

Davidson



Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed

**SS HB 447**

entitled:

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**AN ACT**

To repeal sections 160.2705, 160.2720, 160.2725, 167.019, 167.126, and 205.565, RSMo, and to enact in lieu thereof ten new sections relating to duties of the department of elementary and secondary education.

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With with SA 1, SA 2 & SA 3

In which the concurrence of the House is respectfully requested.

Respectfully,

*Kristina Martin*

Kristina Martin

Secretary of the Senate

**Fiscal Review**

**MAY 05 2023**

SENATE AMENDMENT NO. 1Offered by Thompson Render of 27<sup>th</sup>Amend SS/House Bill No. 447, Page 7, Section 161.243, Lines 1-23,

2 by striking all of said section and inserting in lieu  
3 thereof the following:

4 "161.243. 1. As used in this section, the following  
5 terms mean:

6 (1) "Early childhood education services", programming  
7 or services intended to effect positive developmental  
8 changes in children prior to their entry into kindergarten;

9 (2) "Private entity", an entity that meets the  
10 definition of a licensed child care provider as defined in  
11 section 210.201, license exempt as defined in section  
12 210.211, or that is unlicensed but is contracted with the  
13 department of elementary and secondary education.

14 2. Subject to appropriation, the department of  
15 elementary and secondary education shall provide grants  
16 directly to private entities for the provision of early  
17 childhood education services. The standards prescribed in  
18 section 161.213 shall be applicable to all private entities  
19 that receive these grant funds."

*Offered 5/3/23*  
*Adopted "*

SENATE AMENDMENT NO. 2Offered by Schroer of 2Amend SS/House Bill No. 447, Page 15, Section 167.126, Line 130,

2 by inserting after all of said line the following:

3 "173.280. 1. As used in this section, the following  
4 terms mean:

5 (1) "Institutional marketing associate", any third  
6 party entity that enters into an agreement with a  
7 postsecondary educational institution or its intercollegiate  
8 athletics or sports program to market and/or promote the  
9 postsecondary educational institution or its intercollegiate  
10 athletics or sports program, or to otherwise act on behalf  
11 of the postsecondary educational institution or the  
12 postsecondary educational institution's intercollegiate  
13 athletics or sports program. This term does not include a  
14 regulatory body, postsecondary educational institution,  
15 postsecondary educational institution staff member, or their  
16 respective officers, directors, managers, owners, or  
17 employees;

18 (2) "Postsecondary educational institution", any  
19 campus of a public or private institution of higher  
20 education in this state that is subject to the coordinating  
21 board for higher education under section 173.005;

22 ~~[(2)]~~ (3) "Student athlete", an individual who is  
23 eligible to participate in, participates in, or has  
24 participated in an intercollegiate sport for a postsecondary  
25 educational institution. Student athlete shall not be  
26 construed to apply to an individual's participation in a

*Offered 5/3/23*  
*Adopted 11*

27 college intramural sport or in a professional sport outside  
28 of intercollegiate athletics;

29 ~~[(3)]~~ (4) "Third party", any individual or entity,  
30 including any athlete agent, other than a postsecondary  
31 educational institution, athletic conference, or athletic  
32 association.

33 2. (1) No postsecondary educational institution shall  
34 uphold any rule, requirement, standard, or other limitation  
35 of an athletic association or athletic conference that  
36 prevents a student of that institution from fully  
37 participating in intercollegiate athletics without penalty  
38 and earning compensation as a result of the use of the  
39 student's name, image, likeness rights, or athletic  
40 reputation. A student athlete earning compensation from the  
41 use of a student's name, image, likeness rights, or athletic  
42 reputation shall not affect such student athlete's grant-in-  
43 aid or stipend eligibility, amount, duration, or renewal.

