

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE FOR
HOUSE BILL NO. 447
102ND GENERAL ASSEMBLY

1387S.05T

2023

AN ACT

To repeal sections 160.2705, 160.2720, 160.2725, 167.019, 167.126, 173.280, and 205.565, RSMo, and to enact in lieu thereof twelve new sections relating to duties of the department of elementary and secondary education.

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

Section A. Sections 160.2705, 160.2720, 160.2725, 167.019, 167.126, 173.280, and
2 205.565, RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known as
3 sections 160.527, 160.2705, 160.2720, 160.2725, 161.243, 161.396, 163.063, 167.019,
4 167.126, 173.280, 205.565, and 210.1360, to read as follows:

**160.527. 1. The one-half unit of credit in health education required by the state
2 board of education shall be renamed "Health and Family Education" for the 2024-25
3 school year and all subsequent school years.**
4 **2. The state board of education shall convene a work group to develop and
5 recommend academic performance standards relating to the one-half unit of credit of
6 health and family education required by the board. The work group shall include, but
7 not be limited to, educators providing instruction in health education and family and
8 consumer science in grades nine to twelve, representatives from the department of
9 elementary and secondary education, and nonprofit organizations that focus on public
10 health, parenting, and social services. The work group shall develop written curriculum
11 frameworks relating to health and family education with an emphasis on behavioral
12 health relating to the causes of morbidity and mortality of youth, chronic disease
13 management, and parenting skills associated with optimal family health over a lifetime
14 that may be used by school districts.**

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.

15 **3. The state board of education shall adopt and implement academic**
16 **performance standards relating to health and family education for the 2024-25 school**
17 **year and all subsequent school years.**

18 **4. The requirements of section 160.514 shall not apply to this section.**

160.2705. 1. ~~[The department of elementary and secondary education shall authorize~~
2 ~~before January 1, 2018, a]~~ **The department of social services shall authorize** Missouri-
3 based nonprofit ~~[organization]~~ **organizations** meeting the criteria ~~[under subsection 2]~~ of this
4 section to establish and operate ~~[four]~~ **up to five** adult high schools, with:

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

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

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

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

14 **(5) One adult high school to be located in a county with more than seven**
15 **hundred thousand but fewer than eight hundred thousand inhabitants, or a contiguous**
16 **county.**

17 2. ~~[The department of elementary and secondary education shall grant the~~
18 ~~authorization described under subsection 1 of this section based on a bid process~~
19 ~~conducted in accordance with the rules and regulations governing purchasing through the~~
20 ~~office of administration. The successful bidder shall:]~~ **The department of social services**
21 **shall administer funding to adult high schools subject to appropriations. The**
22 **department shall be responsible for granting and maintaining authorization for adult**
23 **high schools. For adult high schools in operation prior to January 1, 2023, the**
24 **department shall maintain authorization for the nonprofit organization to operate the**
25 **schools, subject to compliance with this section. No more than one organization shall be**
26 **authorized to operate an adult high school at each location described in subsection 1 of**
27 **this section. An organization may establish satellite campuses for any adult high school**
28 **it is authorized to operate. The department shall administer funding for satellite**
29 **campuses subject to appropriations.**

30 **3. On or before January 1, 2024, the department of social services shall select an**
31 **eligible Missouri-based nonprofit organization to operate in a location described in**
32 **subdivision (5) of subsection 1 of this section. An eligible organization shall:**

33 (1) Demonstrate the ability to establish, within twenty-one months of the receipt of
34 the authorization, ~~[four]~~ **an** adult high ~~[schools]~~ **school** offering high school diplomas, an
35 industry certification program or programs, and child care for children of the students
36 attending the high schools;

37 (2) ~~[Commit at least two million dollars in investment for the purpose of establishing~~
38 ~~the necessary infrastructure to operate four adult high schools]~~ **Demonstrate the ability to**
39 **commit at least five hundred thousand dollars for the purpose of establishing the**
40 **necessary infrastructure at the adult high school;**

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

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

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

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

53 (7) Establish the ability to meet quality standards through certified teachers and
54 programs that support each student in such student's goal to find a more rewarding job;

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

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

61 (10) ~~[Bids shall not include an]~~ **Limit the** administrative fee ~~[greater than]~~ **to no**
62 **more than** ten percent.

63 ~~[3-]~~ **4.** (1) The department of elementary and secondary education shall establish
64 academic requirements for students to obtain high school diplomas.

