

FIRST REGULAR SESSION  
[PERFECTED]  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 733**  
**101ST GENERAL ASSEMBLY**

1555H.02P

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To repeal sections 160.2700, 160.2705, and 170.029, RSMo, and to enact in lieu thereof five new sections relating to workforce development.

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

Section A. Sections 160.2700, 160.2705, and 170.029, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 160.2700, 160.2705, 161.214, 170.029, and 173.831, to read as follows:

160.2700. For purposes of sections 160.2700 to 160.2725, "adult high school" means a school that:

(1) Is for individuals who do not have a high school diploma and who are twenty-one years of age or older;

(2) Offers an industry certification program or programs and a high school diploma in a manner that allows students to earn a diploma at the same time that they earn an industry certification;

(3) Offers ~~[on-site]~~ child care for children of enrolled students attending the school; and

(4) Is not eligible to receive funding under section 160.415 or 163.031.

160.2705. 1. The department of elementary and secondary education shall authorize before January 1, 2018, a Missouri-based nonprofit organization meeting the criteria under subsection 2 of this section to establish and operate four adult high schools, with:

(1) One adult high school to be located in a city not within a county;

(2) One adult high school to be located in a county of the third classification without a township form of government and with more than forty-one thousand but fewer than forty-five thousand inhabitants or a county contiguous to that county;

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.

8           (3) One adult high school to be located in a county of the first classification with more  
9 than two hundred sixty thousand but fewer than three hundred thousand inhabitants or a county  
10 contiguous to that county; and

11           (4) One adult high school to be located in a county of the first classification with more  
12 than one hundred fifty thousand but fewer than two hundred thousand inhabitants.

13           2. The department of elementary and secondary education shall grant the authorization  
14 described under subsection 1 of this section based on a bid process conducted in accordance with  
15 the rules and regulations governing purchasing through the office of administration. The  
16 successful bidder shall:

17           (1) Demonstrate the ability to establish, within twenty-one months of the receipt of the  
18 authorization, four adult high schools offering high school diplomas, an industry certification  
19 program or programs, and ~~[on-site]~~ child care for children of the students attending the high  
20 schools;

21           (2) Commit at least two million dollars in investment for the purpose of establishing the  
22 necessary infrastructure to operate four adult high schools;

23           (3) Demonstrate substantial and positive experience in providing services, including  
24 industry certifications and job placement services, to adults twenty-one years of age or older  
25 whose educational and training opportunities have been limited by educational disadvantages,  
26 disabilities, homelessness, criminal history, or similar circumstances;

27           (4) Establish a partnership with a state-supported postsecondary education institution or  
28 more than one such partnership, if a partnership or partnerships are necessary in order to meet  
29 the requirements for an adult high school;

30           (5) Establish a comprehensive plan that sets forth how the adult high schools will help  
31 address the need for a sufficiently trained workforce in the surrounding region for each adult high  
32 school;

33           (6) Establish partnerships and strategies for engaging the community and business  
34 leaders in carrying out the goals of each adult high school;

35           (7) Establish the ability to meet quality standards through certified teachers and programs  
36 that support each student in his or her goal to find a more rewarding job;

37           (8) Establish a plan for assisting students in overcoming barriers to educational success  
38 including, but not limited to, educational disadvantages, homelessness, criminal history,  
39 disability, including learning disability such as dyslexia, and similar circumstances;

40           (9) Establish a process for determining outcomes of the adult high school, including  
41 outcomes related to a student's ability to find a more rewarding job through the attainment of a  
42 high school diploma and job training and certification; and

43           (10) Bids shall not include an administrative fee greater than ten percent.

44           3. (1) The department of elementary and secondary education shall establish academic  
45 requirements for students to obtain high school diplomas.

46           (2) Requirements for a high school diploma shall be based on an adult student's prior  
47 high school achievement and the remaining credits and coursework that would be necessary for  
48 the student to receive a high school diploma if he or she were in a traditional high school setting.  
49 The adult student shall meet the requirements with the same level of academic rigor as would  
50 otherwise be necessary to attain such credits.