44 (2) No postsecondary educational institution shall  
45 interfere with or prevent a student from fully participating  
46 in intercollegiate athletics or obtaining professional  
47 representation in relation to contracts or legal matters  
48 relating to earning compensation as a result of the use of  
49 the student athlete's name, image, likeness rights, or  
50 athletic reputation, including, but not limited to,  
51 representation provided by athlete agents, financial  
52 advisors, or legal representation provided by attorneys.

53 3. A grant-in-aid or stipend from the postsecondary  
54 educational institution in which a student is enrolled shall  
55 not be construed to be compensation for use of the student's  
56 name, image, likeness rights, or athletic reputation for  
57 purposes of this section, and no grant-in-aid or stipend  
58 shall be revoked or reduced as a result of a student earning  
59 compensation under this section.

60 4. (1) No student athlete shall enter into an  
61 apparel, equipment, or beverage contract providing  
62 compensation to the athlete for use of the athlete's name,  
63 image, likeness rights, or athletic reputation if the  
64 contract requires the athlete to display a sponsor's  
65 apparel, equipment, or beverage or otherwise advertise for  
66 the sponsor during official team activities if such  
67 provisions are in conflict with a provision of the  
68 postsecondary educational institution's current licenses or  
69 contracts.

70 (2) (a) Except with the prior written consent of the  
71 student athlete's postsecondary educational institution, a  
72 student athlete shall not enter into a contract for  
73 compensation for the use of such student athlete's name,  
74 image, likeness rights, or athletic reputation, if such  
75 institution determines that a term of the contract conflicts  
76 with a term of a contract to which such institution is a  
77 party.

78 (b) A postsecondary educational institution or any  
79 officer, director, or employee of such institution,  
80 including but not limited to a coach, member of the coaching  
81 staff, or any individual associated with the [institutions]  
82 institution's athletic department, [may identify] shall have  
83 the right to identify, create, facilitate, negotiate,  
84 support, enable, or otherwise assist with opportunities for  
85 a student athlete to earn compensation from a third party,  
86 including an institutional marketing associate, for the use  
87 of the student athlete's name, image, likeness rights, or  
88 athletic reputation, provided that such individual shall not:

89 a. [Serve as the athlete's agent;  
90 b.] Receive compensation from the student athlete or a  
91 third party for facilitating [or], enabling, or assisting  
92 with such opportunities;

93            ~~[c.]~~ b. Attempt to influence an athlete's choice of  
94 professional representation related to such opportunities; or  
95            ~~[d.]~~ c. Attempt to reduce such athlete's opportunities  
96 from competing third parties ~~[; or~~  
97            ~~e. Be present at any meeting between a student athlete~~  
98 ~~and a third party who provides for a student athlete's~~  
99 ~~compensation, where the student athlete's name, image,~~  
100 ~~likeness rights, or athletic reputation contract for~~  
101 ~~compensation is negotiated or completed].~~

102            (c) The provisions of this section shall not be  
103 construed to qualify a student athlete as an employee of a  
104 postsecondary educational institution.

105            (3) Before any contract for compensation for the use  
106 of a student athlete's name, image, likeness rights, or  
107 athletic reputation, or for professional representation, is  
108 executed, and before any compensation is provided to the  
109 student athlete in advance of a contract, the student  
110 athlete shall disclose that contract to his or her  
111 postsecondary educational institution in a manner prescribed  
112 by such institution.

113            (4) A postsecondary educational institution or any  
114 officer, director, or employee of such institution ~~[or~~  
115 ~~entity]~~ shall not compensate a student athlete, prospective  
116 student athlete, or the family of such individuals, ~~[or~~  
117 ~~cause compensation to be directed to a prospective student~~  
118 ~~athlete, or the family of a student athlete or the family of~~  
119 ~~a prospective student athlete,]~~ for the use of such student  
120 athlete or prospective student athlete's name, image,  
121 likeness rights, or athletic reputation, unless otherwise  
122 permitted by institutional policy and a collegiate athletics  
123 association that the postsecondary educational institution  
124 is a member of.

