the negotiation of an agreement for
24 alternative providers of special education services. The school district
25 or charter school shall not pressure or coerce a parent to initiate,
26 negotiate, or agree to such agreement. School districts and charter
27 schools shall negotiate agreements for the educational costs of special
28 needs children in good faith. Such agreements shall be legally binding
29 contracts. The agreements may include provisions for:

30 (1) Partial or full enrollment of the child in the district or
31 charter school; and

32 (2) What services the district shall provide.

33 The term of an agreement negotiated between a district or charter
34 school and the parent or guardian of a special needs child shall not
35 extend beyond the school year, however, it may be extended or
36 modified with the agreement of the district or charter school and the
37 parent or guardian.

38 4. The department shall prescribe how cost savings estimations
39 are to be made, reported, and the manner in which savings shall be
40 attributed to the district or charter school and the department. No
41 agreement shall be made that is not calculated to create financial
42 savings for the district, charter school, or the department.

43 5. The district or charter school shall reimburse providers of
44 special needs services pursuant to the provisions of the agreement.

45 6. The department shall promulgate rules necessary for the
46 administration of this section, including the form of the alternative
47 special needs services agreements, the allotment of savings between the
48 department and the district or charter school, and reporting by the
49 district or charter school. Any rule or portion of a rule, as that term is
50 defined in section 536.010 that is created under the authority delegated
51 in this section shall become effective only if it complies with and is
52 subject to all of the provisions of chapter 536, and, if applicable, section
53 536.028. This section and chapter 536 are nonseverable and if any of
54 the powers vested with the general assembly pursuant to chapter 536,
55 to review, to delay the effective date, or to disapprove and annul a rule
56 are subsequently held unconstitutional, then the grant of rulemaking
57 authority and any rule proposed or adopted after August 28, 2018, shall
58 be invalid and void.

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