51           (3) The adult high school authorized under this section shall award high school diplomas  
52 to students who successfully meet the established academic requirements. The adult high school  
53 authorized under this section shall confer the diploma as though the student earned the diploma  
54 at a traditional high school. The diploma shall have no differentiating marks, titles, or other  
55 symbols.

56           (4) Students at adult high schools may complete required coursework at their own pace  
57 and as available through the adult high school. They shall not be required to satisfy any specific  
58 number of class minutes. The adult high school may also make classes available to students  
59 online as may be appropriate. However, students shall not complete the majority of instruction  
60 of the school's curriculum online or through remote instruction. **For the purposes of this**  
61 **subsection, synchronous instruction connecting students to a live class conducted in a**  
62 **Missouri adult high school shall be treated the same as in-person instruction.**

63           (5) The department of elementary and secondary education shall not create additional  
64 regulations or burdens on the adult high school or the students attending the adult high schools  
65 beyond certifying necessary credits and ensuring that students have sufficiently mastered the  
66 subject matter to make them eligible for credit.

67           **4. An adult high school shall be deemed a "secondary school system" for the**  
68 **purposes of subdivision (15) of subsection 1 of section 210.211.**

**161.214. 1. As used in this section, the following terms mean:**

- 2           **(1) "Board", the state board of education;**  
3           **(2) "Department", the department of elementary and secondary education;**  
4           **(3) "School innovation team", a group of natural persons representing:**  
5           **(a) A single elementary or secondary school;**  
6           **(b) A group of two or more elementary or secondary schools within the same school**  
7 **district that share common interests, such as geographical location or educational focus,**  
8 **or that sequentially serve classes of students as they progress through elementary and**  
9 **secondary education;**  
10          **(c) A group of two or more elementary or secondary schools not within the same**  
11 **school district that share common interests, such as geographical location or educational**

12 focus, or that sequentially serve classes of students as they progress through elementary  
13 and secondary education;

14 (d) A single school district; or

15 (e) A group of two or more school districts that share common interests, such as  
16 geographical location or educational focus, or that sequentially serve classes of students as  
17 they progress through elementary and secondary education;

18 (4) "School innovation waiver", a waiver granted by the board to a single school,  
19 group of schools, single school district, or group of school districts under this section, in  
20 which the school, group of schools, school district, or group of school districts is exempt  
21 from a specific requirement imposed by chapter 160, 161, 162, 167, 170, or 171, or any  
22 regulations promulgated under such chapters by the board or the department. Any school  
23 innovation waiver granted to a school district or group of school districts shall apply to  
24 every elementary and secondary school within the school district or group of school  
25 districts unless the plan specifically provides otherwise.

26 2. Any school innovation team seeking a school innovation waiver may submit a  
27 plan to the board for one or more of the following purposes:

28 (1) Improving student readiness for employment, higher education, vocational  
29 training, technical training, or any other form of career and job training;

30 (2) Increasing the compensation of teachers; or

31 (3) Improving the recruitment, retention, training, preparation, or professional  
32 development of teachers.

33 3. Any plan for a school innovation waiver shall:

34 (1) Identify the specific provision of law for which a waiver is being requested and  
35 provide an explanation for why the specific provision of law inhibits the ability of the  
36 school or school district to accomplish the goal stated in the plan;

37 (2) Demonstrate that the intent of the specific provision of law can be addressed in  
38 a more effective, efficient, or economical manner and that the waiver or modification is  
39 necessary to implement the plan;

40 (3) Include measurable annual performance targets and goals for the  
41 implementation of the plan;

42 (4) Specify the innovations to be pursued in meeting one or more of the goals listed  
43 in subsection 2 of this section;

44 (5) Demonstrate parental, school employee, and community and business support  
45 for, and engagement with, the plan; and

46 (6) Be approved by at least the minimum number of people required to be on the  
47 school innovation team prior to submitting the plan for approval.