125           (5) (a) As used in this subdivision, "unique  
126 identifier" means any of the following developed or adopted  
127 for marketing or promotional purposes by a postsecondary  
128 educational institution or a third party:

129           a. Seal;

130           b. Logo;

131           c. Emblem;

132           d. Motto;

133           e. Special symbol;

134           f. Institutional colors;

135           g. Modifier or descriptor;

136           h. Design;

137           i. Patentable or copyrightable item, material, or  
138 information; or

139           j. Other item, material, or information that  
140 identifies and is recognizable as unique to such  
141 postsecondary educational institution or third party.

142           (b) A postsecondary educational institution or a third  
143 party shall develop and adopt a process for granting to a  
144 student athlete, or to a third party for use with a student  
145 athlete, a license to use such institution's or third  
146 party's unique identifiers when earning or attempting to  
147 earn compensation from the use of such student athlete's  
148 name, image, likeness rights, or athletic reputation  
149 consistent with its policies regarding licensing of its  
150 unique identifiers.

151           (c) A postsecondary educational institution or a third  
152 party may charge a reasonable fee for a license to use a  
153 unique identifier under this subdivision.

154           (d) A postsecondary educational institution, or a  
155 third party, may impose requirements that a student athlete  
156 granted a license under this subdivision refrain from using

157 such unique identifier in a manner that the institution in  
158 its sole discretion determines:

159 a. Is reasonably considered to be inconsistent with  
160 such institution's or third party's values or mission;

161 b. Adversely affects such institution's or third  
162 party's image;

163 c. Negatively impacts or inappropriately reflects upon  
164 the reputation or religious, moral, or ethical standards of  
165 such institution or third party;

166 d. Violates such institution's or third party's code  
167 of conduct or similar requirements; or

168 e. Conflicts with a provision of such institution's or  
169 third party's current licenses or contracts.

170 5. No contract of a postsecondary educational  
171 institution's athletic program shall prevent a student  
172 athlete from receiving compensation for using the student  
173 athlete's name, image, likeness rights, or athletic  
174 reputation for a commercial purpose when the athlete is not  
175 engaged in official mandatory team activities that are  
176 recorded in writing and can be made publicly available upon  
177 request.

178 6. (1) If a private postsecondary educational  
179 institution collects, retains, or maintains the terms of a  
180 student athlete's contract or proposed contract detailing  
181 compensation to such student athlete for the use of such  
182 student athlete's name, image, likeness, or athletic  
183 reputation, such postsecondary educational institution shall  
184 consider such contract terms to be student governed by the  
185 Family Education Rights and Privacy Act (FERPA).

186 (2) The terms of a contract or proposed contract  
187 detailing compensation to a student athlete for the use of  
188 such student athlete's name, image, likeness, or athletic  
189 reputation shall be deemed a closed record under chapter



190 610. A public postsecondary educational institution subject  
191 to this subsection may withhold or refuse to release or  
192 otherwise disclose such contract terms without seeking a  
193 formal opinion of the attorney general of this state as  
194 authorized in section 610.027.

195 7. (1) No compensation to a student athlete for  
196 earning or attempting to earn compensation from the use of  
197 such student athlete's name, image, likeness rights, or  
198 athletic reputation shall be conditioned on such student  
199 athlete's athletic performance. Those providing  
200 compensation to a student athlete for the use of his or her  
201 name, image, likeness rights, or athletic reputation shall  
202 have the right to condition payment of that compensation on  
203 a student athlete's attendance at a particular postsecondary  
204 educational institution.

205 (2) A charitable organization that qualifies as an  
206 exempt organization under 26 U.S.C. Section 501(c)(3), as  
207 amended, shall have the right to compensate a student  
208 athlete for the commercial use of the student athlete's  
209 name, image, likeness rights, or athletic reputation.

