

SS HB 447 -- DUTIES OF THE DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

This bill relates to the duties of the Department of Elementary and Secondary Education.

HEALTH AND FAMILY EDUCATION (Section 160.527)

This bill requires that the current one-half credit hour of health education be renamed "Health and Family Education" beginning with the 2024-25 school year. The State Board of Education (SBE) will convene a work group to develop academic performance standards. The SBE shall adopt and implement the performance standards relating to health and family education beginning with the 2024-25 school year.

ADULT HIGH SCHOOLS (Sections 160.2705, 160.2720, and 160.2725)

Currently, the Department of Elementary and Secondary Education (DESE) is required to authorize the operation of four adult high schools across the state. This bill transfers such authority to the Department of Social Services (DSS) and requires each nonprofit organization that operates an adult high school to submit an annual report to DSS. In addition, DSS shall authorize a fifth adult high school to be located in a county with more than 700,000 but fewer than 800,000 inhabitants, or a contiguous county. When the bill goes into effect, this will apply to Jackson County or an adjacent county.

DSS shall administer funding to the adult high schools subject to appropriations. For the existing adult high schools, DSS shall maintain authorization for the nonprofit organizations to operate the high school, provided that no more than one organization may be authorized to operate an adult high school in each of the current four locations. An organization may establish satellite campuses for any adult high school it is authorized to operate.

By January 1, 2024, the DSS shall select a Missouri-based nonprofit organization to operate the new adult high school, provided the organization meets current requirements and demonstrates the ability to commit at least \$500,000 for the necessary infrastructure to establish the school.

GRANT AWARDS AUTHORITY (Sections 161.243 and 205.565)

DESE shall provide grants directly to private entities, as defined, for the provision of early childhood education services, subject to appropriations. The standards prescribed in Section 161.213, RSMo, relating to high-quality early childhood education standards, shall

be applicable to all private entities that receive these grant funds. The bill also authorizes DESE, in addition to DSS, to award grants to qualifying entities carrying out the Caring Communities Program.

LANGUAGE EQUALITY AND ACQUISITION FOR DEAF KIDS (LEAD-K) ACT
(Section 161.396)

This bill establishes the "Language Equality and Acquisition for Deaf Kids (LEAD-K) Act" that requires DESE to develop language developmental milestones from existing norms for children from birth to five years of age that have been identified as deaf or hard of hearing.

The bill requires that DESE select and disseminate tools or assessments for educators to assess the language and literacy development of children and the bill provides specific guidance on the format, age range of development, and appropriateness for such tools or assessments.

Children that are in an Individualized Education Program (IEP) or an Individualized Family Service Plan (IFSP) that do not demonstrate progress in expressive and receptive language skills as measured by educator tools or assessments must have the lack of progress explained in detail with specific strategies, services, and programs recommended by the IEP or IFSP team.

DESE, in consultation with the Missouri Commission for the Deaf and Hard of Hearing, shall establish an advisory committee of 17 members before March 1, 2024, to solicit input from experts on the selection of the language development milestones as specified in the bill. Before June 1, 2024 the committee will make recommendations to DESE, and DESE shall select the milestones before July 1, 2024.

Annually, starting with the 2024-25 school year, DESE must produce an annual report that is specific to language and literacy development of children who are deaf or hard of hearing including, but not limited to, children who are deaf or hard of hearing and have other disabilities, from birth to 5 years of age relative to peers who are not deaf or hard of hearing.

EDUCATIONAL FUNDING FOR STUDENTS IN RESIDENTIAL CARE FACILITIES
(Sections 163.063 and 167.126)

For purposes of calculating federal aid and state aid distributions for nonresident pupils, nonresident pupils receiving all educational services on-site at a residential care facility, as defined, shall be included in the average daily attendance in

either the school district of the pupils' domicile prior to placement in a residential care facility or in the school district of the pupil's residence following placement in a residential care facility, whichever results in the greatest total amount of aid to the district in which the residential care facility is located. These provisions shall not be construed to prevent a residential care facility and a school district from mutually agreeing to a financial arrangement that deviates from these provisions.

Currently, children admitted to programs or facilities of the Department of Mental Health (DMH) or whose domicile is a different school district than their residence because of placement by DMH, DSS, or by order of a court, shall have a right to be provided educational services and shall not be denied admission to any appropriate public school, special school district program, or program operated by the SBE. This bill expands these provisions to children whose domicile is a different school district than their residence because of admittance under a physician's order because of a determination of medical necessity for a diagnosed mental illness. The bill also makes changes to funding and payments related to serving school districts in which a child whose domicile is in a different district admitted under a physician's order because of a determination of medical necessity for a diagnosed mental illness.

FOSTER CHILD ENROLLMENT (Section 167.019)

In the event a best interest determination is not completed within 10 days of a child being placed in a foster care placement located in a school district different than the child's school district prior to the placement, it shall be deemed that enrollment in the district where the child resides as a result of the foster care placement shall be in the best interests of the child. This determination only applies to cases where the distance between the child's residential address as a result of placement and the school building that was the child's previous school is more than 10 miles, or 15 miles if the child is receiving service from a special school district, as described.

STUDENT-ATHLETE COMPENSATION (Section 173.280)

The bill establishes provisions relating to the compensation of postsecondary student athletes.

This bill defines "institutional marketing associate" and amends the definition of "student athlete" for purposes of student athlete compensation.

A postsecondary educational institution shall have the right to identify, create, facilitate, negotiate, support, enable, or otherwise assist with opportunities for a student athlete to earn compensation from a third party for the name, image, likeness rights (NIL), or athletic reputation of the student athlete, subject to certain restrictions and requirements as provided in the bill. Any contract or proposed contract, including any terms of such contract, shall be subject to the Family Education Rights and Privacy Act (FERPA).

Postsecondary educational institutions must adopt a process for granting athletes a license to use the institution's "unique identifiers", as defined, when earning compensation from the use of such athlete's name or image. A postsecondary educational institution that enters into commercial agreements that require the use of a student athlete's name or image shall offer at least two workshops per year on topics including financial literacy, life skills, and entrepreneurship.

Student athlete compensation from the use of such student athlete's NIL shall not be conditioned on such student athlete's athletic performance, but such compensation may be conditioned upon attendance at a particular postsecondary educational institution. A student athlete shall have the right to obtain professional representation for the purpose of securing compensation for the use of his or her NIL.

Nonprofit organizations and institutional marketing associates shall have the right to compensate a student athlete for the commercial use of such student athlete's NIL.

The bill expands the opportunity to earn or attempt to earn compensation for NIL to any high school student who has signed a letter of intent with a postsecondary educational institution in the state. The bill prohibits a high school athlete earning or attempting to earn compensation from affecting the student's eligibility to continue to participate in athletics at a high school level.

This bill also establishes a cause of action for a student athlete against third parties that interfere with such student athlete's earning or attempting to earn compensation from the use of his or her NIL. However, postsecondary educational institutions' employees, including athletics coaching staff, will not be liable for damages that result from decisions or actions routinely taken in the course of intercollegiate athletics.

DISCLOSURE OF INFORMATION (Section 210.1360)

This bill prohibits the disclosure of any personally identifiable information regarding any child receiving child care from a provider or applying for or receiving any services through a state program. This does not prohibit any state agency from disclosing personally identifiable information to governmental entities or its agents, vendors, and contractors relating to its official duties, nor does it prevent a parent or legal guardian from accessing their child's records.

These provisions do not apply to any state, county, or municipal law enforcement agency acting in its official capacity.