

MISSOURI STATE BOARD OF EDUCATION AGENDA ITEM:**October 2014**

CONSIDERATION OF PROPOSED AMENDMENTS TO RULES 5 CSR 10-2.010 SCHOLARSHIP
GRANTING ORGANIZATIONS, 5 CSR 10-2.020 SCHOLARSHIPS, AND 5 CSR 10-2.030
ELIGIBILITY FOR SCHOLARSHIPS

STATUTORY AUTHORITY:

Section 161.825, RSMo and Section 161.092, RSMo

Consent
ItemAction
ItemReport
Item**DEPARTMENT GOAL NO. 1 and 2:**

All Missouri students will graduate college and career ready.

All Missouri children will enter kindergarten prepared to be successful in school.

SUMMARY:

The proposed regulations add dyslexia to the definition of qualifying need as required by the amendment to Bryce's Law, Section 161.825, RSMo.

PRESENTER(S):

Stephen Barr, Assistant Commissioner, Office of Special Education, will assist with the presentation and discussion of this agenda item.

RECOMMENDATION:

The Department recommends the State Board of Education authorize publication in the *Missouri Register* to receive public comment on the proposed amendment to regulations 5 CSR 10-2.010, 5 CSR 10-2.020, and 5 CSR 10-2.030.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 10—Commissioner of Education
Chapter 2—Education Scholarships

PROPOSED AMENDMENT

5 CSR 10-2.010 Scholarship Granting Organizations. The State Board of Education is amending Subsections (13)(H) and (16)(C).

PURPOSE: This amendment adds dyslexia to the qualifying needs eligible for scholarships.

(13) Annually, by August 1 of each year, each scholarship granting organization shall submit to the department an annual assurance statement assuring that—

(H) All schools or service providers accepting scholarship funds from the scholarship granting organization shall—

1. Comply with all health and safety laws and codes that apply to nonpublic schools or service providers;
2. Hold a valid occupancy permit if required by the municipality where located;
3. Provide academic accountability to parents by reporting at least quarterly to parents on the child's or student's progress;
4. Adhere to the recommendations of the Missouri Autism Guideline Initiative when serving a child or student with a diagnosis of autism spectrum disorder or an Individualized Education Program (IEP) based on autism spectrum disorder;
5. Not use any interventions with a child or student with a diagnosis of autism spectrum disorder or an IEP based on autism spectrum disorder that have been found ineffective by the commission on Medicare as described in the Missouri Autism Guidelines Initiative Guide to Evidence-based Interventions;
6. Provide documentation in the child's or student's record of the rationale for using any intervention that is categorized as unestablished, insufficient evidence, or level three (3) by the Missouri Autism Guidelines Initiative Guide to Evidence-based Interventions;
7. When providing education services or behavior strategies to a scholarship recipient with a diagnosis of Down syndrome, Angelman syndrome, **dyslexia**, or cerebral palsy, use student, teacher, teaching, and school influences that rank in the zone of desired effects as evaluated by John Hattie or document to the scholarship granting organization why it used a method not in the zone of desired effects;

8. When providing education services or behavior strategies to a scholarship recipient with an individualized family services program based on Down syndrome, Angelman syndrome, **dyslexia**, or cerebral palsy, use the teaching methods that rank in the zone of desired effects as evaluated by John Hattie or document to the scholarship granting organization why it used a method not in the zone of desired effects.

(16) Annually, by April 1 of each year, the scholarship granting organization shall survey scholarship recipients and their parents. Results of the survey shall be made available to the department on request. The survey should determine—

(C) Whether the students were bullied or harassed in their current placement and in their prior placement because of their autism spectrum disorder, Down syndrome, Angelman syndrome, **dyslexia**, or cerebral palsy, using the definitions of bullied and harassed found in section 160.775, RSMo;

AUTHORITY: sections 161.092 and 161.825.12, RSMo Supp. [2013] 2014. Original rule filed Oct. 29, 2013, effective May 30, 2014. Amended: Filed

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivision more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Cynthia Quetsch, PO Box 480, Jefferson City, MO 65102-0480 or by email at Bryceslaw@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 10—Commissioner of Education
Chapter 2—Education Scholarships

PROPOSED AMENDMENT

5 CSR 10-2.020 Scholarships. The State Board of Education is amending sections (1) and (2).

PURPOSE: This amendment adds dyslexia to the qualifying needs eligible for scholarships.

(1) By May 1 of each year, the Commissioner of Education (commissioner) shall determine the maximum number of scholarships available to eligible students with autism spectrum disorder, Down syndrome, Angelman syndrome, **dyslexia**, and cerebral palsy who have Individualized Education Programs (IEPs).

(2) By May 1 of each year, the commissioner shall determine the maximum number of scholarships available to eligible children age birth to five (B-5) with autism spectrum disorder, Down syndrome, Angelman syndrome, **dyslexia**, and cerebral palsy.

AUTHORITY: sections 161.092 and 161.825.12, RSMo Supp. [2013] 2014. Original rule filed Oct. 29, 2013, effective May 30, 2014. Amended: Filed

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Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 10—Commissioner of Education
Chapter 2—Education Scholarships

PROPOSED AMENDMENT

5 CSR 10-2.030 Eligibility for Scholarships. The State Board of Education is amending subsections (1)(A), (1)(B), (2)(A), (2)(B), and (3)(B).

PURPOSE: This amendment adds dyslexia to the qualifying needs eligible for scholarships and changes unfavorable to unsatisfactory to reflect the statutory language change.

(1) There are two (2) ways for a child to be eligible for the scholarship program in section 161.825, RSMo—

(A) Currently enrolled in the First Steps Program (Individuals with Disabilities Education Act (IDEA) Part C) and—

1. They are birth to age five (B-5); and
2. They live in Missouri; and
3. They have an individualized family services plan (IFSP) as a part of the First Steps Program; and
4. The parent or guardian has completed the complaint procedure under the IDEA Part C and received an [*unfavorable*] **unsatisfactory** response as defined herein;

(B) Not participating in the First Steps Program (IDEA Part C) and—

1. They are birth to age five (B-5); and
2. They live in Missouri; and
3. They have been evaluated for, and a qualified health professional has determined they have, autism spectrum disorder, Down syndrome, Angelman syndrome, **dyslexia**, or cerebral palsy, and they have a developmental delay of less than fifty percent (50%) but greater than twenty-five percent (25%) as measured by appropriate diagnostic measures and procedures conducted by a qualified health professional.

(2) A student is eligible for the scholarship program in section 161.825, RSMo if—

(A) They have an Individualized Education Program (IEP) based on autism spectrum disorder, Down syndrome, Angelman syndrome, **dyslexia**, or cerebral palsy; or

(B) They have a medical diagnosis by a qualified health professional of autism spectrum disorder, Down syndrome, Angelman syndrome, **dyslexia**, or cerebral palsy; and

(3) As used in this regulation, the following terms mean—

(B) [*Unfavorable*] **Unsatisfactory** response. A decision by an independent hearing officer following the filing of a due process complaint that found the child the subject of the complaint was not eligible for services from the First Steps Program or found that the First Steps Program was not required to provide the services requested in the due process complaint.

AUTHORITY: sections 161.092 and 161.825.12, RSMo Supp. [2013]. Original rule filed Oct. 29, 2013, effective May 30, 2014.

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