48           **4. (1) In evaluating a plan submitted by a school innovation team under subsection**  
49 **2 of this section, the board shall consider whether the plan will:**

50           **(a) Improve the preparation, counseling, and overall readiness of students for**  
51 **postsecondary life;**

52           **(b) Increase teacher salaries in a financially sustainable and prudent manner; or**

53           **(c) Increase the attractiveness of the teaching profession for prospective teachers**  
54 **and active teachers alike.**

55           **(2) The board may approve any plan submitted under subsection 2 of this section**  
56 **if the board determines that:**

57           **(a) The plan successfully demonstrates the ability to address the intent of the**  
58 **provision of law to be waived in a more effective, efficient, or economical manner;**

59           **(b) The waivers or modifications are demonstrated to be necessary to stimulate or**  
60 **improve student readiness for postsecondary life, increase teacher salaries, or increase the**  
61 **attractiveness of the teaching profession for prospective teachers and active teachers;**

62           **(c) The plan has demonstrated sufficient participation from among the teachers,**  
63 **principal, superintendent, faculty, school board, parents, and the community at large; and**

64           **(d) The plan is based upon sound educational practices, does not endanger the**  
65 **health and safety of students or staff, and does not compromise equal opportunity for**  
66 **learning.**

67           **(3) The board may propose modifications to the plan in cooperation with the school**  
68 **innovation team.**

69           **5. Any waiver granted under this section shall be effective for a period of no longer**  
70 **than three school years beginning the school year following the school year in which the**  
71 **waiver is approved. Any waiver may be renewed. No more than one school innovation**  
72 **waiver shall be in effect with respect to any one elementary or secondary school at one**  
73 **time.**

74           **6. This section shall not be construed to allow the board to authorize the waiver of**  
75 **any statutory requirements relating to school start date, teacher certification, teacher**  
76 **tenure, or any requirement imposed by federal law.**

77           **7. The board may promulgate rules implementing the provisions of this section.**  
78 **Any rule or portion of a rule, as that term is defined in section 536.010, that is created**  
79 **under the authority delegated in this section shall become effective only if it complies with**  
80 **and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.**  
81 **This section and chapter 536 are nonseverable, and if any of the powers vested with the**  
82 **general assembly pursuant to chapter 536 to review, to delay the effective date, or to**  
83 **disapprove and annul a rule are subsequently held unconstitutional, then the grant of**

84 **rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be**  
85 **invalid and void.**

170.029. 1. **The state board of education shall develop a statewide plan for career**  
2 **and technical education (CTE) that ensures sustainability, viability, and relevance by**  
3 **matching workforce needs with appropriate educational resources.**

4 2. The state board of education, in consultation with the career and technical education  
5 advisory council as established in section 178.550, shall establish minimum requirements for a  
6 ~~[career and technical education (CTE)]~~ CTE certificate that a student can earn in addition to ~~[his~~  
7 ~~or her]~~ **the student's** high school graduation diploma. Students entering high school in school  
8 year 2017-18 and thereafter shall be eligible to earn a CTE certificate.

9 ~~[2.]~~ 3. The ~~[state board of education]~~ **statewide plan** shall establish CTE requirements  
10 intended to provide students with the necessary technical employability skills to be prepared for  
11 an entry-level career in a technical field or additional training in a technical field. The provisions  
12 of this section shall not be considered a means for tracking students in order to impel students  
13 to particular vocational, career, or college paths. The state board of education shall work with  
14 local school districts to ensure that tracking does not occur. For purposes of this section,  
15 "tracking" means separating pupils by academic ability into groups for all subjects or certain  
16 classes and curriculum.

17 ~~[3.]~~ 4. Each local school district shall determine the curriculum, programs of study, and  
18 course offerings based on the needs and interests of the students in the district **and meeting the**  
19 **requirements of the statewide plan.** As required by Missouri's state plan for career education  
20 and the Missouri school improvement program, the state board of education shall work in  
21 cooperation with individual school districts to stipulate the minimum number of CTE offerings.  
22 Each local school district shall strive to offer programs of study that are economically feasible  
23 for students in the district. In establishing CTE offerings, the district may rely on standards,  
24 technical coursework, and skills assessments developed for industry-recognized certificates or  
25 credentials.

