

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 17, Page
2 1, Section A, Line 2, by inserting after all of said Section and Line the following:

3
4 "135.1220. 1. This section shall be known and may be cited as "Bryce's Law".

5 2. As used in this section, the following terms mean:

6 (1) "Autism spectrum disorder", pervasive developmental disorder; Asperger syndrome;
7 childhood disintegrative disorder; Rett syndrome; and autism;

8 (2) "Contribution", a donation of cash, stock, bonds, or other marketable securities, or real
9 property;

10 (3) "Department", the department of elementary and secondary education;

11 (4) "Director", the commissioner of the department of elementary and secondary education;

12 (5) "Educational scholarships", grants to students to cover all or part of the tuition and fees at
13 a qualified nonpublic school, a qualified public school, or a qualified service provider, including
14 transportation;

15 (6) "Eligible child", any child from birth to age five living in Missouri who has an
16 individualized family services program under the First Steps program, sections 160.900 to 160.933,
17 and whose parent or guardian has completed the complaint procedure under the Individuals with
18 Disabilities Education Act, Part C, and has received an unsatisfactory response; or any child from
19 birth to age five who has been evaluated for special needs as defined in this section by a person
20 qualified to perform evaluations under the First Steps program and has been determined to have
21 special needs but who falls below the threshold for eligibility by no less than twenty-five percent;

22 (7) "Eligible student", any elementary or secondary student who attended public school in
23 Missouri the preceding semester, or who will be attending school in Missouri for the first time, who
24 has an individualized education program based on a special needs condition or who has a medical
25 diagnosis by a qualified health professional of a special needs condition;

26 (8) "Parent", includes a guardian, custodian, or other person with authority to act on behalf
27 of the child;

28 (9) "Program", the program established in this section;

29 (10) "Qualified health professional", a person licensed under chapter 334 or 337 who
30 possesses credentials as described in rules promulgated jointly by the department of elementary and
31 secondary education and the department of mental health to make a diagnosis of a student's special
32 needs for this program;

Action Taken _____ Date _____

1 (11) "Qualified school", either an accredited public elementary or secondary school in a
 2 district that is accredited without provision outside of the district in which a student resides or an
 3 accredited nonpublic elementary or secondary school in Missouri that complies with all of the
 4 requirements of the program and complies with all state laws that apply to nonpublic schools
 5 regarding criminal background checks for employees and excludes from employment any person not
 6 permitted by state law to work in a nonpublic school;

7 (12) "Qualified service provider", a person or agency authorized by the department to
 8 provide services under the First Steps program, sections 160.900 to 160.933;

9 (13) "Scholarship granting organization", a charitable organization that:

10 (a) Is exempt from federal income tax;

11 (b) Complies with the requirements of this program;

12 (c) Provides education scholarships to students attending qualified schools of their parents'
 13 choice or to children receiving services from qualified service providers; and

14 (d) Does not accept contributions on behalf of any eligible student or eligible child from any
 15 donor with any obligation to provide any support for the eligible student or eligible child;

16 (14) "Special needs", an autism spectrum disorder, Down syndrome, Angelman syndrome,
 17 or cerebral palsy;

18 (15) "State tax liability", in the case of a business taxpayer, any liability incurred by such
 19 taxpayer under chapters 143, 147, 148, and 153, excluding sections 143.191 to 143.265 and related
 20 provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer under
 21 chapter 143, excluding sections 143.191 to 143.265 and related provisions;

22 (16) "Taxpayer", a person, firm, a partner in a firm, corporation, or a shareholder in an S
 23 corporation doing business in the state of Missouri and subject to the state income tax imposed by the
 24 provisions of chapter 143, or a corporation subject to the annual corporation franchise tax imposed
 25 by the provisions of chapter 147, or other financial institution paying taxes to the state of Missouri or
 26 any political subdivision of this state under the provisions of chapter 148, or an express company
 27 which pays an annual tax on its gross receipts in this state under chapter 153, or an individual subject
 28 to the state income tax imposed by the provisions of chapter 143, or any charitable organization
 29 which is exempt from federal income tax and whose Missouri unrelated business taxable income, if
 30 any, would be subject to the state income tax imposed under chapter 143.

31 3. The department of elementary and secondary education shall develop a master list of
 32 resources available to the parents of children with an autism spectrum disorder and shall maintain a
 33 web page for the information. The department shall also actively seek financial resources in the
 34 form of grants and donations that may be devoted to scholarship funds or to clinical trials for
 35 behavioral interventions that may be undertaken by qualified service providers. The department may
 36 contract out or delegate these duties to a nonprofit organization. Priority in referral for funding shall
 37 be given to children who have not yet entered elementary school.

38 4. The director shall determine, at least annually, which organizations in this state may be
 39 classified as scholarship granting organizations. The director may require of an organization seeking
 40 to be classified as a scholarship granting organization whatever information which is reasonably
 41 necessary to make such a determination. The director shall classify an organization as a scholarship

1 granting organization if such organization meets the definition set forth in this section.

