

SENATE BILL NO. 769

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR O'LAUGHLIN.

4126S.01H

ADRIANE D. CROUSE, Secretary

AN ACT

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

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

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

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

- 3 (1) "Board", the state board of education;
- 4 (2) "Commissioner", the commissioner of education;
- 5 (3) "Eligible student", a student who is in recovery
6 from substance use disorder or substance dependency, or such
7 a condition along with co-occurring disorders such as
8 anxiety, depression, and attention deficit hyperactivity
9 disorder, and who is determined by a recovery high school to
10 be a student who would academically and clinically benefit
11 from placement in the recovery high school and is committed
12 to working on their recovery. The recovery high school
13 shall consider available information including any
14 recommendation of a drug counselor, alcoholism counselor, or
15 substance abuse counselor licensed or certified pursuant to
16 applicable laws and regulations;
- 17 (4) "Recovery high school", a public high school that
18 serves eligible students, and that provides both a

19 comprehensive four-year high school education in an
20 alternative public school setting and a structured plan of
21 recovery;

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

26 2. (1) The commissioner may approve and authorize up
27 to four pilot recovery high schools, geographically located
28 in metropolitan areas throughout the state, to be
29 established by school districts or groups of school
30 districts for the purpose of demonstrating the effectiveness
31 of the recovery high school model in this state. The
32 commissioner shall issue a request for proposals from school
33 districts to operate a pilot recovery high school. Such
34 proposals may be submitted by an individual school district
35 proposing to operate a recovery high school, or by a group
36 of school districts proposing to jointly operate such a
37 school. Such proposals shall be submitted to the
38 commissioner no later than December first of the school year
39 prior to the school year in which the recovery high school
40 is proposed to begin operation. The approval of the board
41 shall be required in order for the recovery high school to
42 begin operation.

43 (2) Proposals shall detail how the district or
44 districts will satisfy the criteria for a high school
45 education program pursuant to state law and board rule, and
46 how the recovery high school will satisfy the requirements
47 for accreditation by the Association of Recovery Schools or
48 another recovery school accreditation organization
49 authorized by the board. The district or districts may
50 partner with one or more local nonprofit organizations

51 regarding establishment and operation of a recovery high
52 school and may establish a joint board to oversee the
53 operation of the recovery high school, pursuant to a
54 memorandum of understanding entered with such organization
55 or organizations.

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

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

76 3. (1) A school district may enter into an agreement
77 with a district or districts operating a recovery high
78 school for the enrollment of an eligible student who is
79 currently enrolled in or resides in the sending district.

80 (2) A parent or guardian may seek to enroll an
81 eligible student residing in a sending district in a
82 recovery high school created under this section. A student

83 over the age of eighteen years residing in a sending
84 district may seek to enroll in a recovery high school.

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

89 4. (1) The recovery high school shall annually adopt
90 a policy establishing a tuition rate for its students no
91 later than February first of the preceding school year.

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

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

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

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

107 (4) The commissioner may enter into an agreement with
108 the appropriate official or agency of another state to
109 develop a reciprocity agreement for otherwise eligible, non-
110 resident students seeking to attend a recovery high school
111 in Missouri. A recovery high school may enroll otherwise
112 eligible students residing in a state other than Missouri,
113 pursuant to such reciprocity agreement. Such reciprocity
114 agreement shall require the out-of-state student's district

115 of residence to pay to the recovery high school an annual
116 amount equal to one hundred and five percent of the tuition
117 rate for the recovery high school established pursuant to
118 this subsection. If an otherwise eligible student resides
119 in a state that is not subject to a reciprocity agreement,
120 such student may attend a recovery high school provided such
121 student pays to the school one hundred and five percent of
122 the tuition rate for the recovery high school established
123 pursuant to this subsection. No student enrolled and
124 attending a recovery high school under this subdivision
125 shall be included as a resident pupil for any state aid
126 purpose under chapter 163.

127 5. The state board of education, in consultation with
128 the department of mental health, may promulgate rules to
129 implement the provisions of this section. Any rule or
130 portion of a rule, as that term is defined in section
131 536.010, that is created under the authority delegated in
132 this section shall become effective only if it complies with
133 and is subject to all of the provisions of chapter 536 and,
134 if applicable, section 536.028. This section and chapter
135 536 are nonseverable and if any of the powers vested with
136 the general assembly pursuant to chapter 536 to review, to
137 delay the effective date, or to disapprove and annul a rule
138 are subsequently held unconstitutional, then the grant of
139 rulemaking authority and any rule proposed or adopted after
140 August 28, 2022, shall be invalid and void.

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