26 5. **To enable school districts to offer CTE programs of study that are current with**  
27 **business and industry standards, the department of elementary and secondary education**  
28 **shall as needed convene work groups from each program area to develop and recommend**  
29 **rigorous and relevant performance standards or course competencies for each program**  
30 **of study. The work groups shall include, but not be limited to, educators providing**  
31 **instruction in each CTE program area, advisors from each CTE program area from the**  
32 **department of elementary and secondary education, the department of higher education**  
33 **and workforce development, business and industry, and institutions of higher education.**  
34 **The department of elementary and secondary education shall develop written model**

35 **curriculum frameworks relating to CTE program areas that may be used by school**  
36 **districts. The requirements of section 160.514 shall not apply to this section.**

37 ~~[4.]~~ 6. No later than January 1, 2017, the department of elementary and secondary  
38 education shall develop a process for recognition of a school district's career and technical  
39 education program that offers a career and technical education certificate.

40 ~~[5.]~~ 7. The department of elementary and secondary education shall promulgate all  
41 necessary rules and regulations for the administration of this section. Any rule or portion of a  
42 rule, as that term is defined in section 536.010, that is created under the authority delegated in  
43 this section shall become effective only if it complies with and is subject to all of the provisions  
44 of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
45 nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536  
46 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held  
47 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after  
48 August 28, 2016, shall be invalid and void.

**173.831. 1. As used in this section, the following terms mean:**

2 **(1) "Academic skill intake assessment", a criterion-referenced assessment of**  
3 **numeracy and literacy skills with high reliability and validity as determined by third-party**  
4 **research;**

5 **(2) "Accredited", holding an active accreditation from one of the seven United**  
6 **States regional accreditors including, but not limited to, the Middle States Commission on**  
7 **Higher Education, the New England Association of Schools and Colleges, the Higher**  
8 **Learning Commission, the Northwest Commission on Colleges and Universities, the**  
9 **Southern Association of Colleges and Schools, the Western Association of Schools and**  
10 **Colleges, and the Accrediting Commission for Community and Junior Colleges, as well as**  
11 **any successor entities or consolidations of the above including, but not limited to,**  
12 **AdvancEd or Cognia;**

13 **(3) "Adult dropout recovery services", includes, but is not limited to, sourcing,**  
14 **recruitment, and engagement of eligible students, learning plan development, active**  
15 **teaching, and proactive coaching and mentoring, resulting in an accredited high school**  
16 **diploma;**

17 **(4) "Approved program provider", a public, not-for-profit, or other entity that**  
18 **meets the requirements of subdivision (2) of subsection 3 of this section or any consortium**  
19 **of such entities;**

20 **(5) "Average cost per graduate", the amount of the total program funding**  
21 **reimbursed to a provider divided by the total graduates for a cohort year;**

- 22           (6) "Career pathways coursework", one or more courses that align with the skill  
23 needs of industries in the economy of the state or region that help an individual enter or  
24 advance within a specific occupation or occupational cluster;
- 25           (7) "Career placement services", services designed to assist students in obtaining  
26 employment such as career interest self-assessments and job search skills such as resume  
27 development and mock interviews;
- 28           (8) "Coaching", proactive communication between the approved program provider  
29 and the student related to the student's pace and progress through the student's learning  
30 plan;
- 31           (9) "Department", the department of elementary and secondary education;
- 32           (10) "Employability skills certification", a certificate earned by demonstrating  
33 professional nontechnical skills through assessment, portfolio, or observation;
- 34           (11) "Graduate", a student who has successfully completed all of the state and  
35 approved program provider requirements in order to obtain a high school diploma;
- 36           (12) "Graduation rate", the total number of graduates for the fiscal year divided  
37 by all students for the fiscal year for whom the approved program provider has received  
38 funding, calculated one fiscal year in arrears;
- 39           (13) "Graduation requirements", course and credit requirements for the approved  
40 program provider's accredited high school diploma;
- 41           (14) "High school diploma", a diploma issued by an accredited institution;
- 42           (15) "Industry-recognized credential", an education-related credential or  
43 work-related credential that verifies an individual's qualification or competence issued by  
44 a third party with the relevant authority to issue such credentials;
- 45           (16) "Learning plan", a documented plan for courses or credits needed for each  
46 individual in order to complete program and approved program provider graduation  
47 requirements;
- 48           (17) "Mentoring", a direct relationship between a coach and a student to facilitate  
49 the completion of the student's learning plan designed to prepare the student to succeed  
50 in the program and the student's future endeavors;
- 51           (18) "Milestones", objective measures of progress for which payment is made to  
52 an approved program provider under this section such as earned units of high school  
53 credit, attainment of an employability skills certificate, attainment of an  
54 industry-recognized credential, and attainment of an accredited high school diploma;
- 55           (19) "Program", the workforce diploma program established in this section;



