

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 68, Page 53, Section 162.207, Line 48, by inserting after all of the said section and
3 line the following:
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5 "162.705. 1. If a school district or special district fails or is unable to provide special
6 educational services to each handicapped or severely handicapped child as required in sections
7 162.670 to 162.995, the district shall contract with a nearby district or districts or public agency or
8 agencies for such special educational services. If the board of education of the district finds that no
9 adequate program for handicapped or severely handicapped children is available in nearby districts
10 or through public agencies, it may contract with any organization within the state which has
11 programs meeting the standards established by the state board of education. If such district fails to
12 contract for such services, the state board of education may contract for such services with a nearby
13 district or districts or public agency or agencies. If the state board of education finds, after
14 investigation by the state department of education, that no adequate program for handicapped or
15 severely handicapped children is available in nearby districts or through public agencies, the state
16 board of education may contract with any organization within the state or an adjacent state which
17 has programs meeting the standards established by the state board of education. Assignment of
18 handicapped or severely handicapped children under this section shall be made to a particular school
19 or program which, in the judgment of the state department of elementary and secondary education,
20 can best provide special educational services to meet the needs of the child, and such assignment
21 shall be made upon the basis of competent evaluation. The state board of education may seek the
22 advice of established and ad hoc advisory committees in developing standards for approving
23 programs and costs of programs operated by organizations. Nothing contained within this section
24 shall be construed to affect the provisions of section 162.700 or 162.725.

25 2. Per pupil costs of contractual arrangements shall be the obligation of the district of
26 residence, except districts which are part of a special school district, or special district of residence;
27 provided, however, that if the contract is with another district or special district, the district
28 providing the services under contractual arrangements shall include children served under such
29 contractual arrangements in determining the total per pupil cost for which the district of residence is
30 responsible. If the contract is with a public agency or an organization, the district of residence shall
31 be entitled to receive state aid as provided in section 163.031 and in section 162.980. Where the
32 state board of education contracts for special educational services pursuant to subsection 1 of this
33 section, the state board of education shall submit to the responsible district a bill for the per pupil
34 cost payable by that district under the terms of this subsection. Failure of a district to pay such cost
35 within ninety days after a bill is submitted by the state board of education shall result in the
36 deduction of the amount due by the state board of education from subsequent payments of state

Action Taken _____ Date _____

1 moneys due such district or special district.

2 3. If the state board of education determines, after inspection by the state department of
3 elementary and secondary education and upon the recommendation of the commissioner of
4 education, that handicapped or severely handicapped children residing within the district may better
5 be provided special educational services by the district or special district of residence, the state
6 board of education shall order the district to provide special educational services in accordance with
7 sections 162.670 to 162.995.

8 4. If the state board of education determines, after public hearing before the commissioner
9 of education held in the school district on due notice, that the district has failed to provide special
10 educational services in accordance with an order issued under subsection 3 of this section, the state
11 board of education shall withhold all or such portion of the state aid under sections 162.670 to
12 162.995 and under chapter 163 as in its judgment is necessary to require the district to carry out its
13 responsibility under sections 162.670 to 162.995. The denial of state financial assistance hereunder
14 may continue until the failure to provide special educational services is remedied.

15 5. No contract shall be made under sections 162.670 to 162.995 contrary to the provisions of
16 Article I, Section 7 or Article IX, Section 8 of the Constitution of Missouri."; and

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18 Further amend said bill, Page 79, Section 170.014, Line 17, by deleting the phrase "may not
19 include" and inserting in lieu thereof the phrase "shall not rely primarily on"; and

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21 Further amend said bill by amending the title, enacting clause, and intersectional references
22 accordingly.