210 (3) Notwithstanding any rule of an athletic  
211 association, athletic conference, or any other organization  
212 with authority over varsity intercollegiate athletics,  
213 institutional marketing associates shall have the right to  
214 compensate a student athlete for the commercial use of the  
215 student athlete's name, image, likeness rights, or athletic  
216 reputation. This includes the right to compensate a student  
217 athlete for the commercial use of the student athlete's  
218 name, image, or likeness rights in connection with the  
219 promotion of athletic events in which the student athlete  
220 will or may participate, the promotion of the postsecondary  
221 educational institution the student athlete attends, and the  
222 promotion of the postsecondary educational institution's

223 intercollegiate athletics or sports program. Further, an  
224 institutional marketing associate shall, in the event that a  
225 postsecondary educational institution or its intercollegiate  
226 athletics program affirmatively grants a request, have the  
227 right to utilize a postsecondary educational institution's,  
228 or the postsecondary educational institution's  
229 intercollegiate athletics program's, content creation and  
230 marketing capabilities in connection with services provided  
231 for the promotion of athletic events in which a student  
232 athlete will or may participate, the postsecondary  
233 educational institution, or the institution's  
234 intercollegiate athletics or sports program.

235 (4) Notwithstanding any rule of an athletic  
236 association, athletic conference, or any other organization  
237 with authority over varsity intercollegiate athletics,  
238 student athletes shall have the right to receive  
239 compensation from an institutional marketing associate for  
240 the commercial use of their name, image, likeness rights, or  
241 athletic reputation, in connection with, among other items,  
242 the promotion of athletic events in which the student  
243 athlete will or may participate, the promotion of the  
244 postsecondary educational institution the student athlete  
245 attends, and the promotion of the postsecondary educational  
246 institution's intercollegiate athletics or sports program.

247 [6.] 8. (1) Postsecondary educational institutions  
248 that enter into commercial agreements that directly or  
249 indirectly require the use of a student athlete's name,  
250 image, likeness, or athletic reputation shall [conduct a]  
251 offer at least two workshops per calendar year that may  
252 include topics such as financial [development program once]  
253 per year for their athletes] literacy, life skills, time  
254 management, and entrepreneurship. The workshops may not be  
255 offered in the same month and each workshop offered in a

256 calendar year must be unique and not simply a repeat of the  
257 other workshop offered that year. The institution shall  
258 notify all student athletes of the sessions through the  
259 distribution of informational materials via email or other  
260 communication methods the institution regularly uses to  
261 communicate with student athletes.

262 (2) ~~[The financial development program]~~ The  
263 educational workshops shall not include any marketing,  
264 advertising, referral, or solicitation by providers of  
265 financial products or services. ~~[Such program shall, at a~~  
266 ~~minimum, include information concerning financial aid, debt~~  
267 ~~management, and a recommended budget for student athletes~~  
268 ~~based on the current year's cost of attendance. The~~  
269 ~~workshop shall also include information on time management~~  
270 ~~skills necessary for success as a student athlete and~~  
271 ~~available academic resources.]~~

272 ~~[(3) Postsecondary educational institutions shall help~~  
273 ~~distribute informational materials for such programs as~~  
274 ~~needed.]~~

275 ~~[(4) Postsecondary educational institutions shall~~  
276 ~~inform their athletes of such program meetings and provide~~  
277 ~~appropriate meeting space.]~~

278 ~~[7. Student athlete representation shall be by~~  
279 ~~attorneys or agents licensed by this state.]~~

280 9. An athletic association, athletic conference, or  
281 any other organization with authority over varsity  
282 intercollegiate athletics shall not, and shall not authorize  
283 its member institutions to:

284 (1) Prevent a student athlete from receiving  
285 compensation for the commercial use of the student athlete's  
286 name, image, likeness rights, or athletic reputation under  
287 this section;

