

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILLS NOS. 1876 & 1877

## 94TH GENERAL ASSEMBLY

---

---

Reported from the Committee on Education, April 10, 2008, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

3964S.03C

TERRY L. SPIELER, Secretary.

### AN ACT

To repeal sections 160.730, 162.720, 162.961 and 162.963, RSMo, and to enact in lieu thereof eight new sections relating to elementary and secondary education.

---

---

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

Section A. Sections 160.730, 162.720, 162.961 and 162.963, RSMo, are  
2 repealed and eight new sections enacted in lieu thereof, to be known as sections  
3 160.800, 160.805, 160.810, 160.815, 160.820, 162.720, 162.961 and 162.963, to  
4 read as follows:

160.800. **The governor may, on behalf of the state and in  
2 accordance with chapter 355, RSMo, establish a private not-for-profit  
3 corporation named the "P-20 Council", to carry out the provisions of  
4 sections 160.800 to 160.820. As used in this section, the word  
5 "corporation" means the P-20 council authorized by this section. Before  
6 certification by the governor, the corporation shall conduct a public  
7 hearing for the purpose of giving all interested parties an opportunity  
8 to review and comment upon the articles of incorporation, bylaws, and  
9 method of operation of the corporation. Notice of hearing shall be  
10 given at least fourteen days prior to the hearing.**

160.805. **1. The articles of incorporation and bylaws of the  
2 corporation shall provide that the purpose of the corporation is to  
3 create a more efficient and effective education system that more  
4 adequately prepares students for the challenges of entering the  
5 workforce.**

**2. The board of directors of the corporation shall be composed**

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

7 of thirteen members. The governor shall annually appoint one of its  
8 members, who shall be employed in the private sector, as  
9 chairperson. The board shall consist of the following members:

10 (1) The director of the department of economic development;

11 (2) The commissioner of higher education;

12 (3) The chairperson of the coordinating board for higher  
13 education;

14 (4) The president of the state board of education;

15 (5) The chairperson of the coordinating board of early childhood;

16 (6) The commissioner of education;

17 (7) Seven members appointed by the governor. Two members  
18 shall represent higher education institutions, one two-year institution  
19 and one four-year institution; two members shall represent elementary  
20 and secondary schools; two members shall represent the private, for-  
21 profit business sector; and one member shall represent an early  
22 childhood education provider.

23 3. Each member of the board of directors of the corporation  
24 appointed by the governor shall serve for a term of four years. Of the  
25 directors initially appointed to the board of directors by the governor,  
26 two directors shall be designated by the governor to serve a term of  
27 four years, two directors shall be designated to serve a term of three  
28 years, two directors shall be designated to serve a term of two years,  
29 and one director shall be designated to serve a term of one  
30 year. Thereafter, directors shall serve a term of four years. Each  
31 director shall continue to serve until a successor is duly appointed by  
32 the governor.

33 4. The corporation may receive money from any source, may  
34 borrow money, may enter into contracts, and may expend money for  
35 any activities appropriate to its purpose.

36 5. The corporation may appoint staff and do all other things  
37 necessary or incidental to carrying out the functions listed in sections  
38 160.800 to 160.820.

39 6. Any changes in the articles of incorporation or bylaws shall be  
40 approved by the governor.

41 7. The corporation shall submit an annual report to the governor  
42 and to the Missouri general assembly by the first day of November and  
43 shall include detailed information on the structure, operation, and

44 **financial status of the corporation. The corporation shall conduct an**  
45 **annual public hearing to receive comments from interested parties**  
46 **regarding the report, and notice of the hearing shall be given at least**  
47 **fourteen days prior to the hearing.**

48 **8. The corporation shall be subject to an annual audit by the**  
49 **state auditor. The corporation shall bear the full cost of the audit.**

**160.810. The corporation, after being certified by the governor**  
2 **as provided by section 160.800, may:**

3 **(1) Study the potential for a state-coordinated economic and**  
4 **educational policy that addresses all levels of education;**