65 (2) Requirements for a high school diploma shall be based on an adult student's prior
66 high school achievement and the remaining credits and coursework that would be necessary
67 for the student to receive a high school diploma if such student were in a traditional high
68 school setting. The adult student shall meet the requirements with the same level of academic
69 rigor as would otherwise be necessary to attain such credits.

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

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

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

86 [4.] **5.** An adult high school shall be deemed a secondary school system for the
87 purposes of subdivision (15) of subsection 1 of section 210.211.

160.2720. The nonprofit organization who receives the authorization described under
2 section 160.2705 shall submit to the department of elementary and secondary education, **the**
3 **department of social services**, the joint committee on education, and the offices of the
4 governor, speaker of the house of representatives, and president pro tempore of the senate an
5 annual report concerning evaluations of the adult high schools, including the impact the adult
6 high schools have had in meeting industry needs in the state before December first of each
7 year.

160.2725. The department of [~~elementary and secondary education~~] **social services**
2 may promulgate rules to implement the provisions of sections 160.2700 to 160.2720. Any
3 rule or portion of a rule, as that term is defined in section 536.010, that is created under the
4 authority delegated in this section shall become effective only if it complies with and is
5 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
6 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
7 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a
8 rule are subsequently held unconstitutional, then the grant of rulemaking authority and any
9 rule proposed or adopted after August 28, 2017, shall be invalid and void.

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

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

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

8 2. Subject to appropriation, the department of elementary and secondary
9 education shall provide grants directly to private entities for the provision of early
10 childhood education services. The standards prescribed in section 161.213 shall be
11 applicable to all private entities that receive these grant funds.

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

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

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

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

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

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

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

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

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

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

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

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

23 (1) Include the language developmental milestones selected under the process
24 specified in subsection 6 of this section;

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

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

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

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

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

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

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

40 (9) Include fair, balanced, and comprehensive information about language and
41 communication modes and about available services and programs; and

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

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

47 (1) Shall be:

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

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

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

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

56 (2) May:

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

60 (b) Reflect the recommendations of the advisory committee established in this
61 section.

62 5. (1) The department shall:

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

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

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

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

79 6. (1) Before March 1, 2024, the department shall provide the advisory
80 committee established in this section with a list of existing language developmental
81 milestones from existing standardized norms with any relevant information held by the
82 department regarding those language developmental milestones for possible inclusion in
83 the parent resource developed under subsection 3 of this section. The language
84 developmental milestones shall be aligned to the department's existing infant, toddler,
85 and preschool guidelines; the existing instrument used to assess the development of
86 children with disabilities under federal law; and the state standards in English language
87 arts.

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

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

92 7. (1) The commissioner of education shall, in consultation with the Missouri
93 commission for the deaf and hard of hearing, establish an ad hoc advisory committee to
94 solicit input from experts on the selection of language developmental milestones for
95 children who are deaf or hard of hearing that are equivalent to milestones for children
96 who are not deaf or hard of hearing for inclusion in the parent resource developed
97 under subsection 3 of this section. The advisory committee may make recommendations
98 on the selection and administration of the educator tools or assessments selected under
99 subsection 4 of this section. The advisory committee may make recommendations on
100 materials that are unbiased and comprehensive to add to the parent resource.

- 101 **(2) The majority of the advisory committee's members shall be individuals who**
102 **are deaf or hard of hearing. The advisory committee shall consist of parents, advocates,**
103 **and professionals from the field of education for the deaf and hard of hearing and shall**
104 **have a balance of members who personally, professionally, or parentally use ASL and**
105 **English and members who personally, professionally, or parentally use only spoken**
106 **English. The advisory committee shall consist of the following members:**
- 107 **(a) A credentialed teacher of the deaf who provides direct instruction in ASL;**
108 **(b) A credentialed teacher of the deaf who provides direct instruction in listening**
109 **and spoken language;**
- 110 **(c) A credentialed teacher of the deaf who has expertise in curriculum**
111 **development and instruction in ASL and English;**
- 112 **(d) A credentialed teacher of the deaf who has expertise in assessing language**
113 **development both in ASL and English;**
- 114 **(e) A speech-language pathologist who has experience working with children**
115 **from birth to five years of age who are deaf or hard of hearing and use listening and**
116 **spoken language;**
- 117 **(f) A speech-language pathologist who has experience working with children**
118 **from birth to five years of age who are deaf or hard of hearing and use ASL;**
- 119 **(g) A parent of a child who is deaf or hard of hearing who uses ASL;**
120 **(h) A parent of a child who is deaf or hard of hearing who uses listening and**
121 **spoken language;**
- 122 **(i) A deaf or deaf-blind member of the community who uses ASL as the primary**
123 **means of communication; or**
- 124 **(j) A deaf or deaf-blind member of the community who uses spoken language as**
125 **the primary means of communication; and**
- 126 **(k) Seven members of the committee shall be ex officio members and shall be:**
127 **a. The executive director of the Missouri commission for the deaf and hard of**
128 **hearing, or the director's designee;**
129 **b. The superintendent or assistant superintendent of the Missouri School for the**
130 **Deaf, or the superintendent's designee;**
131 **c. A representative of the Missouri Association of the Deaf;**
132 **d. The person designated by the department of health and senior services to**
133 **manage the Missouri newborn hearing screening program;**
134 **e. A coordinator of the First Steps early intervention program administered by**
135 **the department, or such coordinator's designee;**

