

MISSOURI STATE BOARD OF EDUCATION AGENDA ITEM:**December 2017**

CONSIDERATION OF A NOTICE OF PROPOSED RULEMAKING TO RESCIND
 RULE 5 CSR 20-300.140, EXTRAORDINARY COST FUND

STATUTORY AUTHORITY:

Section 162.975, RSMo

Consent
ItemAction
ItemReport
Item**STRATEGIC PRIORITY**

Access, Opportunity, Equity – Provide all students access to a broad range of high-quality educational opportunities from early learning into post-high school engagement.

SUMMARY

This rule is being rescinded due to the establishment of the High Need Fund pursuant to the Individuals with Disabilities Education Act, 34 CFR Section 300.704.

PRESENTER

Shelley Woods, Coordinator, Division of Financial and Administrative Services, will assist in the presentation and discussion of this agenda item.

RECOMMENDATION

The Department recommends that the State Board of Education authorize publication in the *Missouri Register* of a notice of proposed rulemaking to rescind Rule 5 CSR 20-300.140, Extraordinary Cost Fund, and that the State Board finds this proposed rescission necessary to carry out the purpose of Section 162.975, RSMo.

Title 5 - DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 20 – Division of Learning Services
Chapter 300 – Office of Special Education

PROPOSED RESCISSION

5 CSR 20-300.140 Extraordinary Cost Fund. This rule provided administrative procedures to public school districts to seek reimbursement for extraordinary cost, if any, associated with serving students with disabilities, as defined by the 1997 Amendments to Individuals with Disabilities Education Act (IDEA). This rule set forth a plan for distributing funds to public school districts which educate students whose service costs exceed five times the district's current expenditure per eligible pupil.

PURPOSE: This rule is being rescinded due to the establishment of the High Need Fund pursuant to the Individuals with Disabilities Education Act, 34 CFR Section 300.704.

AUTHORITY: section 162.975(1), RSMo Supp. 1999. This rule previously filed as 5 CSR 70-742.170. Original rule filed Aug. 8, 1997, effective March 30, 1998. Amended: Filed July 28, 2000, effective Feb. 28, 2001. Moved to 5 CSR 20-300.140, effective Aug. 16, 2011.*Original authority: 162.975, RSMo 1973. Rescinded: Filed December __, 2017.*

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

PRIVATE COST: This proposed rescission 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 rescission with the Department of Elementary and Secondary Education, Attn: Stephen Barr, Assistant Commissioner, Office of Special Education, PO Box 480, Jefferson City, MO 65102-0480 or email specialeducation@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.*