288           (2) Penalize a student athlete for receiving  
289 compensation for the commercial use of the student athlete's  
290 name, image, likeness rights, or athletic reputation under  
291 this section;

292           (3) Prevent a postsecondary educational institution  
293 from participating in varsity intercollegiate athletics or  
294 otherwise penalize a postsecondary educational institution  
295 as a result of a student athlete's receipt of compensation  
296 for the student athlete's name, image, likeness rights, or  
297 athletic reputation under this section;

298           (4) Prevent a postsecondary educational institution  
299 from establishing agreements with a third party entity to  
300 act on its behalf to identify, facilitate, enable, or  
301 support student athlete name, image, and likeness activities;

302           (5) Entertain a complaint, open an investigation, or  
303 take any other adverse action against a postsecondary  
304 educational institution or any of its employees for engaging  
305 in any activity protected under this section;

306           (6) Penalize a postsecondary educational institution  
307 because an institutional marketing associate compensates a  
308 student athlete for use of his or her name, image, likeness  
309 rights, or athletic reputation, as protected under this  
310 section, or if a third party violates the collegiate  
311 athletic association's rules or regulations with regard to  
312 student athlete name, image, or likeness activities.

313           10. A student athlete shall have the right to obtain  
314 professional representation for the purpose of securing  
315 compensation for the use of his or her name, image, or  
316 likeness without penalty or resulting limitation on  
317 participating or effect on the student athlete's athletic  
318 grant-in-aid eligibility. Professional representation shall  
319 be by attorneys or agents licensed by this state. Any  
320 professional representation agreement shall be in writing,

321 be executed by both parties, clearly describe the  
322 obligations of the parties, and outline fees for the  
323 professional representation.

324 [8.] 11. (1) Any student athlete may bring a civil  
325 action against third parties that violate this section or  
326 that interfere with such student athlete's earning or  
327 attempting to earn compensation from the use of such student  
328 athlete's name, image, likeness rights, or athletic  
329 reputation for appropriate injunctive relief or actual  
330 damages, or both. Such action shall be brought in the  
331 county where the violation occurred, or is about to occur,  
332 and the court shall award damages and court costs to a  
333 prevailing plaintiff.

334 (2) Student athletes bringing an action under this  
335 section shall not be deprived of any protections provided  
336 under law with respect to a controversy that arises and  
337 shall have the right to adjudicate claims that arise under  
338 this section.

339 [9.] 12. No legal settlement shall conflict with the  
340 provisions of this section.

341 [10.] 13. This section shall apply only to agreements  
342 or contracts entered into, modified, or renewed on or after  
343 August 28, 2021. Such agreements or contracts include, but  
344 are not limited to, the national letter of intent, an  
345 athlete's financial aid agreement, commercial contracts in  
346 the athlete group licensing market, and athletic conference  
347 or athletic association rules or bylaws.

348 14. No postsecondary educational institution's  
349 employees, including athletics coaching staff, shall be  
350 liable for any damages to a student athlete's ability to  
351 earn compensation for the use of the student athlete's name,  
352 image, or likeness resulting from decisions or actions  
353 routinely taken in the course of intercollegiate athletics.

354 15. This section does not affect the rights of student  
355 athletes under Title IX of the Education Amendments of 1971  
356 (20 U.S.C. Section 1681 et seq.).

357 16. (1) A high school athlete who competes on an  
358 interscholastic athletic team in this state that is  
359 sponsored by a public school or by a private school whose  
360 students compete against a public school's students may earn  
361 or attempt to earn compensation from the use of such  
362 athlete's name, image, likeness rights, or athletic  
363 reputation as provided in this section, subject to the  
364 following:

365 (a) A high school athlete shall have the right to  
366 discuss earning or attempting to earn such compensation  
367 before signing an athletic letter of intent or other written  
368 agreement only when having discussions about potential  
369 enrollment with a postsecondary educational institution in  
370 this state; and

371 (b) A high school athlete shall have the right to earn  
372 or attempt to earn such compensation only after signing an  
373 athletic letter of intent or other written agreement to  
374 enroll in a postsecondary educational institution in this  
375 state.