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

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

142 (3) The advisory committee may advise the department or the department's
143 contractor on the content and administration of the existing instrument used to assess
144 the development of children with disabilities under federal law, as used to assess the
145 language and literacy development of children who are deaf or hard of hearing to
146 ensure the appropriate use of such instrument with such children, and may make
147 recommendations regarding future research to improve the measurement of progress in
148 language and literacy of children who are deaf or hard of hearing.

149 8. For the 2024-25 school year and all subsequent school years, the department
150 shall produce an annual report that is specific to language and literacy development of
151 children who are deaf or hard of hearing including, but not limited to, children who are
152 deaf or hard of hearing and have other disabilities, from birth to five years of age
153 relative to peers who are not deaf or hard of hearing. The report shall use existing data
154 reported in compliance with the federally required state performance plan on pupils
155 with disabilities. The department shall make the report available on the department's
156 website before August first of each school year.

157 9. All activities of the department in implementing this section shall be consistent
158 with federal law regarding the education of children with disabilities and federal law
159 regarding the privacy of pupil information.

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

164 (1) ASL services;

165 (2) Spoken language services;

166 (3) Dual-language services;

167 (4) Cued speech;

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

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

170 11. This section shall apply only to activities of the department relating to
171 children from birth to five years of age.

172 **12. Implementation of this section shall be subject to appropriations for**
173 **purposes of this section.**

163.063. 1. As used in this section, the following words mean:

2 **(1) "Nonresident pupil", a child who:**

3 **(a) At the time such child is admitted to a residential care facility, is domiciled in**
4 **one school district in Missouri but resides in a residential care facility located in another**
5 **school district in Missouri as a result of placement arranged by or approved by the**
6 **department of mental health or the department of social services or placement arranged**
7 **by or ordered by a court of competent jurisdiction;**

8 **(b) Receives care or treatment in such residential care facility that is not within**
9 **the school district in which the child's domicile is located;**

10 **(c) Is unable to attend school in either the school district in which such domicile**
11 **is located or the school district in which such residential care facility is located because**
12 **such child:**

13 **a. May be a safety risk; or**

14 **b. Has behavioral conditions that support the need to educate such child on such**
15 **residential care facility's site or campus; and**

16 **(d) Is being provided all required educational services within such residential**
17 **care facility;**

18 **(2) "Residential care facility", any residential care facility required to be**
19 **licensed under sections 210.481 to 210.536, or a similar facility.**

20 **2. For purposes of calculating federal aid and state aid distributions for**
21 **nonresident pupils pursuant to the provisions of this chapter, a nonresident pupil who**
22 **receives all of such pupil's required educational services on-site at a residential care**
23 **facility shall be included in the average daily attendance of the following school district**
24 **that results in the greatest total amount of state and federal aid to the district in which**
25 **the residential care facility is located:**

26 **(1) The school district of such pupil's domicile prior to placement in a residential**
27 **care facility; or**

28 **(2) The school district of such pupil's residence following placement in a**
29 **residential care facility.**

30 **3. Any educational costs incurred by a residential care facility that are not**
31 **remitted under this section may be reimbursed as provided in section 167.126.**

32 **4. Educational costs incurred by a residential care facility for a child who was**
33 **not enrolled in a school district in Missouri at the time the child was admitted to such**
34 **residential care facility shall be reimbursed as provided in section 167.126.**

35 **5. No provision of this section shall be construed to prevent a residential care**
36 **facility and a school district from mutually agreeing to a financial arrangement that**
37 **deviates from the provisions of this section.**

167.019. 1. (1) A child-placing agency, as defined under section 210.481, shall
2 promote educational stability for foster care children by considering the child's school
3 attendance area when making placement decisions. The foster care pupil shall have the right
4 to remain enrolled in and attend his or her school of origin pending resolution of school
5 placement disputes or to return to a previously attended school in an adjacent district.