2 5. The director shall establish a procedure by which a donor can determine if an organization
3 has been classified as a scholarship granting organization. Scholarship granting organizations shall
4 be permitted to decline a contribution from a donor.

5 6. Each scholarship granting organization shall provide information to the director
6 concerning the identity of each donor making a contribution to the scholarship granting organization

7 .

8 7. (1) The director shall annually make a determination on the number of students in
9 Missouri with an individualized education program based upon special needs as defined in this
10 section. The director shall use ten percent of this number to determine the maximum number of
11 students to receive scholarships from a scholarship granting organization in that year for students
12 with special needs who have at the time of application an individualized education program, plus a
13 number calculated by the commissioner by applying the state's latest available autism, cerebral palsy,
14 Down syndrome, and Angelman syndrome incidence rates to the state's population of children from
15 age five to nineteen who are not enrolled in public schools and taking ten percent of that number.
16 The total of these two calculations shall constitute the maximum number of scholarships available to
17 students.

18 (2) The director shall also annually make a determination on the number of children in
19 Missouri whose parent or guardian has enrolled the child in First Steps, received an individualized
20 family services program based on special needs, and filed a complaint through the Individuals with
21 Disabilities Education Act, Part C, and received a negative response. In addition to this number, the
22 director shall apply the latest available autism, cerebral palsy, Down syndrome, and Angelman
23 syndrome incidence rates to the latest available census information for children from birth to age five
24 and determine ten percent of that number for the maximum number of scholarships for children.

25 (3) The director shall publicly announce the number of each category of scholarship
26 opportunities available each year. Once a scholarship granting organization has decided to provide a
27 student or child with a scholarship, it shall promptly notify the director. The director shall keep a
28 running tally of the number of scholarships granted in the order in which they were reported. Once
29 the tally reaches the annual limit of scholarships for eligible students or children, the director shall
30 notify all of the participating scholarship granting organizations that they shall not issue any more
31 scholarships and any more receipts for contributions. If the scholarship granting organizations have
32 not expended all of their available scholarship funds in that year at the time when the limit is
33 reached, the available scholarship funds may be carried over into the next year. These unexpended
34 funds shall not be counted as part of the requirement in subdivision (3) of subsection 10 of this
35 section for that year. Any receipt for a scholarship contribution issued by a scholarship granting
36 organization before the director has publicly announced the student or child limit has been reached
37 shall be valid.

38 8. Each scholarship granting organization participating in the program shall:

39 (1) Notify the department of its intent to provide educational scholarships to students
40 attending qualified schools or children receiving services from qualified service providers;

41 (2) Provide a department-approved receipt to donors for contributions made to the

1 organization;

2 (3) Ensure that at least ninety percent of its revenue from donations is spent on educational
3 scholarships, and that all revenue from interest or investments is spent on educational scholarships;

4 (4) Ensure that the scholarships provided do not exceed an average of twenty thousand
5 dollars per eligible child or fifty thousand dollars per eligible student;

6 (5) Inform the parent or guardian of the student or child applying for a scholarship that
7 accepting the scholarship may affect the student's or child's right to services if the student or child
8 returns to the public school in his or her residence district;

9 (6) Distribute periodic scholarship payments as checks made out to a student's or child's
10 parent and mailed to the qualified school where the student is enrolled or qualified service provider
11 used by the child. The parent or guardian shall endorse the check before it can be deposited;

12 (7) Cooperate with the department to conduct criminal background checks on all of its
13 employees and board members and exclude from employment or governance any individual who
14 might reasonably pose a risk to the appropriate use of contributed funds;

15 (8) Ensure that scholarships are portable during the school year and can be used at any
16 qualified school that accepts the eligible student or at a different qualified service provider for an
17 eligible child according to a parent's wishes. If a student moves to a new qualified school during a
18 school year or to a different qualified service provider for an eligible child, the scholarship amount
19 may be prorated;

20 (9) Demonstrate its financial accountability by:

21 (a) Submitting a financial information report for the organization that complies with uniform
22 financial accounting standards established by the department and conducted by a certified public
23 accountant; and

24 (b) Having the auditor certify that the report is free of material misstatements;

25 (10) Demonstrate its financial viability, if the organization is to receive donations of fifty
26 thousand dollars or more during the school year, by filing with the department before the start of the
27 school year;

28 (a) A surety bond payable to the state in an amount equal to the aggregate amount of
29 contributions expected to be received during the school year; or

30 (b) Financial information that demonstrates the financial viability of the scholarship granting
31 organization.