56           (20) "Request for qualifications", a request for interested potential program  
57 providers to submit evidence that they meet the qualifications established in subsection 3  
58 of this section;

59           (21) "Student", a participant in the program established in this section who is  
60 twenty-one years of age or older, who is a resident of Missouri, and who has not yet earned  
61 a high school diploma;

62           (22) "Transcript evaluation", a documented summary of credits earned in previous  
63 public or private accredited high schools compared with the program and approved  
64 program provider graduation requirements;

65           (23) "Unit of high school credit", credit awarded based on a student's  
66 demonstration that the student has successfully met the content expectations for the credit  
67 area as defined by subject area standards, expectations, or guidelines.

68           2. There is hereby established the "Workforce Diploma Program" within the  
69 department of elementary and secondary education to assist students with obtaining a high  
70 school diploma and developing employability and career technical skills. The program  
71 may be delivered in campus-based, blended, or online modalities.

72           3. (1) Before August 16, 2022, and annually thereafter, the department shall issue  
73 a request for qualifications for interested program providers to become approved program  
74 providers and participate in the program.

75           (2) Each approved program provider shall meet all of the following qualifications:

76           (a) Be an accredited high school diploma-granting entity;

77           (b) Have a minimum of two years of experience providing adult dropout recovery  
78 services;

79           (c) Provide academic skill intake assessments and transcript evaluations to each  
80 student. Such academic skill intake assessments may be administered in person or online;

81           (d) Develop a learning plan for each student that integrates graduation  
82 requirements and career goals;

83           (e) Provide a course catalog that includes all courses necessary to meet graduation  
84 requirements;

85           (f) Offer remediation opportunities in literacy and numeracy, as applicable;

86           (g) Offer employability skills certification, as applicable;

87           (h) Offer career pathways course work, as applicable;

88           (i) Offer preparation for industry-recognized credentials as applicable; and

89           (j) Offer career placement services, as applicable.

90           (3) Upon confirmation by the department that an interested program provider  
91 meets all of the qualifications listed in subdivision (2) of this subsection, an interested  
92 program provider shall become an approved program provider.

93           4. (1) The department shall announce the approved program providers before  
94 October sixteenth annually, with authorization for the approved program providers to  
95 begin enrolling students before November fifteenth annually.

96           (2) Approved program providers shall maintain approval without reapplying  
97 annually if the approved program provider has not been removed from the approved  
98 program provider list under this section.

99           5. All approved providers shall comply with requirements as provided by the  
100 department to ensure:

101           (1) An accurate accounting of a student's accumulated credits toward a high school  
102 diploma;

103           (2) An accurate accounting of credits necessary to complete a high school diploma;  
104 and

105           (3) The provision of course work aligned to the academic performance standards  
106 of the state.

107           6. (1) Except as provided in subdivision (2) of this subsection, the department shall  
108 pay approved program providers for the following milestones provided by the approved  
109 program provider:

110           (a) Two hundred fifty dollars for the completion of each half unit of high school  
111 credit;

112           (b) Two hundred fifty dollars for attaining an employability skills certification;

113           (c) Two hundred fifty dollars for attaining an industry-recognized credential  
114 requiring no more than fifty hours of training;

115           (d) Five hundred dollars for attaining an industry-recognized credential requiring  
116 at least fifty-one but no more than one hundred hours of training;

117           (e) Seven hundred fifty dollars for attaining an industry-recognized credential  
118 requiring more than one hundred hours of training; and

119           (f) One thousand dollars for attaining an accredited high school diploma.