6 **(2) In the event that a best interest determination is not completed within ten**
7 **days of a child's being placed in a foster care placement that is located in a school**
8 **district other than the child's domicile school district prior to such placement, it shall be**
9 **deemed that enrollment in the school district where the child resides as a result of such**
10 **placement shall be in the best interest of the child for the purpose of the required best**
11 **interest determination. This subdivision shall apply only to cases where the distance**
12 **between the child's residential address as a result of the foster care placement and the**
13 **school building that was the child's previous school in their domicile district is more**
14 **than ten miles, or fifteen miles if the child is receiving service from a special school**
15 **district established under the provisions of sections 162.670 to 162.999.**

16 2. Each school district shall accept for credit full or partial course work satisfactorily
17 completed by a pupil while attending a public school, nonpublic school, or nonsectarian
18 school in accordance with district policies or regulations.

19 3. If a pupil completes the graduation requirements of his or her school district of
20 residence while under the jurisdiction of the juvenile court as described in chapter 211, the
21 school district of residence shall issue a diploma to the pupil.

22 4. School districts shall ensure that if a pupil in foster care is absent from school due
23 to a decision to change the placement of a pupil made by a court or child placing agency, or
24 due to a verified court appearance or related court-ordered activity, the grades and credits of
25 the pupil shall be calculated as of the date the pupil left school, and no lowering of his or her
26 grades shall occur as a result of the absence of the pupil under these circumstances.

27 5. School districts, subject to federal law, shall be authorized to permit access of pupil
28 school records to any child placing agency for the purpose of fulfilling educational case
29 management responsibilities required by the juvenile officer or by law and to assist with the
30 school transfer or placement of a pupil.

31 6. Any rule or portion of a rule, as that term is defined in section 536.010, that is
32 created under the authority delegated in this section shall become effective only if it complies
33 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
34 This section and chapter 536 are nonseverable and if any of the powers vested with the

35 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
36 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
37 rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid
38 and void.

167.126. 1. **(1) The following children shall have the right to educational services
2 as provided in subdivision (2) of this section:**

3 **(a) Children** who are admitted to programs or facilities of the department of mental
4 health ~~[or]~~; **and**

5 **(b) Children** whose domicile is one school district in Missouri but who reside in
6 another school district in Missouri as a result of:

7 **a.** Placement arranged by or approved by the department of mental health~~[,]~~ **or** the
8 department of social services ~~[or]~~;

9 **b.** Placement arranged by or ordered by a court of competent jurisdiction; **or**

10 **c. Admittance under a physician's order because of a determination of medical
11 necessity for a diagnosed mental illness.**

12 **(2) Children described in subdivision (1) of this subsection** shall have a right to be
13 provided the educational services as provided by law and shall not be denied admission to any
14 appropriate regular public school or special school district program or program operated by
15 the state board of education, as the case may be, where the child actually resides because of
16 such admission or placement; provided, however, that nothing in this section shall prevent the
17 department of mental health, the department of social services or a court of competent
18 jurisdiction from otherwise providing or procuring educational services for such child.

19 2. Each school district or special school district constituting the domicile of any child
20 for whom educational services are provided or procured under this section shall pay toward
21 the per-pupil costs for educational services for such child. A school district which is not a
22 special school district shall pay an amount equal to the average sum produced per child by the
23 local tax effort of the district of domicile. A special school district shall pay an amount not to
24 exceed the average sum produced per child by the local tax efforts of the domiciliary districts.

25 3. When educational services have been provided by the school district or special
26 school district in which a child actually resides, including a child who temporarily resides in a
27 children's hospital licensed under chapter 197 **or a psychiatric residential treatment
28 facility**, for rendering health care services to children under the age of eighteen for more than
29 three days, other than the district of domicile, the amounts as provided in subsection 2 of this
30 section for which the domiciliary school district or special school district is responsible shall
31 be paid by such district directly to the serving district. The school district, or special school
32 district, as the case may be, shall send a written voucher for payment to the regular or special
33 district constituting the domicile of the child served and the domiciliary school district or

34 special school district receiving such voucher shall pay the district providing or procuring the
35 services an amount not to exceed the average sum produced per child by the local tax efforts
36 of the domiciliary districts. In the event the responsible district fails to pay the appropriate
37 amount to the district within ninety days after a voucher is submitted, the state department of
38 elementary and secondary education shall deduct the appropriate amount due from the next
39 payments of any state financial aid due that district and shall pay the same to the appropriate
40 district.

