

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1807
94TH GENERAL ASSEMBLY

Reported from the Committee on Education, April 10, 2008, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

TERRY L. SPIELER, Secretary.

3965S.03C

AN ACT

To repeal sections 162.675, 162.730, 162.740, 162.755, 162.780, 162.785, 162.810, and 168.520, RSMo, and to enact in lieu thereof eight new sections relating to Missouri schools for the severely disabled, with penalty provisions.

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

Section A. Sections 162.675, 162.730, 162.740, 162.755, 162.780, 162.785, 162.810, and 168.520, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 162.675, 162.730, 162.740, 162.755, 162.780, 162.785, 162.810, and 168.520, to read as follows:

162.675. As used in sections 162.670 to 162.995, unless the context clearly indicates otherwise, the following terms mean:

(1) "Children with disabilities" or "handicapped children", children under the age of twenty-one years who have not completed an approved high school program and who, because of mental, physical, emotional or learning problems, require special educational services;

(2) "Gifted children", children who exhibit precocious development of mental capacity and learning potential as determined by competent professional evaluation to the extent that continued educational growth and stimulation could best be served by an academic environment beyond that offered through a standard grade-level curriculum;

(3) "Severely handicapped children", handicapped children under the age of twenty-one years who meet the eligibility criteria for [state] **Missouri** schools for [severely handicapped children] **the severely disabled**, identified in state

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

15 regulations that implement the Individuals with Disabilities Education Act;

16 (4) "Special educational services", programs designed to meet the needs
17 of children with disabilities or handicapped or severely handicapped children and
18 which include, but are not limited to, the provision of diagnostic and evaluation
19 services, student and parent counseling, itinerant, homebound and referral
20 assistance, organized instructional and therapeutic programs, transportation, and
21 corrective and supporting services.

162.730. 1. The state board of education shall establish schools or
2 programs in this state sufficient to provide special educational services for all
3 severely handicapped children not residing in special school districts or in other
4 school districts providing approved special educational services for severely
5 handicapped children which schools or programs shall be referred to herein as
6 ["state schools for severely handicapped children"] **"Missouri Schools for the**
7 **Severely Disabled"**.

8 2. The Missouri School for the Blind at St. Louis and the Missouri School
9 for the Deaf at Fulton are within the division of special [services] **education** of
10 the department of elementary and secondary education. The state board of
11 education shall govern these schools.

12 3. The state board of education:

13 (1) Shall determine the type and kind of instruction to be offered and the
14 number and qualifications of instructors and other necessary personnel in the
15 [state] **Missouri** schools for **the** severely [handicapped children] **disabled**, the
16 school for the blind and the school for the deaf; provided, however, that the course
17 of study of these schools shall be of a character to develop the mental, physical,
18 vocational and social abilities of the pupils and to prepare those students capable
19 of advancing for admission to postsecondary programs;

20 (2) Shall promulgate all rules and regulations governing enrollment,
21 including that of assigning children to the most appropriate school or programs;
22 and

23 (3) Shall determine and approve all policies for the operation of said
24 schools or programs.

25 4. Notwithstanding any other provision of this section, each school district
26 which is not a part of a special school district and each special school district
27 shall provide special educational services for deaf children and youth within the
28 ages of five through thirteen years residing in the district in accordance with
29 rules, regulations and standards promulgated by the state board of

30 education. Such services shall be provided within the district of residence or by
31 contract with a nearby district or districts or nearby public agency or agencies
32 pursuant to the provisions of sections 162.670 to 162.995, provided, however, that
33 nothing herein shall be construed to affect the funding or operation of the
34 Missouri School for the Deaf at Fulton nor to deny to any deaf child or youth
35 within the age range prescribed above the right to enrollment therein.

36 5. No rule or portion of a rule promulgated under the authority of this
37 chapter shall become effective unless it has been promulgated pursuant to the
38 provisions of section 536.024, RSMo.

162.740. The district of residence of each child attending a [state school
2 for severely handicapped children] **Missouri school for the severely disabled**
3 or an educational program for a full-time patient or resident at a facility operated
4 by the department of mental health, except school districts which are a part of a
5 special district and except special school districts, shall pay toward the cost of the
6 education of the child an amount equal to the average sum produced per child by
7 the local tax effort of the district. The district of residence shall be notified each
8 year, not later than December fifteenth, of the names and addresses of pupils
9 enrolled in such schools. In the case of a special district, said special district
10 shall be responsible for an amount per child not to exceed the average sum
11 produced per child by the local tax efforts of the component districts. The district
12 of residence of the child's parents or guardians shall be the district responsible
13 for local tax contributions required by this section.

162.755. 1. The state board of education shall provide reasonable
2 transportation for children who attend day schools or programs operated by the
3 state board of education or who attend programs operated through contract by the
4 state board of education as provided in section 162.735.

