

FIRST REGULAR SESSION

HOUSE BILL NO. 1216

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CURTMAN.

1661H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 160.254 and 160.530, RSMo, and to enact in lieu thereof two new sections relating to the joint committee on education.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 160.254 and 160.530, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 160.254 and 160.530, to read as follows:

160.254. 1. There is hereby established a joint committee of the general assembly, which shall be known as the "Joint Committee on Education", which shall be composed of seven members of the senate and seven members of the house of representatives. The senate members of the committee shall be appointed by the president pro tem of the senate and **shall include the chairs of the senate budget and education committees.** The house members **of the committee shall be appointed** by the speaker of the house **and shall include the chairs of the elementary and secondary education and higher education committees.**

2. The committee shall meet at least ~~[twice a year]~~ **quarterly**. In the event of three consecutive absences on the part of any member, such member may be removed from the committee.

3. The committee shall select either a ~~[chairman]~~ **chair** or ~~[cochairmen]~~ **cochairs**, one of whom shall be a member of the senate and one a member of the house. A majority of the members shall constitute a quorum. Meetings of the committee may be called at such time and place as the ~~[chairman]~~ **chair** or ~~[chairmen]~~ **cochairs** designate.

4. The committee shall:

(1) **Provide the state board of education with input on any candidates for the office of the commissioner of education in the event of a vacancy in such office;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 18 **(2) Review for alignment to Missouri Constitution and statutes, vote on,** and monitor
19 **policies developed by the state board of education;**
- 20 **(3) Monitor** the progress of education in the state's public schools and institutions of
21 higher education;
- 22 ~~[(2) Receive]~~ **(4) Review** reports from the commissioner of education concerning the
23 public schools and from the commissioner of higher education concerning institutions of higher
24 education **before December thirty-first of each year in preparation for the report developed**
25 **by the state board of education as required under subdivision (11) of section 161.092;**
- 26 ~~[(3)]~~ **(5)** Conduct a study and analysis of the public school system;
- 27 ~~[(4)]~~ **(6)** Make recommendations to the general assembly for legislative action;
- 28 ~~[(5)]~~ **(7)** Conduct an in-depth study concerning all issues relating to the equity and
29 adequacy of the distribution of state school aid, teachers' salaries, funding for school buildings,
30 and overall funding levels for schools and any other education funding-related issues the
31 committee deems relevant;
- 32 ~~[(6) Monitor]~~ **(8) Hold public hearings when the state board of education considers**
33 **the establishment, revision, or modification** of performance measures as required by ~~[section]~~
34 **sections 160.518 and 173.1006** and report on their ~~[establishment]~~ **findings** to the governor and
35 the general assembly;
- 36 ~~[(7)]~~ **(9)** Conduct studies and analysis regarding:
- 37 (a) The higher education system, including financing public higher education and the
38 provision of financial aid for higher education; and
- 39 (b) The feasibility of including students enrolled in proprietary schools, as that term is
40 defined in section 173.600, in all state-based financial aid programs;
- 41 ~~[(8)]~~ **(10)** Annually review the collection of information under section 173.093 to
42 facilitate a more accurate comparison of the actual costs at public and private higher education
43 institutions;
- 44 ~~[(9)]~~ **(11)** Within three years of August 28, 2007, review a new model for the funding
45 of public higher education institutions upon submission of such model by the coordinating board
46 for higher education;
- 47 ~~[(10)]~~ **(12)** Within three years of August 28, 2007, review the impact of the higher
48 education student funding act established in sections 173.1000 to 173.1006;
- 49 ~~[(11)]~~ **(13)** Beginning August 28, 2008, upon review, approve or deny any expenditures
50 made by the commissioner of education pursuant to section 160.530, as provided in subsection
51 5 of section 160.530;
- 52 **(14) Maintain a standing committee for the review and evaluation of all grant**
53 **applications for grant-funded activities implemented in K-16 schools developed by the**

54 department of elementary and secondary education or institutions of higher education for
55 alignment with the Missouri Constitution and statutes and evaluation of the sustainability
56 of financial commitments made on behalf of the state. Such standing committee shall:

57 (a) Develop a comprehensive methodology for auditing and monitoring
58 performance under contracts for services to develop or administer assessment instruments
59 required under section 160.526 and for verifying compliance with contractual obligations;

60 (b) Ensure that all new and renewed contracts described under paragraph (a) of
61 this subdivision include a provision that the department of elementary and secondary
62 education or a designee of the department of elementary and secondary education may
63 conduct periodic contract compliance reviews, without advance notice, to monitor vendor
64 performance; and

65 (c) Adopt rules to administer this subdivision. The rules shall include a description
66 of the membership of the committee and indicate the number of stakeholders who will
67 provide input; and

68 (15) Maintain an independent or commercial institutional review board (IRB) to
69 protect the rights and personal privacy of individuals, assure a favorable climate for the
70 conduct of scientific inquiry and test development, protect the interests of the public, and
71 ensure that research involving human subjects in Missouri schools complies with federal,
72 state, and local laws and regulations including, but not limited to, the requirements set
73 forth under the Health Research Extension Act of 1985, the regulations on public welfare
74 set forth in 45 CFR 46, the regulations on protections for human subjects set forth in 21
75 CFR 50 and 21 CFR 56, and the principles set forth in the Belmont Report.

76 5. (1) The IRB established under subdivision (15) of subsection 4 of this section
77 shall review, before collection or receipt of the data, proposals for piloting and field testing
78 of statewide standardized assessments; all outside requests for state data by individuals not
79 employed by the state of Missouri who wish to conduct research using Missouri student or
80 school system data collected by the department of elementary and secondary education;
81 and research proposed by candidates for doctoral and master's degrees, university faculty,
82 independent researchers, and private and public agencies that involves use of data held by
83 the department of elementary and secondary education. If such research involves only the
84 collection of aggregate student information that is available online in the public domain,
85 the IRB shall not conduct any review.

86 (2) The IRB shall be composed of at least five members. The members shall not all
87 be of the same profession, but shall have diversity of experience and expertise to make an
88 informed decision on whether the activity described in the proposal or request is ethical,
89 informed consent is sufficient, and appropriate safeguards have been put in place to

90 **protect participants. If the IRB reviews research proposals that include vulnerable**
91 **populations, such as children with disabilities, the IRB shall have members who are**
92 **familiar with such groups. The IRB shall include at least one researcher who has**
93 **published in a peer-reviewed journal and at least one nonresearcher. The IRB shall**
94 **include at least one community member not directly affiliated with a K-16 school.**

95 **(3) The IRB may include consultants in its discussions for expertise or diversity, but**
96 **only IRB members shall vote.**

97 **(4) To vote on a proposal, a nonscientist shall be present and more than half of the**
98 **members of the IRB shall be present. No IRB member shall evaluate a proposal or request**
99 **in which he or she is a participant.**

100 **6.** The committee may make reasonable requests for staff assistance from the research
101 and appropriations staffs of the house and senate and the committee on legislative research, as
102 well as the department of elementary and secondary education, the department of higher
103 education, the coordinating board for higher education, the state tax commission, the department
104 of economic development, all school districts and other political subdivisions of this state,
105 teachers and teacher groups, business and other commercial interests and any other interested
106 persons.

107 **[6-] 7.** Members of the committee shall receive no compensation but may be reimbursed
108 for reasonable and necessary expenses associated with the performance of their official duties.

160.530. 1. Beginning with fiscal year 1994 and for all fiscal years thereafter, in order
2 to be eligible for state aid distributed pursuant to section 163.031, a school district shall allocate
3 one percent of moneys received pursuant to section 163.031, exclusive of categorical add-ons,
4 to the professional development committee of the district as established in subdivision (1) of
5 subsection 4 of section 168.400. Of the moneys allocated to the professional development
6 committee in any fiscal year as specified by this subsection, seventy-five percent of such funds
7 shall be spent in the same fiscal year for purposes determined by the professional development
8 committee after consultation with the administrators of the school district and approved by the
9 local board of education as meeting the objectives of a school improvement plan of the district
10 that has been developed by the local board. Moneys expended for staff training pursuant to any
11 provisions of this act shall not be considered in determining the requirements for school districts
12 imposed by this subsection.