41 4. In cases where a child whose domicile is in one district is placed in programs or
42 facilities operated by the department of mental health or resides in another district pursuant to
43 assignment by that department [ø], is placed by the department of social services or a court
44 of competent jurisdiction into any type of publicly contracted residential site in Missouri, **or**
45 **is admitted under a physician's order because of a determination of medical necessity**
46 **for a diagnosed mental illness**, the department of elementary and secondary education shall,
47 as soon as funds are appropriated, pay the serving district from funds appropriated for that
48 purpose the amount by which the per-pupil costs of the educational services exceeds the
49 amounts received from the domiciliary district except that any other state money received by
50 the serving district by virtue of rendering such service shall reduce the balance due.

51 5. Institutions providing a place of residence for children whose parents or guardians
52 do not reside in the district in which the institution is located shall have authority to enroll
53 such children in a program in the district or special district in which the institution is located
54 and such enrollment shall be subject to the provisions of subsections 2 and 3 of this section.
55 The provisions of this subsection shall not apply to placement authorized pursuant to
56 subsection 1 of this section or if the placement occurred for the sole purpose of enrollment in
57 the district or special district. "Institution" as used in this subsection means a facility
58 organized under the laws of Missouri for the purpose of providing care and treatment of
59 juveniles.

60 6. Children residing in institutions providing a place of residence for three or more
61 such children whose domicile is not in the state of Missouri may be admitted to schools or
62 programs provided on a contractual basis between the school district, special district or state
63 department or agency and the proper department or agency, or persons in the state where
64 domicile is maintained. Such contracts shall not be permitted to place any financial burden
65 whatsoever upon the state of Missouri, its political subdivisions, school districts or taxpayers.

66 7. For purposes of this section the domicile of the child shall be the school district
67 where the child would have been educated if the child had not been placed in a different
68 school district. No provision of this section shall be construed to deny any child domiciled in
69 Missouri appropriate and necessary, gratuitous public services.

70 8. For the purpose of distributing state aid under section 163.031, a child receiving
71 educational services provided by the district in which the child actually resides, other than the
72 district of domicile, shall be included in average daily attendance, as defined under section
73 163.011, of the district providing the educational services for the child.

74 9. Each school district or special school district where the child actually resides, other
75 than the district of domicile, may receive payment from the department of elementary and
76 secondary education, in lieu of receiving the local tax effort from the domiciliary school
77 district. Such payments from the department shall be subject to appropriation and shall only
78 be made for children that have been placed in a school other than the domiciliary school
79 district by a state agency [ø], a court of competent jurisdiction, **or by being admitted under**
80 **a physician's order because of a determination of medical necessity for a diagnosed**
81 **mental illness** and from whom excess educational costs are billed to the department of
82 elementary and secondary education.

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

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

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

13 [~~2~~] (3) "Student athlete", an individual who **is eligible to participate in**, participates
14 **in**, or has participated in an intercollegiate sport for a postsecondary educational institution.
15 Student athlete shall not be construed to apply to an individual's participation in a college
16 intramural sport or in a professional sport outside of intercollegiate athletics;

17 [~~3~~] (4) "Third party", any individual or entity, including any athlete agent, other than
18 a postsecondary educational institution, athletic conference, or athletic association.

19 2. (1) No postsecondary educational institution shall uphold any rule, requirement,
20 standard, or other limitation **of an athletic association or athletic conference** that prevents a
21 student of that institution from fully participating in intercollegiate athletics without penalty
22 and earning compensation as a result of the use of the student's name, image, likeness rights,
23 or athletic reputation. A student athlete earning compensation from the use of a student's

24 name, image, likeness rights, or athletic reputation shall not affect such student athlete's grant-
25 in-aid or stipend eligibility, amount, duration, or renewal.

26 (2) No postsecondary educational institution shall interfere with or prevent a student
27 from fully participating in intercollegiate athletics or obtaining professional representation in
28 relation to contracts or legal matters **relating to earning compensation as a result of the use**
29 **of the student athlete's name, image, likeness rights, or athletic reputation**, including, but
30 not limited to, representation provided by athlete agents, financial advisors, or legal
31 representation provided by attorneys.

