

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1807
94TH GENERAL ASSEMBLY

3965S.03T

2008

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Section A. Sections 162.675, 162.730, 162.740, 162.755, 162.780, 162.785, 162.810, and 168.520, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 162.675, 162.730, 162.740, 162.755, 162.780, 162.785, 162.810, and 168.520, to read as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

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.

12 children] **the severely disabled**, identified in state regulations that implement the Individuals
13 with Disabilities Education Act;

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

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

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

10 3. The state board of education:

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

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

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

21 4. Notwithstanding any other provision of this section, each school district which is not
22 a part of a special school district and each special school district shall provide special educational
23 services for deaf children and youth within the ages of five through thirteen years residing in the
24 district in accordance with rules, regulations and standards promulgated by the state board of
25 education. Such services shall be provided within the district of residence or by contract with
26 a nearby district or districts or nearby public agency or agencies pursuant to the provisions of
27 sections 162.670 to 162.995, provided, however, that nothing herein shall be construed to affect
28 the funding or operation of the Missouri School for the Deaf at Fulton nor to deny to any deaf
29 child or youth within the age range prescribed above the right to enrollment therein.

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

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

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

 2. Sheltered workshops holding a certificate of approval from the department of
6 elementary and secondary education under section 178.920, RSMo, and clients of other facilities
7 operated under the provisions of sections 205.968 to 205.973, RSMo, and [state schools for the
8 severely handicapped] **Missouri schools for the severely disabled** may cooperate in the
9 provision of employee, client and student transportation. Employees of sheltered workshops and
10 clients of other facilities operated under the provisions of sections 205.968 to 205.973, RSMo,
11 may be transported to sheltered workshops and other facilities in vehicles owned and operated
12 by the department of elementary and secondary education or hired by the department for student
13 transportation or students may be transported in vehicles owned and operated or hired by
14 sheltered workshops or other facilities operated under the provisions of sections 205.968 to
15 205.973, RSMo, to [state schools for the severely handicapped] **Missouri schools for the**
16 **severely disabled.**

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

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

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

 162.785. 1. The state board of education may acquire by purchase, lease, gift, bequest,
2 eminent domain, or otherwise, all necessary lands, buildings or equipment, including
3 transportation facilities, for the use and benefit of the Missouri School for the Blind, the Missouri
4 School for the Deaf and the [state schools for severely handicapped children] **Missouri schools**
5 **for the severely disabled**. Whenever the board selects property or additional property for school
6 purposes and cannot agree with the owner thereof as to the price to be paid, or for any other
7 cause cannot secure a title thereto, the board may proceed to condemn the property in the manner
8 provided in chapter 523, RSMo, and on such condemnation and payment of the appraisalment
9 as provided, the title to the property shall vest in the state board of education for the use and
10 benefit of the school or schools for which it was required.

11 2. The state board of education may receive and administer any grants, gifts, devises,
12 bequests or donations by any individual or corporation to the [state schools for severely
13 handicapped children] **Missouri schools for the severely disabled**, or any of them, the Missouri
14 School for the Blind or the Missouri School for the Deaf. Grants, gifts, devises, bequests or
15 donations made for a 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 children] **Missouri**
2 **schools for the severely disabled**, the Missouri School for the Blind or the Missouri School for
3 the Deaf shall keep for sale or be interested, directly or indirectly, in the sale or exchange of any
4 school furniture or apparatus, books, maps, charts, stationery, or other property or food used in
5 the schools. Any employee found to be so interested, upon conviction, shall be adjudged guilty
6 of a misdemeanor.

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

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

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

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

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

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