5 2. Sheltered workshops holding a certificate of approval from the
6 department of elementary and secondary education under section 178.920, RSMo,
7 and clients of other facilities operated under the provisions of sections 205.968
8 to 205.973, RSMo, and [state schools for the severely handicapped] **Missouri**
9 **schools for the severely disabled** may cooperate in the provision of employee,
10 client and student transportation. Employees of sheltered workshops and clients
11 of other facilities operated under the provisions of sections 205.968 to 205.973,
12 RSMo, may be transported to sheltered workshops and other facilities in vehicles
13 owned and operated by the department of elementary and secondary education
14 or hired by the department for student transportation or students may be

15 transported in vehicles owned and operated or hired by sheltered workshops or
16 other facilities operated under the provisions of sections 205.968 to 205.973,
17 RSMo, to [state schools for the severely handicapped] **Missouri schools for the**
18 **severely disabled**.

19 3. The provision of sheltered workshop employee or other client
20 transportation in vehicles owned and operated or hired by the department of
21 elementary and secondary education shall not unduly interfere with the routes
22 and schedules of the [state schools for the severely handicapped] **Missouri**
23 **schools for the severely disabled** and reasonable compensation may be paid
24 by the sheltered workshop or other facility for the developmentally disabled to the
25 department of elementary and secondary education.

26 4. The department of elementary and secondary education may secure
27 transportation for students in [state schools for the severely handicapped] **the**
28 **Missouri schools for the severely disabled** in vehicles owned and operated
29 or hired by sheltered workshops or other facilities operated under the provisions
30 of sections 205.968 to 205.973, RSMo, and make reasonable compensation for the
31 service to the sheltered workshop or other facility for the developmentally
32 disabled.

162.780. The state board of education shall have the care and control of
2 all property, real and personal, necessary for the operation of [the state schools
3 for severely handicapped children] **the Missouri schools for the severely**
4 **disabled**, the school for the blind and the school for the deaf. The state board
5 of education shall not sell or in any manner dispose of any real estate purchased
6 by tax moneys belonging to the schools without an act of the general assembly
7 authorizing the sale or other disposition. The state board of education may sell,
8 convey, exchange or convert into money property of any nature, real, personal or
9 mixed, acquired from individuals or corporations by grant, gift, bequest, devise
10 or donation to these schools or any of them.

162.785. 1. The state board of education may acquire by purchase, lease,
2 gift, bequest, eminent domain, or otherwise, all necessary lands, buildings or
3 equipment, including transportation facilities, for the use and benefit of the
4 Missouri School for the Blind, the Missouri School for the Deaf and the [state
5 schools for severely handicapped children] **Missouri schools for the severely**
6 **disabled**. Whenever the board selects property or additional property for school
7 purposes and cannot agree with the owner thereof as to the price to be paid, or
8 for any other cause cannot secure a title thereto, the board may proceed to

9 condemn the property in the manner provided in chapter 523, RSMo, and on such
10 condemnation and payment of the appraisement as provided, the title to the
11 property shall vest in the state board of education for the use and benefit of the
12 school or schools for which it was required.

13 2. The state board of education may receive and administer any grants,
14 gifts, devises, bequests or donations by any individual or corporation to the [state
15 schools for severely handicapped children] **Missouri schools for the severely**
16 **disabled**, or any of them, the Missouri School for the Blind or the Missouri
17 School for the Deaf. Grants, gifts, devises, bequests or donations made for a
18 specified use shall not be applied either wholly or in part to any other use.

162.810. No employee of [the state schools for severely handicapped
2 children] **Missouri schools for the severely disabled**, the Missouri School for
3 the Blind or the Missouri School for the Deaf shall keep for sale or be interested,
4 directly or indirectly, in the sale or exchange of any school furniture or apparatus,
5 books, maps, charts, stationery, or other property or food used in the
6 schools. Any employee found to be so interested, upon conviction, shall be
7 adjudged guilty of a misdemeanor.

168.520. 1. For the purpose of providing career pay, which shall be a
2 salary supplement for teachers, librarians, guidance counselors and certificated
3 teachers who hold positions as school psychological examiners,
4 parents-as-teachers educators, school psychologists, special education
5 diagnosticians or speech pathologists in [the state schools for the severely
6 handicapped] **Missouri schools for the severely disabled**, the Missouri
7 School for the Blind and the Missouri School for the Deaf, there is hereby
8 established a career advancement program which shall become effective no later
9 than September 1, 1986. Participation in the career advancement program by
10 teachers shall be voluntary.

11 2. The department of elementary and secondary education with the
12 recommendation of teachers from the state schools, shall develop a career
13 plan. This state career plan shall include, but need not be limited to, the
14 provisions of state model career plans as contained in subsection 2 of section
15 168.500.

16 3. After a teacher who is duly employed by a state school qualifies and is
17 selected for participation in the state career plan established under this section,
18 such a teacher shall not be denied the career pay authorized by such plan except
19 as provided in subdivisions (1), (2), and (3) of section 168.510.

20 4. Each teacher selected to participate in the career plan established
21 under this section who meets the requirements of such plan, shall receive a salary
22 supplement as provided in subdivisions (1), (2), and (3) of subsection 1 of section
23 168.515.

24 5. The department of elementary and secondary education shall annually
25 include within its budget request to the general assembly sufficient funds for the
26 purpose of providing career pay as established under this section to those eligible
27 teachers employed in [state schools for the severely handicapped] **Missouri**
28 **schools for the severely disabled**, the Missouri School for the Deaf, and the
29 Missouri School for the Blind.

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