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

37 4. (1) No student athlete shall enter into an apparel, equipment, or beverage contract
38 providing compensation to the athlete for use of the athlete's name, image, likeness rights, or
39 athletic reputation if the contract requires the athlete to display a sponsor's apparel,
40 equipment, or beverage or otherwise advertise for the sponsor during official team activities if
41 such provisions are in conflict with a provision of the postsecondary **educational** institution's
42 current licenses or contracts.

43 (2) (a) Except with the prior written consent of the student athlete's postsecondary
44 educational institution, a student athlete shall not enter into a contract for compensation for
45 the use of such student athlete's name, image, likeness rights, or athletic reputation, if such
46 institution determines that a term of the contract conflicts with a term of a contract to which
47 such institution is a party.

48 (b) A postsecondary educational institution or any officer, director, or employee of
49 such institution, including but not limited to a coach, member of the coaching staff, or any
50 individual associated with the ~~[institutions]~~ **institution's** athletic department, ~~[may identify]~~
51 **shall have the right to identify, create, facilitate, negotiate, support, enable**, or otherwise
52 assist with opportunities for a student athlete to earn compensation from a third party,
53 **including an institutional marketing associate**, for the use of the student athlete's name,
54 image, likeness rights, or athletic reputation, provided that such individual shall not:

55 a. ~~[Serve as the athlete's agent;~~

56 ~~b.]~~ Receive compensation from the student athlete or a third party for facilitating ~~[or]~~,
57 enabling, **or assisting with** such opportunities;

58 ~~[e.]~~ **b.** Attempt to influence an athlete's choice of professional representation related
59 to such opportunities; **or**

60 ~~[d.]~~ **c.** Attempt to reduce such athlete's opportunities from competing third parties~~]; or~~

61 ~~e. Be present at any meeting between a student athlete and a third party who provides~~
62 ~~for a student athlete's compensation, where the student athlete's name, image, likeness rights,~~
63 ~~or athletic reputation contract for compensation is negotiated or completed].~~

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

66 (3) Before any contract for compensation for the use of a student athlete's name,
67 image, likeness rights, or athletic reputation, **or for professional representation**, is executed,
68 and before any compensation is provided to the student athlete in advance of a contract, the
69 student athlete shall disclose that contract to his or her postsecondary educational institution
70 in a manner prescribed by such institution.

71 (4) A postsecondary educational institution or any officer, director, or employee of
72 such institution ~~[or entity]~~ shall not compensate a student athlete, prospective student athlete,
73 or the family of such individuals, ~~[or cause compensation to be directed to a prospective~~
74 ~~student athlete, or the family of a student athlete or the family of a prospective student~~
75 ~~athlete,]~~ for the use of such student athlete or prospective student athlete's name, image,
76 likeness rights, or athletic reputation, **unless otherwise permitted by institutional policy**
77 **and a collegiate athletics association that the postsecondary educational institution is a**
78 **member of.**

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

- 82 a. Seal;
- 83 b. Logo;
- 84 c. Emblem;
- 85 d. Motto;
- 86 e. Special symbol;
- 87 f. Institutional colors;
- 88 g. Modifier or descriptor;
- 89 h. Design;
- 90 i. Patentable or copyrightable item, material, or information; or
- 91 j. Other item, material, or information that identifies and is recognizable as
92 unique to such postsecondary educational institution or third party.

93 (b) A postsecondary educational institution or a third party shall develop and
94 adopt a process for granting to a student athlete, or to a third party for use with a
95 student athlete, a license to use such institution's or third party's unique identifiers
96 when earning or attempting to earn compensation from the use of such student athlete's

97 **name, image, likeness rights, or athletic reputation consistent with its policies regarding**
98 **licensing of its unique identifiers.**

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

101 **(d) A postsecondary educational institution, or a third party, may impose**
102 **requirements that a student athlete granted a license under this subdivision refrain from**
103 **using such unique identifier in a manner that the institution in its sole discretion**
104 **determines:**

105 **a. Is reasonably considered to be inconsistent with such institution's or third**
106 **party's values or mission;**

107 **b. Adversely affects such institution's or third party's image;**

108 **c. Negatively impacts or inappropriately reflects upon the reputation or**
109 **religious, moral, or ethical standards of such institution or third party;**

110 **d. Violates such institution's or third party's code of conduct or similar**
111 **requirements; or**

112 **e. Conflicts with a provision of such institution's or third party's current licenses**
113 **or contracts.**

