

FIRST REGULAR SESSION

HOUSE BILL NO. 1386

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KEATHLEY.

1736H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 167.850, RSMo, and to enact in lieu thereof one new section relating to recovery high schools.

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

Section A. Section 167.850, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.850, to read as follows:

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

(1) "Board", the state board of education;

(2) "Commissioner", the commissioner of education;

(3) "Recovery high school", a ~~public~~ high school that serves eligible students diagnosed with substance use disorder or dependency as defined by the most recent Diagnostic and Statistical Manual of Mental Disorders and that provides both a comprehensive four-year high school education in an alternative ~~public~~ school setting and a structured plan of recovery;

(4) "Sending district", the school district where a student attending or planning to attend the recovery high school resides and from which the student is referred for enrollment in a recovery high school;

(5) "Sponsoring entity", the state department of elementary and secondary education, a school district, a magnet school, a charter school, a private school as defined in section 166.700, or any combination of such entities.

2. (1) The commissioner may approve and authorize up to four pilot recovery high schools, geographically located in metropolitan areas throughout the state, to be established by ~~[school districts or groups of school districts]~~ **a sponsoring entity** for the purpose of

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.

18 demonstrating the effectiveness of the recovery high school model in this state. The
19 commissioner shall issue a request for proposals from ~~[school districts]~~ **sponsoring entities**
20 to operate a pilot recovery high school. Such proposals may be submitted by an individual
21 ~~[school district]~~ **sponsoring entity** proposing to operate a recovery high school or by a group
22 of ~~[school districts]~~ **sponsoring entities** proposing to jointly operate such a school. Such
23 proposals shall be submitted to the commissioner no later than July first of the school year
24 prior to the school year in which the recovery high school is proposed to begin operation. The
25 approval of the board shall be required for the recovery high school to begin operation.

26 (2) Proposals shall detail how the ~~[district or districts]~~ **sponsoring entity** will satisfy
27 the criteria for a high school education program under state law and board rule and how the
28 recovery high school will satisfy the requirements for accreditation by the Association of
29 Recovery Schools or another recovery school accreditation organization authorized by the
30 board. The proposal shall include a financial plan outlining the anticipated public and private
31 funding that will allow the recovery high school to operate and meet the school's educational
32 and recovery criteria. The ~~[district or districts]~~ **sponsoring entity** may partner with one or
33 more local nonprofit organizations or other local educational agencies regarding
34 establishment and operation of a recovery high school and may establish a joint board to
35 oversee the operation of the recovery high school as provided in a memorandum of
36 understanding entered with such organization or organizations.

37 (3) By approval of the proposal upon the recommendation of the commissioner, the
38 board shall be deemed to have authorized all necessary equivalencies and waivers of
39 regulations enumerated in the proposal.

40 (4) The commissioner may specify an authorization period for the recovery high
41 school, which shall be no less than four years. Before July first of each year the recovery high
42 school is in operation, the ~~[school district or group of school districts]~~ **sponsoring entity**, in
43 consultation with the recovery high school, shall submit to the commissioner an analysis of
44 the recovery high school's educational, recovery, and other related outcomes as specified in
45 the proposal. The commissioner shall review the analysis and renew any recovery high
46 school meeting the requirements of this section and the requirements of the school's proposal
47 and may include terms and conditions to address areas needing correction or improvement.
48 The commissioner may revoke or suspend the authorization of a recovery high school not
49 meeting the requirements of this section or the requirements of the school's proposal.

50 (5) Pupil attendance, dropout rate, student performance on statewide assessments, and
51 other data considered in the Missouri school improvement program and school accreditation
52 shall not be attributed to the general accreditation of either a sending district or the ~~[district or~~
53 ~~districts]~~ **sponsoring entity** operating the recovery high school and may be used by the

54 commissioner only in the renewal process for the recovery high school as provided in this
55 subsection.

56 3. (1) A school district may enter into an agreement with a [~~district or districts~~]
57 **sponsoring entity** operating a recovery high school for the enrollment of an eligible student
58 who is currently enrolled in or resides in the sending district.

59 (2) A parent or guardian may seek to enroll an eligible student residing in a sending
60 district in a recovery high school created under this section. A student over eighteen years of
61 age residing in a sending district may seek to enroll in a recovery high school.

62 (3) An "eligible student" shall mean a student who is in recovery from substance use
63 disorder or substance dependency, or such a condition along with co-occurring disorders such
64 as anxiety, depression, and attention deficit hyperactivity disorder, and who is determined by
65 the recovery high school to be a student who would academically and clinically benefit from
66 placement in the recovery high school and is committed to working on the student's recovery.
67 The recovery high school shall consider available information including, but not limited to,
68 any recommendation of a drug counselor, alcoholism counselor, or substance abuse counselor
69 licensed or certified under applicable laws and regulations.

70 (4) A recovery high school shall not limit or deny admission to an eligible student
71 based on race, ethnicity, national origin, disability, income level, proficiency in the English
72 language, or athletic ability.

73 4. (1) The recovery high school shall annually adopt a policy establishing a tuition
74 rate for its students no later than February first of the preceding school year.

75 (2) The sending district of an eligible student who is enrolled in and attending a
76 recovery high school shall pay tuition to the recovery high school equal to the lesser of:

77 (a) The tuition rate established under subdivision (1) of this subsection; or

78 (b) The state adequacy target, as defined in section 163.011, plus the average sum
79 produced per child by the local tax effort above the state adequacy target of the sending
80 district.

81 (3) If costs associated with the provision of special education and related disability
82 services to the student exceed the tuition to be paid under subdivision (2) of this subsection,
83 the sending district shall remain responsible for paying the excess cost to the recovery high
84 school.

85 (4) The commissioner may enter into an agreement with the appropriate official or
86 agency of another state to develop a reciprocity agreement for otherwise eligible, nonresident
87 students seeking to attend a recovery high school in this state. A recovery high school may
88 enroll otherwise eligible students residing in a state other than this state as provided in such
89 reciprocity agreement. Such reciprocity agreement shall require the out-of-state student's
90 district of residence to pay to the recovery high school an annual amount equal to one hundred

91 five percent of the tuition rate for the recovery high school established under this subsection.
92 If an otherwise eligible student resides in a state that is not subject to a reciprocity agreement,
93 such student may attend a recovery high school provided such student pays to the school one
94 hundred five percent of the tuition rate for the recovery high school established under this
95 subsection. No student enrolled and attending a recovery high school under this subdivision
96 shall be included as a resident pupil for any state aid purpose under chapter 163.

97 5. The board, in consultation with the department of mental health, may promulgate
98 rules to implement the provisions of this section. Any rule or portion of a rule, as that term is
99 defined in section 536.010, that is created under the authority delegated in this section shall
100 become effective only if it complies with and is subject to all of the provisions of chapter 536
101 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any
102 of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the
103 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then
104 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2022,
105 shall be invalid and void.

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