

SECOND REGULAR SESSION

HOUSE BILL NO. 854

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HOLAND (Sponsor) AND DAVIS (122) (Co-sponsor).

Pre-filed December 15, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2898L.011

AN ACT

To repeal sections 166.260, 167.322, 167.328, 167.330, 167.332, and 167.335, RSMo, and to enact in lieu thereof six new sections relating to alternative education programs.

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

Section A. Sections 166.260, 167.322, 167.328, 167.330, 167.332 and 167.335, RSMo,
2 are repealed and six new sections enacted in lieu thereof, to be known as sections 166.260,
3 167.322, 167.328, 167.330, 167.332 and 167.335, to read as follows:

166.260. There is hereby created the "Children At-Risk in Education Program" which
2 shall be administered by the commissioner of education. The program shall be funded by
3 moneys provided to school districts pursuant to line 14 of subsection 6 of section 163.031,
4 RSMo, and used solely as determined by local boards of education for: reductions of class size
5 in schools containing high concentrations of children who are least advantaged or who have
6 specially identified educational needs according to rule and regulation of the state board of
7 education; or the following:

8 (1) The program of half-day instruction for developmentally delayed and at-risk children
9 established pursuant to section 167.260, RSMo;

10 (2) The program to provide teacher assistants in grades kindergarten through three
11 established pursuant to section 167.263, RSMo;

12 **(3) The program of family literacy for children and families of children at risk of**
13 **dropping out of school pursuant to section 160.531, RSMo;**

14 [(3)] (4) The program to provide guidance counselors in grades kindergarten through
15 nine established pursuant to section 167.265, RSMo;

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

16 [(4)] (5) The programs for pupils at risk of becoming high school dropouts established
17 pursuant to section 167.270, RSMo, including specialized courses of instruction, alternative
18 education programs for pregnant teens and teen mothers and supplemental services for teen
19 mothers;

20 [(5)] (6) The program of support services to pupils identified as having a high risk of
21 dropping out of school established pursuant to section 167.280, RSMo;

22 [(6)] (7) The program of professional development committees for in-service training
23 on teaching children identified as at risk of failing in school pursuant to section 168.400, RSMo;

24 [(7)] (8) A program to contract for mental health services to meet the needs of children
25 who are identified as being at risk of failing school as a result of emotional or environmental
26 factors. Eligible contractors shall be approved by the department of mental health;

27 [(8)] (9) The program of special education and other special services for at-risk and
28 handicapped children in grades kindergarten through third grade emphasizing prevention and
29 early intervention, rather than remediation, known as the "Success for All Program";

30 [(9)] (10) Paying for building site operating costs in the proportion that the free and
31 reduced-price meal eligible student count is to the total enrollment in that building; [and

32 (10)] (11) **Any other alternative education program; and**

33 (12) Other programs as approved by the commissioner of education that are exclusively
34 targeted to provide educational services for students who are least advantaged or who have
35 specially identified educational needs.

167.322. There is hereby created and established, subject to the availability of
2 appropriations made for that purpose, a system of alternative education for Missouri citizens who
3 qualify [under] **pursuant to** sections 167.320 to 167.332. This system of alternative education
4 shall be available to any citizen of Missouri who:

5 (1) Is currently a student **at any grade level** in a school system of Missouri and is
6 experiencing difficulty in academic, disciplinary, social, economic, or other areas relating to the
7 student's ability to become a productive member of the work force after graduation, and is
8 identified by the resident's district as a potential dropout; or

9 (2) Is currently of an age to qualify for public school enrollment but has dropped out of
10 school and is willing to reenroll in his **or her** resident district for the purpose of attending
11 alternative education classes; or

12 (3) Is a graduate of high school or holds an equivalent diploma and is experiencing
13 difficulty in finding a job or sustaining employment or who wishes to further his **or her**
14 vocational training; or

15 (4) Does not have a high school diploma or an equivalent diploma and who is
16 experiencing difficulty in finding a job or sustaining employment or who wishes to further his

17 **or her** vocational training.

167.328. 1. A student who qualifies for alternative education under section 167.322 and
2 is currently of an age that qualifies him **or her** for enrollment in a public school may attend [his
3 traditional high] **the school of residence** for a portion of the day based upon [is] **such student's**
4 individual needs and educational plan.

5 2. A student enrolled in the alternative education program may attend an area vocational
6 learning center on a full- or part-time basis.

7 **3. A district that has chosen to support an elementary grades alternative education**
8 **program with funds pursuant to section 167.332 is not required to house the elementary**
9 **grades on the site of the area learning center.**

167.330. An alternative education program class shall be composed as nearly as
2 practicable of twenty students during regular school hours and twenty students during evening
3 or extended hours, **except that elementary grades alternative education programs may be**
4 **formed with fewer students and may be organized in graded or ungraded classrooms.**
5 Classes shall be offered during the regular school hours and classes for evening or extended
6 hours may be for three hours.