376 (2) The discussion of, or earning or attempting to  
377 earn, compensation from the use of such high school  
378 athlete's name, image, likeness rights, or athletic  
379 reputation as provided in this section shall not be  
380 construed to be a violation of any rules and regulations a  
381 high school student and high schools are required to follow  
382 to maintain and protect a high school athlete's high school  
383 eligibility to participate in high school athletics in this  
384 state."; and

385 Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 3

Offered by

Rover

of

District # 7Amend SS/House Bill No. 447, Page 7, Section 161.243, Line 23,

2 by inserting after all of said line the following:

3 "161.396. 1. This section shall be known and may be  
 4 cited as the "Language Equality and Acquisition for Deaf  
 5 Kids (LEAD-K) Act".

6 2. As used in this section, the following terms mean:

7 (1) "ASL", American Sign Language as defined in  
 8 section 209.285;

9 (2) "Credentialed teacher", a certificated teacher  
 10 with a special education endorsement in deaf or hard-of-  
 11 hearing education;

12 (3) "Department", the department of elementary and  
 13 secondary education;

14 (4) "English", the English language including, but not  
 15 limited to, spoken English, written English, and English  
 16 with the use of visual supplements;

17 (5) "IEP", individualized education program;

18 (6) "IFSP", individualized family service plan;

19 (7) "Language", communication including, but not  
 20 limited to, ASL and English;

21 (8) "Language developmental milestones", milestones of  
 22 language development aligned with the existing state  
 23 instrument used to meet the requirements of federal law for  
 24 the assessment of children from birth to five years of age;

25 (9) "Parent", a parent, legal guardian, or other  
 26 person having charge, custody, or control of the student.

*Offered 5/3/23*  
*Adopted "*

27           3. The department shall select language developmental  
28 milestones from existing standardized norms as provided in  
29 subsection 6 of this section to develop a resource for use  
30 by parents to monitor and track expressive and receptive  
31 language acquisition and developmental stages toward ASL and  
32 English literacy of children who are deaf or hard of  
33 hearing. Such parent resource shall:

34           (1) Include the language developmental milestones  
35 selected under the process specified in subsection 6 of this  
36 section;

37           (2) Be appropriate for use, in both content and  
38 administration, with children who are deaf or hard of  
39 hearing and who use ASL, English, or both;

40           (3) Present the language developmental milestones in  
41 terms of typical development of all children by age range;

42           (4) Be written for clarity and ease of use by parents;

43           (5) Be aligned with the department's existing infant,  
44 toddler, and preschool guidelines; the existing instrument  
45 used to assess the development of children with disabilities  
46 under federal law; and state standards in English language  
47 arts;

48           (6) Make clear that parents have the right to select  
49 ASL, English, or both for a child's language acquisition and  
50 developmental milestones;

51           (7) Make clear that the parent resource is not a  
52 formal assessment of language and literacy development and  
53 that a parent's observations of a child may differ from  
54 formal assessment data presented at an IEP or IFSP meeting;

55           (8) Make clear that parents may bring the parent  
56 resource to an IEP or IFSP meeting for purposes of sharing  
57 observations about a child's development;



58           (9) Include fair, balanced, and comprehensive  
59 information about language and communication modes and about  
60 available services and programs; and

61           (10) Include informational resources from Missouri  
62 hospitals, as such term is defined in section 197.020,  
63 audiologists, otolaryngologists, and pediatricians.

