

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

CONSIDERATION OF AN ORDER OF RULEMAKING TO ADOPT 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  
Item

Action  
Item

Report  
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 set forth the requirements to implement Bryce's Law, Section 161.825, RSMo which permits scholarship granting organizations authorized by the Department to issue scholarships to children or students with autism spectrum disorder, Down syndrome, Angelman syndrome, or cerebral palsy.

**PRESENTER(S):**

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

**RECOMMENDATION:**

The only comment received on the rules was from staff noting that the Revisor of Statutes had changed the statute number from that set forth in Senate Bill 17. The rule has been changed to reflect the new statutory citation.

The Department recommends the State Board of Education authorize publication in the *Missouri Register* of an order of rulemaking to adopt rules 5 CSR 10-2.010, 5 CSR 10-2.020, and 5 CSR 10-2.030 relating to education scholarships as required by Bryce's Law, Section 135.1220, RSMo.

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

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education under sections 161.092 and 161.825.12, RSMo Supp. 2013, the board hereby adopts a rule as follows:

5 CSR 10-2.010 is adopted

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2013 (38 MoReg 1966-1970). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Department of Elementary and Secondary Education (department) received one (1) comment on the proposed rule.

**COMMENT:** Staff noted that the Revisor of Statutes placed Bryce's Law in Chapter 161 instead of Chapter 135 as set forth in the enacting legislation SB 17. References in the rule to the statute need to be changed to Chapter 161.

**RESPONSE AND EXPLANATION OF CHANGE:** The department concurs and has deleted the reference to Chapter 135 and substituted Chapter 161 in the purpose, sections (1) and (2) and the authority.

**5 CSR 10-2.010 Scholarship Granting Organizations**

*PURPOSE: This rule sets forth the requirements to qualify as a scholarship granting organization to grant scholarships permitted in section 161.825, RSMo Supp. 2013 and the annual requirements, once approved.*

- (1) As used in this regulation, the following terms mean:
  - (B) Eligible child as defined in section 161.825.2(6), RSMo;
  - (C) Eligible student as defined in section 161.825.2(7), RSMo.
- (2) To qualify as a scholarship granting organization, an organization must submit to the Commissioner of Education (commissioner), by November 1 of the year prior to the school year for which scholarships will be granted and documentation which demonstrates that they—
  - (D) Intend to provide educational scholarships to eligible students attending qualified schools as defined in section 161.825.2(11), RSMo; and/or

- (E) Intend to provide scholarships to eligible children receiving services from qualified service providers as defined in section 161.825.2(12), RSMo.

*AUTHORITY: sections 161.092 and 161.825.12, RSMo Supp. 2013.*

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

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education under sections 161.092 and 161.825.12, RSMo Supp. 2013, the board hereby adopts a rule as follows:

5 CSR 10-2.020 is adopted

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2013 (38 MoReg 1971). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Department of Elementary and Secondary Education (department) received one (1) comment on the proposed rule.

**COMMENT:** Staff noted that the Revisor of Statutes placed Bryce's Law in Chapter 161 instead of Chapter 135 as set forth in the enacting legislation SB 17. References in the rule to the statute need to be changed to Chapter 161.

**RESPONSE AND EXPLANATION OF CHANGE:** The department concurs and has deleted the reference to Chapter 135 and substituted Chapter 161 in the purpose, section (10) and the authority.

**5 CSR 10-2.020 Scholarships**

*PURPOSE:* This rule sets forth the requirements for scholarships permitted in section 161.825, RSMo Supp. 2013.

(10) Definitions—as used in this regulation, the following terms shall mean:

- (A) Category means either eligible child or eligible student as defined in section 161.825, RSMo;
- (B) Eligible child as defined in section 161.825.2(6), RSMo; and
- (C) Eligible student as defined in section 161.825.2(7) RSMo.

*AUTHORITY:* sections 161.092 and 161.825.12, RSMo Supp. 2013.

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

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education under sections 161.092 and 161.825.12, RSMo Supp. 2013, the board hereby adopts a rule as follows:

5 CSR 10-2.030 is adopted

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2013 (38 MoReg 1971-1972). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Department of Elementary and Secondary Education (department) received one (1) comment on the proposed rule.

**COMMENT:** Staff noted that the Revisor of Statutes placed Bryce's Law in Chapter 161 instead of Chapter 135 as set forth in the enacting legislation SB 17. References in the rule to the statute need to be changed to Chapter 161.

**RESPONSE AND EXPLANATION OF CHANGE:** The department concurs and has deleted the reference to Chapter 135 and substituted Chapter 161 in the purpose, sections (1) and (2) and the authority.

**5 CSR 10-2.030 Eligibility for Scholarships**

*PURPOSE:* This rule sets forth the requirements to be eligible for scholarships permitted in section 161.825, RSMo Supp. 2013.

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

*AUTHORITY:* sections 161.092 and 161.825.12, RSMo Supp. 2013.