

HOUSE

AMENDMENT NO. ____

Offered by

of

AMEND House Committee Substitute for Senate Bill No. 605, Page 1,
In the Title, Line 5, by deleting the word "higher"; and

Further amend said bill, Page 9, Section 161.097, Line 124,
by inserting after all of said line the following:

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

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

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

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

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

(4) "Director", the commissioner of education;

(5) "Dyslexia therapy", an appropriate specialized dyslexia
instructional program that is systematic, multisensory, and
research-based offered in a small group setting to teach students
the components of reading instruction including but not limited
to phonemic awareness, graphophonemic knowledge, morphology,
semantics, syntax, and pragmatics, instruction on linguistic
proficiency and fluency with patterns of language so that words
and sentences are carriers of meaning, and strategies that
students use for decoding, encoding, word recognition, fluency
and comprehension delivered by qualified personnel;

[(5)] (6) "Educational scholarships", grants to students or
children to cover all or part of the tuition and fees at a

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1 qualified nonpublic school, a qualified public school, or a
2 qualified service provider, including transportation;

3 [(6)] (7) "Eligible child", any child from birth to age
4 five living in Missouri who has an individualized family services
5 program under the first steps program, sections 160.900 to
6 160.933, and whose parent or guardian has completed the complaint
7 procedure under the Individuals with Disabilities Education Act,
8 Part C, and has received an unsatisfactory response; or any child
9 from birth to age five who has been evaluated for [special]
10 qualifying needs as defined in this section by a person qualified
11 to perform evaluations under the first steps program and has been
12 determined to have [special needs] a qualifying need but who
13 falls below the threshold for eligibility by no less than
14 twenty-five percent;

15 [(7)] (8) "Eligible student", any elementary or secondary
16 student who attended public school in Missouri the preceding
17 semester, or who will be attending school in Missouri for the
18 first time, who has an individualized education program based on
19 a [special] qualifying needs condition or who has a medical or
20 clinical diagnosis by a qualified health professional of a
21 [special] qualifying needs condition which in the case of
22 dyslexia, may be based on the C-TOPP assessment as an initial
23 indicator of dyslexia and confirmed by further medical or
24 clinical diagnosis;

25 [(8)] (9) "Parent", includes a guardian, custodian, or
26 other person with authority to act on behalf of the student or
27 child;

28 [(9)] (10) "Program", the program established in this
29 section;

30 [(10)] (11) "Qualified health professional", a person
31 licensed under chapter 334 or 337 who possesses credentials as
32 described in rules promulgated jointly by the department of
33 elementary and secondary education and the department of mental
34 health to make a diagnosis of a student's [special] qualifying
35 needs for this program;

36 [(11)] (12) "Qualified school", either an accredited public

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

9 [(12)] (13) "Qualified service provider", a person or
10 agency authorized by the department to provide services under the
11 first steps program, sections 160.900 to 160.933, and in the case
12 of a provider offering dyslexia therapy, the term also includes a
13 person with national certification as an academic language
14 therapist;

15 (14) "Qualifying needs", an autism spectrum disorder, Down
16 Syndrome, Angelman Syndrome, cerebral palsy, or dyslexia;

17 (15) "Scholarship granting organization", a charitable
18 organization that:

19 (a) Is exempt from federal income tax;

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

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

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

27 (14) "Special needs", an autism spectrum disorder, Down
28 Syndrome, Angelman Syndrome, or cerebral palsy].

29 3. The department of elementary and secondary education
30 shall develop a master list of resources available to the parents
31 of children with an autism spectrum disorder or dyslexia and
32 shall maintain a web page for the information. The department
33 shall also actively seek financial resources in the form of
34 grants and donations that may be devoted to scholarship funds or
35 to clinical trials for behavioral interventions that may be
36 undertaken by qualified service providers. The department may
37 contract out or delegate these duties to a nonprofit

1 organization. Priority in referral for funding shall be given to
2 children who have not yet entered elementary school.

3 4. The director shall determine, at least annually, which
4 organizations in this state may be classified as scholarship
5 granting organizations. The director may require of an
6 organization seeking to be classified as a scholarship granting
7 organization whatever information [which] that is reasonably
8 necessary to make such a determination. The director shall
9 classify an organization as a scholarship granting organization
10 if such organization meets the definition set forth in this
11 section.