13 2. Beginning with fiscal year 1994 and for all fiscal years thereafter, eighteen million
14 dollars shall be distributed by the commissioner of education to address statewide areas of
15 critical need for learning and development, provided that such disbursements are approved by
16 the joint committee on education as provided in subsection 5 of this section, and as determined
17 by rule and regulation of the state board of education with the advice of the advisory council

18 provided by subsection 1 of section 168.015. The moneys described in this subsection may be
19 distributed by the commissioner of education to colleges, universities, private associations,
20 professional education associations, statewide associations organized for the benefit of members
21 of boards of education, public elementary and secondary schools, and other associations and
22 organizations that provide professional development opportunities for teachers, administrators,
23 family literacy personnel and boards of education for the purpose of addressing statewide areas
24 of critical need, provided that subdivisions (1), (2) and (3) of this subsection shall constitute
25 priority uses for such moneys. "Statewide areas of critical need for learning and development"
26 shall include:

27 (1) Funding the operation of state management teams in districts with academically
28 deficient schools and providing resources specified by the management team as needed in such
29 districts;

30 (2) Funding for grants to districts, upon application to the department of elementary and
31 secondary education, for resources identified as necessary by the district, for those districts which
32 are failing to achieve assessment standards;

33 (3) Funding for family literacy programs;

34 (4) Ensuring that all children, especially children at risk, children with special needs, and
35 gifted students are successful in school;

36 (5) Increasing parental involvement in the education of their children;

37 (6) Providing information which will assist public school administrators and teachers
38 in understanding the process of site-based decision making;

39 (7) Implementing recommended curriculum frameworks as outlined in section 160.514;

40 (8) Training in new assessment techniques for students;

41 (9) Cooperating with law enforcement authorities to expand successful antidrug
42 programs for students;

43 (10) Strengthening existing curricula of local school districts to stress drug and alcohol
44 prevention;

45 (11) Implementing and promoting programs to combat gang activity in urban areas of
46 the state;

47 (12) Establishing family schools, whereby such schools adopt proven models of one-stop
48 state services for children and families;

49 (13) Expanding adult literacy services; and

50 (14) Training of members of boards of education in the areas deemed important for the
51 training of effective board members as determined by the state board of education.

52 3. Beginning with fiscal year 1994 and for all fiscal years thereafter, two million dollars
53 of the moneys appropriated to the department of elementary and secondary education otherwise

54 distributed to the public schools of the state pursuant to the provisions of section 163.031,
55 exclusive of categorical add-ons, shall be distributed in grant awards by the state board of
56 education, by rule and regulation, for the "Success Leads to Success" grant program, which is
57 hereby created. The purpose of the success leads to success grant program shall be to recognize,
58 disseminate and exchange information about the best professional teaching practices and
59 programs in the state that address student needs, and to encourage the staffs of schools with these
60 practices and programs to develop school-to-school networks to share these practices and
61 programs.

62 4. The department shall include a listing of all expenditures under this section in the
63 annual budget documentation presented to the governor and general assembly.

64 5. Prior to distributing any funds under subsection 2 of this section, the commissioner
65 of education shall appear before the joint committee on education and present a proposed
66 delineation of the programs to be funded under the provisions of subsection 2 of this section.
67 The joint committee shall review all proposed spending under subsection 2 of this section and
68 shall affirm, by a majority vote of all members serving on the committee, the spending proposal
69 of the commissioner prior to any disbursement of funds under subsection 2 of this section.

70 6. If any provision of subdivision ~~[(11)]~~ **(13)** of subsection 4 of section 160.254 or any
71 provision of subsection 2 or 5 of this section regarding approval of disbursements by the joint
72 committee on education is held to be invalid for any reason, then such decision shall invalidate
73 subsection 2 of this section in its entirety.

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