32 9. Each scholarship granting organization shall ensure that each participating school or
33 service provider that accepts its scholarship students or children shall:

34 (1) Comply with all health and safety laws or codes that apply to nonpublic schools or
35 service providers;

36 (2) Hold a valid occupancy permit if required by its municipality;

37 (3) Certify that it will comply with 42 U.S.C. Section 1981, as amended;

38 (4) Provide academic accountability to parents of the students or children in the program by
39 regularly reporting to the parent on the student's or child's progress;

40 (5) Certify that in providing any educational services or behavior strategies to a scholarship
41 recipient with a diagnosis of or an individualized education program based upon autism spectrum

1 disorder it will:

2 (a) Adhere to the best practices recommendations of the Missouri Autism Guidelines
3 Initiative or document why it is varying from the guidelines;

4 (b) Not use any evidence-based interventions that have been found ineffective by the
5 commission on Medicare as described in the Missouri Autism Guidelines Initiative Guide to
6 Evidence-based Interventions; and

7 (c) Provide documentation in the student's or child's record of the rationale for the use of any
8 intervention that is categorized as unestablished, insufficient evidence, or level 3 by the Missouri
9 Autism Guidelines Initiative Guide to Evidence-based Interventions; and

10 (6) Certify that in providing any educational services or behavior strategies to a scholarship
11 recipient with a diagnosis of, or an individualized family services program based upon Down
12 syndrome, Angelman syndrome, or cerebral palsy, it will use student, teacher, teaching, and school
13 influences that rank in the zone of desired effects in the meta-analysis of John Hattie, or equivalent
14 analyses as determined by the department, or document why it is using a method that has not been
15 determined by analysis to rank in the zone of desired effects.

16 10. Scholarship granting organizations shall not provide educational scholarships for
17 students to attend any school or children to receive services from any qualified service provider with
18 paid staff or board members who are relatives within the first degree of consanguinity or affinity.

19 11. A scholarship granting organization shall publicly report to the department, by June first
20 of each year, the following information prepared by a certified public accountant regarding its grants
21 in the previous calendar year:

22 (1) The name and address of the scholarship granting organization;

23 (2) The total number and total dollar amount of contributions received during the previous
24 calendar year; and

25 (3) The total number and total dollar amount of educational scholarships awarded during the
26 previous calendar year, including the category of each scholarship, and the total number and total
27 dollar amount of educational scholarships awarded during the previous year to students eligible for
28 free and reduced lunch.

29 12. The department shall adopt rules and regulations consistent with this section as necessary
30 to implement the program.

31 13. The department shall provide a standardized format for a receipt to be issued by a
32 scholarship granting organization to a donor to indicate the value of a contribution received.

33 14. The department shall provide a standardized format for scholarship granting
34 organizations to report the information in this section.

35 15. The department may conduct either a financial review or audit of a scholarship granting
36 organization.

37 16. If the department believes that a scholarship granting organization has intentionally and
38 substantially failed to comply with the requirements of this section, the department may hold a
39 hearing before the director or the director's designee to bar a scholarship granting organization from
40 participating in the program. The director or the director's designee shall issue a decision within
41 thirty days. A scholarship granting organization may appeal the director's decision to the

1 administrative hearing commission for a hearing in accordance with the provisions of chapter 621.

2 17. If the scholarship granting organization is barred from participating in the program, the
3 department shall notify affected scholarship students or children and their parents of this decision
4 within fifteen days.

5 18. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
6 under the authority delegated in this section shall become effective only if it complies with and is
7 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
8 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to
9 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
10 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
11 August 28, 2013, shall be invalid and void.

12 19. The department shall conduct a study of the program with funds other than state funds.
13 The department may contract with one or more qualified researchers who have previous experience
14 evaluating similar programs. The department may accept grants to assist in funding this study.

15 21. The study shall assess:

16 (1) The level of participating students' and childrens' satisfaction with the program in a
17 manner suitable to the student or child;

18 (2) The level of parental satisfaction with the program;

19 (3) The percentage of participating students who were bullied or harassed because of their
20 special needs status at their resident school district compared to the percentage so bullied or harassed
21 at their qualified school;

22 (4) The percentage of participating students who exhibited behavioral problems at their
23 resident school district compared to the percentage exhibiting behavioral problems at their qualified
24 school;

25 (5) The class size experienced by participating students at their resident school district and at
26 their qualified school; and

27 (6) The fiscal impact to the state and resident school districts of the program.

28 20. The study shall be completed using appropriate analytical and behavioral sciences
29 methodologies to ensure public confidence in the study.

30 21. The department shall provide the general assembly with a final copy of the evaluation of
31 the program by December 31, 2016.

32 22. The public and nonpublic participating schools and service providers from which
33 students transfer to participate in the program shall cooperate with the research effort by providing
34 student or child assessment instrument scores and any other data necessary to complete this study.

35 23. The general assembly may require periodic updates on the status of the study from the
36 department. The individuals completing the study shall make their data and methodology available
37 for public review while complying with the requirements of the Family Educational Rights and
38 Privacy Act, as amended.

39 24. Under section 23.253 of the Missouri sunset act:

40 (1) The provisions of the new program authorized under this section shall sunset
41 automatically on December 31, 2019, unless reauthorized by an act of the general assembly; and

1 (2) If such program is reauthorized, the program authorized under this section shall sunset
2 automatically on December 31, 2031; and

3 (3) This section shall terminate on December thirty-first of the calendar year immediately
4 following the calendar year in which the program authorized under this section is sunset."; and

5
6 Further amend said bill by amending the title, enacting clause, and intersectional references
7 accordingly.