114 **5. No contract of a postsecondary educational institution's athletic program shall**
115 **prevent a student athlete from receiving compensation for using the student athlete's name,**
116 **image, likeness rights, or athletic reputation for a commercial purpose when the athlete is not**
117 **engaged in official mandatory team activities that are recorded in writing and can be made**
118 **publicly available upon request.**

119 **6. (1) If a private postsecondary educational institution collects, retains, or**
120 **maintains the terms of a student athlete's contract or proposed contract detailing**
121 **compensation to such student athlete for the use of such student athlete's name, image,**
122 **likeness, or athletic reputation, such postsecondary educational institution shall**
123 **consider such contract terms to be student governed by the Family Education Rights**
124 **and Privacy Act (FERPA).**

125 **(2) The terms of a contract or proposed contract detailing compensation to a**
126 **student athlete for the use of such student athlete's name, image, likeness, or athletic**
127 **reputation shall be deemed a closed record under chapter 610. A public postsecondary**
128 **educational institution subject to this subsection may withhold or refuse to release or**
129 **otherwise disclose such contract terms without seeking a formal opinion of the attorney**
130 **general of this state as authorized in section 610.027.**

131 **7. (1) No compensation to a student athlete for earning or attempting to earn**
132 **compensation from the use of such student athlete's name, image, likeness rights, or**
133 **athletic reputation shall be conditioned on such student athlete's athletic performance.**

134 **Those providing compensation to a student athlete for the use of his or her name, image,**
135 **likeness rights, or athletic reputation shall have the right to condition payment of that**
136 **compensation on a student athlete's attendance at a particular postsecondary**
137 **educational institution.**

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

142 **(3) Notwithstanding any rule of an athletic association, athletic conference, or**
143 **any other organization with authority over varsity intercollegiate athletics, institutional**
144 **marketing associates shall have the right to compensate a student athlete for the**
145 **commercial use of the student athlete's name, image, likeness rights, or athletic**
146 **reputation. This includes the right to compensate a student athlete for the commercial**
147 **use of the student athlete's name, image, or likeness rights in connection with the**
148 **promotion of athletic events in which the student athlete will or may participate, the**
149 **promotion of the postsecondary educational institution the student athlete attends, and**
150 **the promotion of the postsecondary educational institution's intercollegiate athletics or**
151 **sports program. Further, an institutional marketing associate shall, in the event that a**
152 **postsecondary educational institution or its intercollegiate athletics program**
153 **affirmatively grants a request, have the right to utilize a postsecondary educational**
154 **institution's, or the postsecondary educational institution's intercollegiate athletics**
155 **program's, content creation and marketing capabilities in connection with services**
156 **provided for the promotion of athletic events in which a student athlete will or may**
157 **participate, the postsecondary educational institution, or the institution's intercollegiate**
158 **athletics or sports program.**

159 **(4) Notwithstanding any rule of an athletic association, athletic conference, or**
160 **any other organization with authority over varsity intercollegiate athletics, student**
161 **athletes shall have the right to receive compensation from an institutional marketing**
162 **associate for the commercial use of their name, image, likeness rights, or athletic**
163 **reputation, in connection with, among other items, the promotion of athletic events in**
164 **which the student athlete will or may participate, the promotion of the postsecondary**
165 **educational institution the student athlete attends, and the promotion of the**
166 **postsecondary educational institution's intercollegiate athletics or sports program.**

167 ~~[6-]~~ **8. (1) Postsecondary educational institutions that enter into commercial**
168 **agreements that directly or indirectly require the use of a student athlete's name, image,**
169 **likeness, or athletic reputation shall ~~conduct a~~ offer at least two workshops per calendar**
170 **year that may include topics such as financial ~~development program once per year for their~~**

171 ~~athletes]~~ **literacy, life skills, time management, and entrepreneurship. The workshops**
172 **may not be offered in the same month and each workshop offered in a calendar year**
173 **must be unique and not simply a repeat of the other workshop offered that year. The**
174 **institution shall notify all student athletes of the sessions through the distribution of**
175 **informational materials via email or other communication methods the institution**
176 **regularly uses to communicate with student athletes.**

177 (2) ~~[The financial development program]~~ **The educational workshops** shall not
178 include any marketing, advertising, referral, or solicitation by providers of financial products
179 or services. ~~[Such program shall, at a minimum, include information concerning financial~~
180 ~~aid, debt management, and a recommended budget for student athletes based on the current~~
181 ~~year's cost of attendance. The workshop shall also include information on time management~~
182 ~~skills necessary for success as a student athlete and available academic resources.]~~