64           4. The department shall select existing tools or  
65 assessments for educators that can be used to assess the  
66 language and literacy development of children who are deaf  
67 or hard of hearing. Such tools or assessments selected  
68 under this subsection:

69           (1) Shall be:

70           (a) In a format that shows stages of language  
71 development;

72           (b) Selected for use by educators to track the  
73 development of expressive and receptive language acquisition  
74 and developmental stages toward English literacy of children  
75 who are deaf or hard of hearing;

76           (c) Selected from existing instruments or assessments  
77 used to assess the development of all children from birth to  
78 five years of age; and

79           (d) Appropriate, in both content and administration,  
80 for use with children who are deaf or hard of hearing; and

81           (2) May:

82           (a) In addition to the assessment required by federal  
83 law, be used by the child's IEP or IFSP team, as applicable,  
84 to track the progress of the child who is deaf or hard of  
85 hearing and to establish or modify the child's IEP or IFSP;  
86 and

87           (b) Reflect the recommendations of the advisory  
88 committee established in this section.

89           5. (1) The department shall:

90           (a) Disseminate the parent resource developed under  
91 subsection 3 of this section to parents of children who are  
92 deaf or hard of hearing;

93           (b) Under federal law, disseminate the educator tools  
94 and assessments selected under subsection 4 of this section  
95 to local educational agencies for use in the development and  
96 modification of an IEP or IFSP; and

97           (c) Provide materials and training on the use of the  
98 parent resource to assist children who are deaf or hard of  
99 hearing in becoming linguistically ready for kindergarten  
100 using ASL, English, or both.

101           (2) If a child who is deaf or hard of hearing does not  
102 demonstrate progress in expressive and receptive language  
103 skills, as measured by one of the educator tools or  
104 assessments selected under subsection 4 of this section or  
105 by the existing instrument used to assess the development of  
106 children with disabilities under federal law, the child's  
107 IEP or IFSP team shall, as part of the process required by  
108 federal law, explain in detail the reasons the child is not  
109 progressing toward or meeting the language developmental  
110 milestones and shall recommend specific strategies,  
111 services, and programs that will be provided to assist with  
112 the child's success toward English literacy.

113           6. (1) Before March 1, 2024, the department shall  
114 provide the advisory committee established in this section  
115 with a list of existing language developmental milestones  
116 from existing standardized norms with any relevant  
117 information held by the department regarding those language  
118 developmental milestones for possible inclusion in the  
119 parent resource developed under subsection 3 of this  
120 section. The language developmental milestones shall be  
121 aligned to the department's existing infant, toddler, and  
122 preschool guidelines; the existing instrument used to assess

123 the development of children with disabilities under federal  
124 law; and the state standards in English language arts.

125 (2) Before June 1, 2024, the advisory committee shall  
126 recommend language developmental milestones for selection  
127 under subsection 3 of this section.

128 (3) Before July 1, 2024, the department shall inform  
129 the advisory committee of which language developmental  
130 milestones the department selected.

131 7. (1) The commissioner of education shall, in  
132 consultation with the Missouri commission for the deaf and  
133 hard of hearing, establish an ad hoc advisory committee to  
134 solicit input from experts on the selection of language  
135 developmental milestones for children who are deaf or hard  
136 of hearing that are equivalent to milestones for children  
137 who are not deaf or hard of hearing for inclusion in the  
138 parent resource developed under subsection 3 of this  
139 section. The advisory committee may make recommendations on  
140 the selection and administration of the educator tools or  
141 assessments selected under subsection 4 of this section.  
142 The advisory committee may make recommendations on materials  
143 that are unbiased and comprehensive to add to the parent  
144 resource.

