

SENATE BILL NO. 1393

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR O'LAUGHLIN.

5572S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 167.850, RSMo, and to enact in lieu thereof one new section relating to recovery high schools.

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

Section A. Section 167.850, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.850, to read as follows:

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

- (1) "Board", the state board of education;
- (2) "Commissioner", the commissioner of education;
- (3) "Recovery high school", a public high school that serves eligible students diagnosed with substance use disorder or dependency as defined by the most recent Diagnostic and Statistical Manual of Mental Disorders and that provides both a comprehensive four-year high school education in an alternative public school setting and a structured plan of recovery;
- (4) "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

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 established by school districts or groups of school
20 districts for the purpose of demonstrating the effectiveness
21 of the recovery high school model in this state. The
22 commissioner shall issue a request for proposals from school
23 districts to operate a pilot recovery high school. Such
24 proposals may be submitted by an individual school district
25 proposing to operate a recovery high school or by a group of
26 school districts proposing to jointly operate such a
27 school. Such proposals shall be submitted to the
28 commissioner no later than [December] **July** first of the
29 school year prior to the school year in which the recovery
30 high school is proposed to begin operation. The approval of
31 the board shall be required for the recovery high school to
32 begin operation.

33 (2) Proposals shall detail how the district or
34 districts will satisfy the criteria for a high school
35 education program under state law and board rule and how the
36 recovery high school will satisfy the requirements for
37 accreditation by the Association of Recovery Schools or
38 another recovery school accreditation organization
39 authorized by the board. The proposal shall include a
40 financial plan outlining the anticipated public and private
41 funding that will allow the recovery high school to operate
42 and meet the school's educational and recovery criteria.
43 The district or districts may partner with one or more local
44 nonprofit organizations or other local educational agencies
45 regarding establishment and operation of a recovery high
46 school and may establish a joint board to oversee the
47 operation of the recovery high school as provided in a
48 memorandum of understanding entered with such organization
49 or organizations.

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

54 (4) The commissioner may specify an authorization
55 period for the recovery high school, which shall be no less
56 than four years. Before July first of each year the
57 recovery high school is in operation, the school district or
58 group of school districts, in consultation with the recovery
59 high school, shall submit to the commissioner an analysis of
60 the recovery high school's educational, recovery, and other
61 related outcomes as specified in the proposal. The
62 commissioner shall review the analysis and renew any
63 recovery high school meeting the requirements of this
64 section and the requirements of the school's proposal and
65 may include terms and conditions to address areas needing
66 correction or improvement. The commissioner may revoke or
67 suspend the authorization of a recovery high school not
68 meeting the requirements of this section or the requirements
69 of the school's proposal.

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

78 3. (1) A school district may enter into an agreement
79 with a district or districts operating a recovery high
80 school for the enrollment of an eligible student who is
81 currently enrolled in or resides in the sending district.

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

87 (3) An "eligible student" shall mean a student who is
88 in recovery from substance use disorder or substance
89 dependency, or such a condition along with co-occurring
90 disorders such as anxiety, depression, and attention deficit
91 hyperactivity disorder, and who is determined by the
92 recovery high school to be a student who would academically
93 and clinically benefit from placement in the recovery high
94 school and is committed to working on the student's
95 recovery. The recovery high school shall consider available
96 information including, but not limited to, any
97 recommendation of a drug counselor, alcoholism counselor, or
98 substance abuse counselor licensed or certified under
99 applicable laws and regulations.

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

104 4. (1) The recovery high school shall annually adopt
105 a policy establishing a tuition rate for its students no
106 later than February first of the preceding school year.

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

110 (a) The tuition rate established under subdivision (1)
111 of this subsection; or

112 (b) The state adequacy target, as defined in section
113 163.011, plus the average sum produced per child by the

114 local tax effort above the state adequacy target of the
115 sending district.

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

121 (4) The commissioner may enter into an agreement with
122 the appropriate official or agency of another state to
123 develop a reciprocity agreement for otherwise eligible,
124 nonresident students seeking to attend a recovery high
125 school in this state. A recovery high school may enroll
126 otherwise eligible students residing in a state other than
127 this state as provided in such reciprocity agreement. Such
128 reciprocity agreement shall require the out-of-state
129 student's district of residence to pay to the recovery high
130 school an annual amount equal to one hundred five percent of
131 the tuition rate for the recovery high school established
132 under this subsection. If an otherwise eligible student
133 resides in a state that is not subject to a reciprocity
134 agreement, such student may attend a recovery high school
135 provided such student pays to the school one hundred five
136 percent of the tuition rate for the recovery high school
137 established under this subsection. No student enrolled and
138 attending a recovery high school under this subdivision
139 shall be included as a resident pupil for any state aid
140 purpose under chapter 163.

141 5. The board, in consultation with the department of
142 mental health, may promulgate rules to implement the
143 provisions of this section. Any rule or portion of a rule,
144 as that term is defined in section 536.010, that is created
145 under the authority delegated in this section shall become

146 effective only if it complies with and is subject to all of
147 the provisions of chapter 536 and, if applicable, section
148 536.028. This section and chapter 536 are nonseverable and
149 if any of the powers vested with the general assembly
150 pursuant to chapter 536 to review, to delay the effective
151 date, or to disapprove and annul a rule are subsequently
152 held unconstitutional, then the grant of rulemaking
153 authority and any rule proposed or adopted after August 28,
154 2022, shall be invalid and void.

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