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

185 ~~(4) Postsecondary educational institutions shall inform their athletes of such program~~
186 ~~meetings and provide appropriate meeting space.~~

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

188 **9. An athletic association, athletic conference, or any other organization with**
189 **authority over varsity intercollegiate athletics shall not, and shall not authorize its**
190 **member institutions to:**

191 (1) **Prevent a student athlete from receiving compensation for the commercial**
192 **use of the student athlete's name, image, likeness rights, or athletic reputation under this**
193 **section;**

194 (2) **Penalize a student athlete for receiving compensation for the commercial use**
195 **of the student athlete's name, image, likeness rights, or athletic reputation under this**
196 **section;**

197 (3) **Prevent a postsecondary educational institution from participating in varsity**
198 **intercollegiate athletics or otherwise penalize a postsecondary educational institution as**
199 **a result of a student athlete's receipt of compensation for the student athlete's name,**
200 **image, likeness rights, or athletic reputation under this section;**

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

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

207 **(6) Penalize a postsecondary educational institution because an institutional**
208 **marketing associate compensates a student athlete for use of his or her name, image,**
209 **likeness rights, or athletic reputation, as protected under this section, or if a third party**
210 **violates the collegiate athletic association's rules or regulations with regard to student**
211 **athlete name, image, or likeness activities.**

212 **10. A student athlete shall have the right to obtain professional representation**
213 **for the purpose of securing compensation for the use of his or her name, image, or**
214 **likeness without penalty or resulting limitation on participating or effect on the student**
215 **athlete's athletic grant-in-aid eligibility. Professional representation shall be by**
216 **attorneys or agents licensed by this state. Any professional representation agreement**
217 **shall be in writing, be executed by both parties, clearly describe the obligations of the**
218 **parties, and outline fees for the professional representation.**

219 ~~[8-]~~ **11. (1) Any student athlete may bring a civil action against third parties that**
220 **violate this section or that interfere with such student athlete's earning or attempting to**
221 **earn compensation from the use of such student athlete's name, image, likeness rights,**
222 **or athletic reputation** for appropriate injunctive relief or actual damages, or both. Such
223 action shall be brought in the county where the violation occurred, or is about to occur, and
224 the court shall award damages and court costs to a prevailing plaintiff.

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

228 ~~[9-]~~ **12. No legal settlement shall conflict with the provisions of this section.**

229 ~~[10-]~~ **13. This section shall apply only to agreements or contracts entered into,**
230 **modified, or renewed on or after August 28, 2021. Such agreements or contracts include, but**
231 **are not limited to, the national letter of intent, an athlete's financial aid agreement,**
232 **commercial contracts in the athlete group licensing market, and athletic conference or athletic**
233 **association rules or bylaws.**

234 **14. No postsecondary educational institution's employees, including athletics**
235 **coaching staff, shall be liable for any damages to a student athlete's ability to earn**
236 **compensation for the use of the student athlete's name, image, or likeness resulting from**
237 **decisions or actions routinely taken in the course of intercollegiate athletics.**

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

240 **16. (1) A high school athlete who competes on an interscholastic athletic team in**
241 **this state that is sponsored by a public school or by a private school whose students**
242 **compete against a public school's students may earn or attempt to earn compensation**

243 from the use of such athlete's name, image, likeness rights, or athletic reputation as
244 provided in this section, subject to the following:

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

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

252 (2) The discussion of, or earning or attempting to earn, compensation from the
253 use of such high school athlete's name, image, likeness rights, or athletic reputation as
254 provided in this section shall not be construed to be a violation of any rules and
255 regulations a high school student and high schools are required to follow to maintain
256 and protect a high school athlete's high school eligibility to participate in high school
257 athletics in this state.

205.565. The department of social services and the department of elementary and
2 secondary education may, subject to appropriation, use, administer and dispose of any gifts,
3 grants, or in-kind services and may award grants to qualifying entities to carry out the caring
4 communities program.

210.1360. 1. Any personally identifiable information regarding any child under
2 eighteen years of age receiving child care from any provider or applying for or receiving
3 any services through a state program shall not be subject to disclosure except as
4 otherwise provided by law.

5 2. This section shall not prohibit any state agency from disclosing personally
6 identifiable information to any governmental entity or its agents, vendors, grantees, and
7 contractors in connection to matters relating to its official duties. The provisions of this
8 section shall not apply to any state, county, or municipal law enforcement agency acting
9 in its official capacity.

10 3. This section shall not prevent a parent or legal guardian from accessing the
11 parent's or legal guardian's child's records.

✓