12 5. The director shall establish a procedure by which a
13 donor can determine if an organization has been classified as a
14 scholarship granting organization. Scholarship granting
15 organizations shall be permitted to decline a contribution from a
16 donor.

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

20 7. (1) The director shall annually make a determination on
21 the number of students in Missouri with an individualized
22 education program based upon [special] qualifying needs as
23 defined in this section. The director shall use ten percent of
24 this number to determine the maximum number of students to
25 receive scholarships from a scholarship granting organization in
26 that year for students with [special] qualifying needs who have
27 at the time of application an individualized education program,
28 plus a number calculated by the director by applying the state's
29 latest available autism, cerebral palsy, Down Syndrome, [and]
30 Angelman Syndrome, and dyslexia incidence rates to the state's
31 population of children from age five to nineteen who are not
32 enrolled in public schools and taking ten percent of that number.
33 The total of these two calculations shall constitute the maximum
34 number of scholarships available to students.

35 (2) The director shall also annually make a determination
36 on the number of children in Missouri whose parent or guardian
37 has enrolled the child in first steps, received an individualized

1 family services program based on [special] qualifying needs, and
2 filed a complaint through the Individuals with Disabilities
3 Education Act, Part C, and received [a negative] an
4 unsatisfactory response. In addition to this number, the
5 director shall apply the latest available autism, cerebral palsy,
6 Down Syndrome, [and] Angelman Syndrome, and dyslexia incidence
7 rates to the latest available census information for children
8 from birth to age five and determine ten percent of that number
9 for the maximum number of scholarships for children.

10 (3) The director shall publicly announce the number of each
11 category of scholarship opportunities available each year. Once
12 a scholarship granting organization has decided to provide a
13 student or child with a scholarship, it shall promptly notify the
14 director. The director shall keep a running tally of the number
15 of scholarships granted in the order in which they were reported.
16 Once the tally reaches the annual limit of scholarships for
17 eligible students or children, the director shall notify all of
18 the participating scholarship granting organizations that they
19 shall not issue any more scholarships and any more receipts for
20 contributions. If the scholarship granting organizations have
21 not expended all of their available scholarship funds in that
22 year at the time when the limit is reached, the available
23 scholarship funds may be carried over into the next year. These
24 unexpended funds shall not be counted as part of the requirement
25 in subdivision (3) of subsection [10] 8 of this section for that
26 year. Any receipt for a scholarship contribution issued by a
27 scholarship granting organization before the director has
28 publicly announced the student or child limit has been reached
29 shall be valid. Beginning with school year 2016-17, the director
30 may adjust the allocation of the proportion of scholarships using
31 information on unmet need and use patterns from the previous
32 school years. The director shall provide notice of the change to
33 the state board of education for its approval.

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

36 (1) Notify the department of its intent to provide
37 educational scholarships to students attending qualified schools

1 or children receiving services from qualified service providers;

2 (2) Provide a department-approved receipt to donors for
3 contributions made to the organization;

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

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

11 (5) Inform the parent or guardian of the student or child
12 applying for a scholarship that accepting the scholarship is
13 tantamount to a parentally placed private school student pursuant
14 to 34 CFR 300.130 and, thus, neither the department nor any
15 Missouri public school is responsible to provide the student with
16 a free appropriate public education pursuant to the Individuals
17 with Disabilities Education Act or Section 504 of the
18 Rehabilitation Act of 1973;

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

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

29 (8) Ensure that scholarships are portable during the school
30 year and can be used at any qualified school that accepts the
31 eligible student or at a different qualified service provider for
32 an eligible child according to a parent's wishes. If a student
33 moves to a new qualified school during a school year or to a
34 different qualified service provider for an eligible child, the
35 scholarship amount may be prorated;

36 (9) Demonstrate its financial accountability by:

37 (a) Submitting a financial information report for the

1 organization that complies with uniform financial accounting
2 standards established by the department and conducted by a
3 certified public accountant; and

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

6 (10) Demonstrate its financial viability, if the
7 organization is to receive donations of fifty thousand dollars or
8 more during the school year, by filing with the department before
9 the start of the school year:

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

13 (b) Financial information that demonstrates the financial
14 viability of the scholarship granting organization.

