

2010 Missouri Legislative Session Summary

Bills that Passed

HB 2002 – DESE Appropriations

All special education line items were level funded with the exception of the following:

- ECSE - 135,210,376 (increase of \$11,646,095)
- High Need Fund - 29,322,356 (increase of \$3,436,111)
- State Schools - \$47,263,880 (decrease of \$2,792,488)
- Blind Skills Specialists - \$236,906 (decrease of \$1,044)

In addition, a 13 million reduction was made to Parents as Teachers funding and career ladder funding was eliminated for the 2010-2011 school year. Further information about these funding changes is included in House Bill 1543 (see below).

HB 1543 - Representative Wallace

This bill includes a range of provisions related to school employee liability, safety practices, and reporting acts of violence. It also addresses funding of career ladder and Parents as Teachers (PAT). It removes the requirement for retrospective funding of career ladder and allows (does not require) the General Assembly to make annual prospective appropriations instead. For future years, the legislature will appropriate funding for career ladder prior to the school year start and will require 60% local funding match for 40% state funding for all districts. For PAT funding, the bill removes the provision which specifies that no fees can be charged for Parents as Teachers services, clarifies that families with children younger than the kindergarten entry age will be eligible to receive specified services, requires priority to be given to high-needs families according to DESE criteria, and allows school districts to establish cost-sharing strategies for these services.

HB 1311 – Representative Scharnhorst

This bill establishes licensure for the practice of applied behavior analysis (ABA) and requires insurance coverage for diagnosis and treatment of autism spectrum disorders (ASD). For licensure, two new credentials are established:

- * Licensed Behavior Analyst (LBA)– requires certification from the Behavior Analyst Certification Board (BACB) or equivalent. The BACB certification requires a Masters degree along with specific coursework, clinical experience and passing a national exam.
- * Licensed Assistant Behavior Analyst (LaBA) – requires certification from the Behavior Analyst Certification Board (BACB) or equivalent. The BACB certification requires a Bachelors degree along with specific coursework, clinical experience and passing a national exam. The LaBA must be supervised by the LBA.

These credentials are required to practice ABA with the following exceptions:

- * Licensed or certificated professionals may practice components of ABA as appropriate under their own credential (such a certified teachers, school psychologists, etc.)
- * Services provided under IDEA and Section 504 are exempt (which would cover paraprofessionals and other school staff).

For the insurance mandate, the bill requires coverage for treatment for ASD that includes medically necessary services and equipment (such as augmentative communication devices) prescribed by a physician or psychologist including but not limited to speech therapy,

occupational therapy, physical therapy and ABA. ABA services can be subject to a \$40,000 per year cap for children up to age 18. Other services are not subject to this age and dollar limit.

The bill specifically exempts Missouri HealthNet (Medicaid) from the provisions of the bill. However, it is unclear if this exemption is consistent with the federal EPSDT requirements of Medicaid. It is also important to remember that many private insurance plans are not subject to state law and there will be children who have insurance who will not be assured of this new coverage.

Bills that did not Pass

SB 603 – Senator Mayer

This bill establishes open enrollment of students in a district other than their district of residence based on parent preference. Parents are responsible for providing transportation. The receiving district may disapprove the transfer of an IDEA eligible student to their district if they do not “maintain a special education instructional program that is appropriate to meet the child’s educational needs” or enrollment would cause the size of the class to exceed the “maximum class size established in rules.” The sending district pays all special education costs but the receiving district determines FAPE.

HB 1548 – Representative Calloway

This bill establishes the High School Sports Brain Injury Prevention Act which requires school boards to work with the Missouri State High School Activities Association to develop guidelines, information, and forms for coaches, student athletes, and their parents or guardians on the nature and risk of concussions and head injuries, including information on continuing to play after a concussion or head injury. An athlete suspected of sustaining a concussion or head injury must be removed from competition until evaluated by a licensed health care provider trained in the evaluation and management of concussions and receives a written clearance from the provider to return to play.

HB 1552 and 1553 – Representative Schoeller

HB 1552 is similar to SB 603 establishing open enrollment of students in a district other than their district of residence based on parent preference. HB 1553 would establish procedures by which the issue of open enrollment by contract may be placed before the voters of a school district.

HB 1879 – Representative Grisamore

This bill 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 1215 – Representative Dusenberg

This bill 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 1463 – Representative Hodges

This bill requires, beginning in the 2011-2012 school year, every public school district to screen its students for Sensory Processing Disorder (SPD) before the end of first grade and again before the end of third grade.

HB 1880 - Representative Grisamore

This bill 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.

SB 990 & HB 2353 – Senator Scott and Representative Wells

This bill reauthorizes current law that requires every child enrolling in kindergarten or first grade in a public elementary school to receive one comprehensive vision examination until June 30, 2020. This bill does not reauthorize the other provisions of the original act including the required vision screening provisions.

HB 2324 - Representative Newman

This bill expands the current state law that addresses the use of service dogs. Missouri's statute uses the term service dogs (not service animals) and this bill adds a definition of "service dog team" which is the person with a disability, the service dog and "the adult trained to handle the service dog". The bill then requires public and private educational institutions to provide individuals with disabilities access to their service dog and service dog team and to make reasonable accommodations in rules, practices or services "when necessary to afford equal opportunity to use and enjoy the educational institution."