

2009 Missouri Legislative Session Summary

Bills that Passed

HB 2 – DESE Appropriations

Special Education line items with increases include ECSE (\$24,753,072 increase), the High Need Fund (\$4,874,682 increase), First Steps (\$9,140,925 increase from GR and federal stimulus), and the core special education federal authorization was almost doubled to allow spending the additional IDEA dollars in the ARRA (federal stimulus). All other special education line items are level funded for next year. Set-aside funding for professional development is decreased to 7 million with a number of specific line item allocations within that amount including funding to support RPDC activities. The Governor has line item veto authority for appropriation bills. Whatever is not vetoed will become effective July 1, 2009 for the FY10 fiscal year.

HB 236 – Graduation Policy (Representative Lipke)

Requires schools adopt policies and procedures that allow students with disabilities who have completed four years of high school to participate in the graduation ceremony of their age peers if the IEP team determines appropriate. The bill does not confer a right to FAPE after graduation (exceeding IDEA requirements). With an emergency clause, this bill became effective on May 14, 2009 when the Governor signed it into law.

HB 922 – Allergy Prevention Policy (Representative Smith)

Requires districts to adopt a policy on allergy prevention and response, with priority given to food-borne allergies, by July 1, 2011. The policy must contain a number of elements including the role of school staff in managing an allergy problem (through a 504 plan or health plan). DESE, in cooperation with appropriate professional associations, shall develop a model policy by 2010. This bill will become effective August 28, 2009 unless vetoed by the Governor.

Senate Bill 157 / House Bill 525 – Autism Projects (Senator Schmitt and Rep Grisamore)

Codifies the five regional autism projects currently administered by the Division of Developmental Disabilities and authorizes the provision of assessment, advocacy, communication and language therapy, crisis intervention, life skills, respite care and other services subject to appropriations. Each regional project shall have a parent advisory council and the division shall establish the Missouri Parent Advisory Committee. This bill will become effective August 28, 2009 unless vetoed by the Governor.

HB 289 – Due Process & Resolution Session Clean-up (Representative Wallace)

Aligns state statutes on due process with IDEA provisions on 5 day disclosure and provides local school boards with the authority to designate an individual who can bind the district to a settlement in a resolution session. This bill will become effective August 28, 2009 unless vetoed by the Governor.

SB 291 – Education Omnibus (Senator Sheilds)

Foster Children and Publicly Placed Students

For children placed in foster care or residential treatment facilities by the Department of Social Services, the standard school day is 6 hours unless the school determines a different school day length is necessary. The Commissioner of Education or his/her designee will be an ombudsman for these students and will have the final decision over disagreements about the length of school day. IDEA students are exempted from these provisions as the IEP team has decision-making authority on length of day. School districts must designate a staff person to serve as the education liaison for foster care children. The child placing agency is to promote educational stability for foster care students by considering the student's school attendance area when making placement decisions. The student shall have the right to remain enrolled in and attend the school of origin pending resolution of school placement disputes.

Parents Bill of Rights

Requires DESE to publish a "Parents' Bill of Rights" for parents of IDEA eligible student and requires school districts to provide the publication to parents upon determination that a student qualifies for an IEP and any time IDEA requires provision of procedural safeguards. The content of the Parents Bill of Rights is described in statute and DESE is charged with ensuring the content does not confer rights that exceed current state/federal law and keeping the content current with any changes in interpretation of such laws.

Seclusion and Restraint Policy

Requires districts to include in their school discipline policy a prohibition of placing a student in an unattended, locked space except for emergencies when waiting for law enforcement. Also requires

DESE, in collaboration with appropriate organizations and experts, with developing a model policy that addresses seclusion and restraint by July 1, 2010 and local districts with adopting a policy that addresses the same by July 1, 2011.

Open Enrollment

Directs the Joint Committee on Education to undertake studies on open enrollment, charter school performance, and urban school district governance and provide reports and recommendations to the legislature before next legislative session.

Physical Activity

Requires districts to provide 150 minutes of moderate physical activity at the elementary level, recommends 225 minutes of physical activity at the middle school level, and requires a minimum of one recess period of twenty minutes per day at the elementary level. Students with disabilities shall participate to the extent appropriate as determined by IDEA or 504.

School Flex Program

Establishes a School Flex Program to allow 11th and 12th graders to attend school a minimum of two instructional hours per school day with evidence of college or technical career education enrollment or attendance/proof of employment/labor that is aligned with the student's career academic plan as part of an overall plan for accumulation of credits and timely graduation. Students participating in the program will be considered full-time students of the district and will be counted in the school's average daily attendance for state aid purposes.

Compulsory Attendance

Changes the compulsory attendance age to either 17 years of age OR completion of sixteen credits toward high school graduation.

Bill-back

Amends the bill back provisions to districts of domicile to include billing for children who temporarily reside in a children's hospital for more than three days.

Special Education Pupil Count

Adds public school students with a "services plan" to those with IEP's as part of the definition of "special education pupil count" for the foundation formula.

The provisions of this bill will become effective August 28, 2009 unless vetoed by the Governor except for the change in special education pupil count which will become effective July 1, 2009.

Bills that did not Pass

SB 167 – Senator Rupp and HB 357 – Rep Scharnhorst

Requires insurance coverage for autism services, including ABA intervention when prescribed by a physician or psychologist and allows ABA services to have an annual cap of \$55,000 per year for children up to age 15. MO-CASE worked with the autism coalition supporting the bill to ensure ABA was not defined or restricted to an "educational" service in statute as was proposed by the insurance industry.

HB 76 - Representative Lampe

Reintroduced from last year, provides for a range of autism services and requirements.

HB 417 – Representative Scharnhorst

Reintroduced from last year and provides for scholarships/vouchers for students with disabilities funded through a tax credit system.

HB 501 – Representative Scharnhorst

Charges the Division of Special Education with establishing an "ombudsman" program that would provide information supports to parents and families, act as a liaison between parents and schools and help explore options for conflict resolution. A representative from the program must be present at all IEP meetings and in the event the parties involved in an IEP meeting are unable to agree on an issue, the head ombudsman must resolve the matter which conflicts with the provisions of IDEA.

HB 1047 – Representative Grisamore

Requires K-12 schools to provide instruction on disability history and awareness in October of each year. The instruction is to expand knowledge, understanding, and awareness of individuals with disabilities, the history of disability, and the disability rights movement.

HB 166 – Representative Dusenberg

Requires a health examination for 2nd and 8th graders including vision exam, hearing exam, weight, height measurements, blood pressure, asthma screening and diabetes screening. Parents shall provide

certification of a completed exam to the school. Parents may request in writing to be exempted from the requirement.

HB 1037 - Representative Grisamore

Amends existing statute language related to accessible instructional materials requiring schools to procure from vendors who provide accessible electronic text (such as the NIMAS file sets required by IDEA) for purchase. In addition, it gives schools the right to transcribe, reproduce and distribute materials in alternative format needed by IDEA and 504 eligible students