

HOUSE BILL NO. 2705

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RONE.

6770H.011

D. ADAM CRUMBLISS, Chief Clerk

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 or guardians 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, and 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 and whose cost of education is estimated to exceed three times the current expenditure per average daily attendance as

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 would be calculated based on the annual secretary of the board report for the district or
18 charter school.

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

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

26 (2) The services the district shall provide.

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28 The term of an agreement negotiated between a district or charter school and the parent
29 or guardian of a special needs child shall not extend beyond the school year; except that,
30 the term may be extended or the provisions of the agreement modified with the agreement
31 of the district or charter school and the parent or guardian.

32 4. The department shall prescribe how cost savings estimations are to be made and
33 reported and the manner in which savings shall be attributed to the district or charter
34 school and the department. No agreement shall be made that is not calculated to create
35 financial savings for the district, the charter school, or the department.

36 5. The district or charter school shall reimburse providers of special needs services
37 in accordance with the provisions of the agreement.

38 6. The department shall promulgate rules necessary for the administration of this
39 section, including the form of the alternative special needs agreements, the allotment of
40 savings between the department and the district or charter school, and reporting by the
41 district or charter school. Any rule or portion of a rule, as that term is defined in section
42 536.010, that is created under the authority delegated in this section shall become effective
43 only if it complies with and is subject to all of the provisions of chapter 536 and, if
44 applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of
45 the powers vested with the general assembly pursuant to chapter 536 to review, to delay
46 the effective date, or to disapprove and annul a rule are subsequently held
47 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
48 after August 28, 2018, shall be invalid and void.

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