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

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

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

22 (3) Certify that it will comply with 42 U.S.C. Section
23 1981, as amended;

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

27 (5) Certify that in providing any educational services or
28 behavior strategies to a scholarship recipient with a medical or
29 clinical diagnosis of or an individualized education program
30 based upon autism spectrum disorder it will:

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

34 (b) Not use any evidence-based interventions that have been
35 found ineffective by the [commission on Medicare] centers for
36 Medicare and Medicaid services as described in the Missouri
37 Autism Guidelines Initiative guide to evidence-based

1 interventions; and

2 (c) Provide documentation in the student's or child's
3 record of the rationale for the use of any intervention that is
4 categorized as unestablished, insufficient evidence, or level 3
5 by the Missouri Autism Guidelines Initiative guide to
6 evidence-based interventions; and

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

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

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

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

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

30 (3) The total number and total dollar amount of educational
31 scholarships awarded during the previous calendar year, including
32 the category of each scholarship, and the total number and total
33 dollar amount of educational scholarships awarded during the
34 previous year to students eligible for free and reduced lunch.

35 12. The department shall adopt rules and regulations
36 consistent with this section as necessary to implement the
37 program.

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

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

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

9 16. If the department believes that a scholarship granting
10 organization has intentionally and substantially failed to comply
11 with the requirements of this section, the department may hold a
12 hearing before the director or the director's designee to bar a
13 scholarship granting organization from participating in the
14 program. The director or the director's designee shall issue a
15 decision within thirty days. A scholarship granting organization
16 may appeal the director's decision to the administrative hearing
17 commission for a hearing in accordance with the provisions of
18 chapter 621.

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

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

34 19. The department shall conduct a study of the program
35 with funds other than state funds. The department may contract
36 with one or more qualified researchers who have previous
37 experience evaluating similar programs. The department may

1 accept grants to assist in funding this study.

2 20. The study shall assess:

3 (1) The level of participating students' and children's
4 satisfaction with the program in a manner suitable to the student
5 or child;

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

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

11 (4) The percentage of participating students who exhibited
12 behavioral problems at their resident school district compared to
13 the percentage exhibiting behavioral problems at their qualified
14 school;

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

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

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

22 22. The department shall provide the general assembly with
23 a final copy of the evaluation of the program by December 31,
24 2016.

25 23. The public and nonpublic participating schools and
26 service providers from which students transfer to participate in
27 the program shall cooperate with the research effort by providing
28 student or child assessment instrument scores and any other data
29 necessary to complete this study.

30 24. The general assembly may require periodic updates on
31 the status of the study from the department. The individuals
32 completing the study shall make their data and methodology
33 available for public review while complying with the requirements
34 of the Family Educational Rights and Privacy Act, as amended.

35 25. Under section 23.253 of the Missouri sunset act:

36 (1) The provisions of the new program authorized under this
37 section shall sunset automatically on December 31, 2019, unless

1 reauthorized by an act of the general assembly; and

2 (2) If such program is reauthorized, the program authorized
3 under this section shall sunset automatically on December 31,
4 2031; and

5 (3) This section shall terminate on December thirty-first
6 of the calendar year immediately following the calendar year in
7 which the program authorized under this section is sunset.

8 162.481. 1. Except as otherwise provided in this section,
9 all elections of school directors in urban districts shall be
10 held biennially at the same times and places as municipal
11 elections.

12 2. In any urban district which includes all or the major
13 part of a city which first obtained a population of more than
14 seventy-five thousand inhabitants by reason of the 1960 federal
15 decennial census, elections of directors shall be held on
16 municipal election days of even-numbered years. The directors of
17 the prior district shall continue as directors of the urban
18 district until their successors are elected as herein provided.
19 On the first Tuesday in April, 1964, four directors shall be
20 elected, two for terms of two years to succeed the two directors
21 of the prior district who were elected in 1960 and two for terms
22 of six years to succeed the two directors of the prior district
23 who were elected in 1961. The successors of these directors
24 shall be elected for terms of six years. On the first Tuesday in
25 April, 1968, two directors shall be elected for terms to commence
26 on November 5, 1968, and to terminate on the first Tuesday in
27 April, 1974, when their successors shall be elected for terms of
28 six years. No director shall serve more than two consecutive
29 six-year terms after October 13, 1963.