167.332. 1. The department of elementary and secondary education shall evaluate each
2 alternative education plan and assess the needs of each area vocational learning center. Each
3 area vocational learning center shall submit annually to the department of elementary and
4 secondary education a detailed instruction plan for the implementation, **expansion** and
5 continuation of the area learning center. For the purposes of receiving state aid pursuant to
6 section 163.031, RSMo, the resident district shall count students who qualify under sections
7 167.320 to 167.332. A student shall be counted for the period of time he **or she** attends the area
8 learning center to a maximum of six hours per day, even if the hours of attendance are not within
9 the schedule of the resident district. All funds transmitted to the resident district under section
10 148.360, RSMo, section 149.015, RSMo, and sections 163.031 and 163.087, RSMo, for the
11 portion of time the student attends the area learning center, shall be transferred by the resident
12 district to the area learning center. **Districts choosing to support an elementary grades**
13 **alternative education program with funds pursuant to this section may participate in a**
14 **cooperative program with other districts or may retain the proportional share of this**
15 **funding to support such a program in the district. Nothing in this section shall be**
16 **construed to require a district that participates in a cooperative program for its secondary**
17 **level students to use a cooperative program for the elementary level.** Additional state and
18 federal funds appropriated by the general assembly shall be awarded to the area learning centers
19 **to fund one hundred percent of the additional costs per pupil** as determined by the
20 department of elementary and secondary education based upon each area learning center's needs

21 and on the level of the appropriation.

22 **2. Additional state and federal funds appropriated by the general assembly shall**
23 **be awarded to the area learning centers to fund one hundred percent of the additional costs**
24 **per pupil needed to expand the alternative education program in a district to include the**
25 **elementary grades. Nothing in this section shall be construed to require a district to**
26 **implement a secondary grades alternative program before initiating an elementary grades**
27 **alternative program.**

28 **3.** Updated instructional plans and year-end student reports shall be required annually
29 from the area vocational learning centers and shall be a condition for additional funding. New
30 area vocational learning centers shall be funded on a priority basis determined by the potential
31 to be served and the community demand.

167.335. 1. The state board of education shall establish a program to award grants to
2 school districts that apply for assistance in providing alternative educational opportunities for
3 students whose demonstrated disruptive behavior indicates that they cannot be adequately served
4 in the traditional classroom setting. The board shall solicit applications from school districts and
5 shall make grants from funds appropriated for that purpose in such amounts and on such terms
6 as it determines best encourages the development of alternative education programs throughout
7 the state. The board shall give preference to applications that demonstrate a need for alternative
8 education services and stress:

9 (1) A comprehensive, kindergarten through grade twelve approach to preventing
10 problems that result in the need for alternative education services;

11 (2) Rigorous instruction in core academic disciplines;

12 (3) Activities designed to enable the student to better perform in the regular classroom
13 and to transition students back to the regular classroom when merited by their performance;

14 (4) A student-centered approach whereby activities are designed to meet the particular
15 needs of individual students; and

16 (5) Collaboration with existing community-based service providers, such as cooperative
17 education programs, school to work programs, parents-as-teachers programs, programs
18 developed by the department of economic development and programs developed by local service
19 delivery agencies, and other governmental and private agencies to address student needs beyond
20 those traditionally addressed by schools.

21 2. School districts may submit joint applications and are encouraged to pursue regional
22 approaches to alternative education where warranted. Area vocational learning centers shall be
23 eligible to submit applications and are encouraged to pursue grants to expand and enhance
24 existing alternative education programs established pursuant to sections 167.320 to 167.332,
25 provided that any additional activities are compatible with subdivisions (1) to (5) of subsection

26 1 of this section. The state board of education shall adopt rules necessary to implement the grant
27 program established pursuant to this section, provided that no rule or portion of a rule
28 promulgated pursuant to this section shall become effective unless it has been promulgated
29 pursuant to the provisions of [section 536.024] **chapter 536**, RSMo.

30 **3. Any alternative education program may be enlarged to include additional grade**
31 **levels. All alternative education programs shall include an early intervention program for**
32 **elementary pupils within three years of the establishment of the program or the effective**
33 **date of this section, whichever later occurs.**

34 **4. Grants awarded pursuant to this section may be continued to permit the**
35 **establishment of an elementary grades alternative education program. A grant**
36 **continuation shall not be competitive; however, the department of elementary and**
37 **secondary education may promulgate rules to set standards for alternative education**
38 **program expansion to elementary grades through a grant continuation.**