120           (2) No approved program provider shall receive funding for a student under this  
121 section if the approved program provider receives federal or state funding or private  
122 tuition for that student. No approved program provider shall charge student fees of any  
123 kind including, but not limited to, textbook fees, tuition fees, lab fees, or participation fees  
124 unless the student chooses to obtain additional education offered by the program provider  
125 that is not included in the state-funded program.

126           (3) Payments made under this subsection shall be subject to an appropriation made  
127 to the department for such purposes.

128           7. (1) Approved program providers shall submit monthly invoices to the  
129 department before the eleventh calendar day of each month for milestones met in the  
130 previous calendar month.

131           (2) The department shall pay approved program providers in the order in which  
132 invoices are submitted until all available funds are exhausted.

133           (3) The department shall provide a written update to approved program providers  
134 by the last calendar day of each month. The update shall include the aggregate total  
135 dollars that have been paid to approved program providers to date and the estimated  
136 number of enrollments still available for the program year.

137           8. Before July sixteenth of each year, each provider shall report the following  
138 metrics to the department:

139           (1) The total number of students who have been funded through the program;

140           (2) The total number of credits earned;

141           (3) The total number of employability skills certifications issued;

142           (4) The total number of industry-recognized credentials earned for each tier of  
143 funding; and

144           (5) The total number of graduates.

145           9. (1) Before September sixteenth of each year, an approved eligible program  
146 provider shall conduct and submit to the department the aggregate results of a survey of  
147 individuals who graduated from the program of the approved eligible program provider  
148 under this section. The survey shall be conducted in the year after the year in which the  
149 individuals graduate and the next four consecutive years.

150           (2) The survey shall include at least the following data collection elements for each  
151 year the survey is conducted:

152           (a) The individual's employment status, including whether the individual is  
153 employed full-time or part-time;

154           (b) The individual's hourly wages;

155           (c) The individual's access to employer-sponsored healthcare; and

156           (d) The individual's postsecondary enrollment status, including whether the  
157 individual has completed a postsecondary certificate or degree program.

158           10. (1) Upon the end of the second fiscal year of the program, the department shall  
159 review data from each approved program provider to ensure that each is achieving  
160 minimum program performance standards including, but not limited to:

161           (a) A minimum of a fifty percent graduation rate;

162 (b) An average cost per graduate of seven thousand dollars or less.

163 (2) Any approved program provider that fails to meet the minimum program  
164 performance standards described in subdivision (1) of this subsection shall be placed on  
165 probationary status for the remainder of the fiscal year by the department.

166 (3) Any approved program provider that fails to meet the minimum program  
167 performance standards described in subdivision (1) of this subsection for two consecutive  
168 years shall be removed from the approved provider list by the department.

169 11. (1) No approved program provider shall discriminate against a student on the  
170 basis of race, color, religion, national origin, ancestry, sex, sexuality, gender, or age.

171 (2) If an approved program provider determines that a student would be better  
172 served by participating in a different program, the approved provider may refer the  
173 student to the state's adult basic education services.

174 12. (1) There is hereby created in the state treasury the "Workforce Diploma  
175 Program Fund", which shall consist of any grants, gifts, donations, bequests, or moneys  
176 appropriated under this section. The state treasurer shall be custodian of the fund. In  
177 accordance with sections 30.170 and 30.180, the state treasurer may approve  
178 disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in  
179 the fund shall be used solely as provided in this section.

180 (2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys  
181 remaining in the fund at the end of the biennium shall not revert to the credit of the  
182 general revenue fund.

183 (3) The state treasurer shall invest moneys in the fund in the same manner as other  
184 funds are invested. Any interest and moneys earned on such investments shall be credited  
185 to the fund.

186 13. The director of the department may promulgate all necessary rules and  
187 regulations for the administration of this section. Any rule or portion of a rule, as that  
188 term is defined in section 536.010, that is created under the authority delegated in this  
189 section shall become effective only if it complies with and is subject to all of the provisions  
190 of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
191 nonseverable, and if any of the powers vested with the general assembly pursuant to  
192 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are  
193 subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
194 proposed or adopted after August 28, 2021, shall be invalid and void.

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