145 (2) The majority of the advisory committee's members  
146 shall be individuals who are deaf or hard of hearing. The  
147 advisory committee shall consist of parents, advocates, and  
148 professionals from the field of education for the deaf and  
149 hard of hearing and shall have a balance of members who  
150 personally, professionally, or parentally use ASL and  
151 English and members who personally, professionally, or  
152 parentally use only spoken English. The advisory committee  
153 shall consist of the following members:

154 (a) A credentialed teacher of the deaf who provides  
155 direct instruction in ASL;

- 156        (b) A credentialed teacher of the deaf who provides  
157 direct instruction in listening and spoken language;
- 158        (c) A credentialed teacher of the deaf who has  
159 expertise in curriculum development and instruction in ASL  
160 and English;
- 161        (d) A credentialed teacher of the deaf who has  
162 expertise in assessing language development both in ASL and  
163 English;
- 164        (e) A speech-language pathologist who has experience  
165 working with children from birth to five years of age who  
166 are deaf or hard of hearing and use listening and spoken  
167 language;
- 168        (f) A speech-language pathologist who has experience  
169 working with children from birth to five years of age who  
170 are deaf or hard of hearing and use ASL;
- 171        (g) A parent of a child who is deaf or hard of hearing  
172 who uses ASL;
- 173        (h) A parent of a child who is deaf or hard of hearing  
174 who uses listening and spoken language;
- 175        (i) A deaf or deaf-blind member of the community who  
176 uses ASL as the primary means of communication; or
- 177        (j) A deaf or deaf-blind member of the community who  
178 uses spoken language as the primary means of communication;  
179 and
- 180        (k) Seven members of the committee shall be ex officio  
181 members and shall be:
- 182        a. The executive director of the Missouri commission  
183 for the deaf and hard of hearing, or the director's designee;
- 184        b. The superintendent or assistant superintendent of  
185 the Missouri School for the Deaf, or the superintendent's  
186 designee;
- 187        c. A representative of the Missouri Association of the  
188 Deaf;

189 d. The person designated by the department of health  
190 and senior services to manage the Missouri newborn hearing  
191 screening program;

192 e. A coordinator of the First Steps early intervention  
193 program administered by the department, or such  
194 coordinator's designee;

195 f. The person designated by the department of  
196 elementary and secondary education's office of childhood to  
197 manage Missouri's early care & education connections; and

198 g. A representative of the department of elementary  
199 and secondary education's vocational rehabilitation program  
200 who works with individuals who are deaf or hard of hearing.

201 (3) The advisory committee may advise the department  
202 or the department's contractor on the content and  
203 administration of the existing instrument used to assess the  
204 development of children with disabilities under federal law,  
205 as used to assess the language and literacy development of  
206 children who are deaf or hard of hearing to ensure the  
207 appropriate use of such instrument with such children, and  
208 may make recommendations regarding future research to  
209 improve the measurement of progress in language and literacy  
210 of children who are deaf or hard of hearing.

211 8. For the 2024-25 school year and all subsequent  
212 school years, the department shall produce an annual report  
213 that is specific to language and literacy development of  
214 children who are deaf or hard of hearing including, but not  
215 limited to, children who are deaf or hard of hearing and  
216 have other disabilities, from birth to five years of age  
217 relative to peers who are not deaf or hard of hearing. The  
218 report shall use existing data reported in compliance with  
219 the federally required state performance plan on pupils with  
220 disabilities. The department shall make the report

221 available on the department's website before August first of  
222 each school year.

223 9. All activities of the department in implementing  
224 this section shall be consistent with federal law regarding  
225 the education of children with disabilities and federal law  
226 regarding the privacy of pupil information.

227 10. For the purposes of developing and using language  
228 as described in paragraph (a) of subdivision (1) of  
229 subsection 4 of this section, for a child who is deaf or  
230 hard of hearing the following modes of communication may be  
231 used as a means for acquiring language:

232 (1) ASL services;

233 (2) Spoken language services;

234 (3) Dual-language services;

235 (4) Cued speech;

236 (5) Tactile sign as defined in section 209.285; and

237 (6) Any combination of subdivisions (1) to (5) of this  
238 subsection.

239 11. This section shall apply only to activities of the  
240 department relating to children from birth to five years of  
241 age.

242 12. Implementation of this section shall be subject to  
243 appropriations for purposes of this section."; and

244 Further amend the title and enacting clause accordingly.