30 3. Except as otherwise provided in subsections 4 [and] 5,
31 6, and 7 of this section, hereafter when a seven-director
32 district becomes an urban district, the directors of the prior
33 seven-director district shall continue as directors of the urban
34 district until the expiration of the terms for which they were
35 elected and until their successors are elected as provided in
36 this subsection. The first biennial school election for
37 directors shall be held in the urban district at the time

1 provided in subsection 1 which is on the date of or subsequent to
2 the expiration of the terms of the directors of the prior
3 district which are first to expire, and directors shall be
4 elected to succeed the directors of the prior district whose
5 terms have expired. If the terms of two directors only have
6 expired, the directors elected at the first biennial school
7 election in the urban district shall be elected for terms of six
8 years. If the terms of four directors have expired, two
9 directors shall be elected for terms of six years and two shall
10 be elected for terms of four years. At the next succeeding
11 biennial election held in the urban district, successors for the
12 remaining directors of the prior seven-director district shall be
13 elected. If only two directors are to be elected they shall be
14 elected for terms of six years each. If four directors are to be
15 elected, two shall be elected for terms of six years and two
16 shall be elected for terms of two years. After seven directors
17 of the urban district have been elected under this subsection,
18 their successors shall be elected for terms of six years.

19 4. In any school district in any city with a population of
20 one hundred thousand or more inhabitants which is located within
21 a county of the first classification that adjoins no other county
22 of the first classification, or any school district which becomes
23 an urban school district by reason of the 2000 federal decennial
24 census, elections shall be held annually at the same times and
25 places as general municipal elections for all years where one or
26 more terms expire, and the terms shall be for three years and
27 until their successors are duly elected and qualified for all
28 directors elected on and after August 28, 1998.

29 5. In any school district in any county with a charter form
30 of government and with more than three hundred thousand but fewer
31 than four hundred fifty thousand inhabitants which becomes an
32 urban school district by reason of the 2010 federal decennial
33 census, elections shall be held annually at the same times and
34 places as general municipal elections for all years where one or
35 more terms expire, and the terms shall be for three years and
36 until their successors are duly elected and qualified for all
37 directors elected on and after April 2, 2012.

1 6. In any school district in a county of any classification
2 where the term of office for directors is set at three years,
3 which becomes an urban school district by reason of any federal
4 decennial census, the school board of such county may by majority
5 vote, at any time twelve or more weeks prior to an election where
6 one or more seats expire, vote to continue elections for three
7 year terms in office for directors. Elections shall be held
8 annually at the same times and places as general municipal
9 elections for all years where one or more terms expire, and the
10 terms shall be for three years and until their successors are
11 duly elected and qualified.

12 7. If a school district of any classification has changed
13 at any time to an urban school district by reason of any federal
14 decennial census and such district has followed the procedures of
15 subsection 4 of this section through an entire election cycle
16 such that all seven directors of such district currently serve
17 six year terms in office with biennial elections, then the
18 directors may by majority vote, conducted at least twelve weeks
19 prior to any election where one or more director terms in office
20 expire, vote to reinstate three year terms in office for all
21 directors of such district. At the first election held after
22 such vote, the term in office for any new directors to replace
23 those whose seats shall expire shall be four years, at the second
24 election held after such vote, the term in office for any new
25 directors to replace those whose seats shall expire shall be two
26 years. For the third election held after such vote, at which
27 time the seats of all six year term directors shall have expired,
28 the school board shall choose three of the director seats for
29 election to a two year term and four of the director seats for
30 election to a three year term. Thereafter, the term in office
31 for all directors shall be for three years and until their
32 successors are duly elected and qualified."; and

33
34 Further amend said title, enacting clause and intersectional
35 references accordingly.