5 **(2) Determine where obstacles make state support of programs**  
6 **that cross institutional or jurisdictional boundaries difficult and**  
7 **suggest remedies;**

8 **(3) Create programs that:**

9 **(a) Intervene at known critical transition points, such as middle**  
10 **school to high school and the freshman year of college, to help ensure**  
11 **student success at the next level;**

12 **(b) Foster higher education faculty spending time in elementary**  
13 **and secondary classrooms and private workplaces, and elementary and**  
14 **secondary faculty spending time in general education level higher**  
15 **education courses and private workplaces, with particular emphasis on**  
16 **secondary school faculty working with general education higher**  
17 **education faculty;**

18 **(c) Allow education stakeholders to collaborate with members of**  
19 **business and industry to foster policy alignment, professional**  
20 **interaction, and information systems across sectors;**

21 **(d) Regularly provide feedback to schools, colleges, and**  
22 **employers concerning the number of students requiring postsecondary**  
23 **remediation, whether in educational institutions or the workplace;**

24 **(4) Explore ways to better align academic content, particularly**  
25 **between secondary school and first-year courses at public colleges and**  
26 **universities, which may include alignment between:**

27 **(a) Elementary and secondary assessments and public college**  
28 **and university admission and placement standards; and**

29 **(b) Articulation agreements for programs across sectors and**  
30 **educational levels.**

**160.815. 1. Debts incurred by the corporation established**

2 pursuant to the authority of sections 160.800 to 160.820 do not represent  
3 or constitute a debt of this state within the meaning of the provisions  
4 of the constitution or statutes of this state.

5 2. The corporation established pursuant to sections 160.800 to  
6 160.820 shall be subject to all provisions of chapter 355, RSMo, which  
7 do not conflict with the provisions of sections 160.800 to 160.820.

160.820. In order to assist the corporation in achieving the  
2 objectives identified in section 160.810, the department of economic  
3 development, department of elementary and secondary education, and  
4 department of higher education may contract with the corporation for  
5 activities consistent with the corporation's purpose, as specified in  
6 section 160.805, including but not limited to the employment of any  
7 personnel of the corporation, administrative services, and provision of  
8 office space. When contracting with the corporation under the  
9 provisions of this section, the departments may directly enter into  
10 agreements with the corporation and shall not be bound by the  
11 provisions of chapter 34, RSMo.

162.720. 1. [Where a sufficient number of children are determined to be  
2 gifted and their development requires programs or services beyond the level of  
3 those ordinarily provided in regular public school programs, districts may  
4 establish special programs for such gifted children.

5 2.] Each school district shall identify which of the district's  
6 students are academically gifted as established under the rules  
7 prescribed by the department of elementary and secondary  
8 education. The department shall develop a list of identification criteria  
9 with emphasis on early identification.

10 2. Each school district may establish appropriate programs or  
11 differentiated services for students who are identified as academically  
12 gifted under subsection 1 of this section and whose educational needs  
13 require programs or services beyond what is provided in the regular  
14 public school program.

15 3. The state board of education shall determine standards for such  
16 programs or services. Approval of such programs or services shall be made  
17 by the state department of elementary and secondary education based upon  
18 [project] applications submitted [by July fifteenth of each year] in a format and  
19 at a time established by the department. Each school district shall  
20 report annually to the department, by a date established by the

21 **department on the programs or services provided to academically**  
22 **gifted students.**

162.961. 1. A parent, guardian or the responsible educational agency may  
2 request a due process hearing by the state board of education with respect to any  
3 matter relating to identification, evaluation, educational placement, or the  
4 provision of a free appropriate public education of the child. Such request shall  
5 include the child's name, address, school, issue, and suggested resolution of  
6 dispute if known. Except as provided in subsection 4 of this section, the board  
7 or its delegated representative shall within fifteen days after receiving notice  
8 empower a hearing panel of three persons who are not directly connected with the  
9 original decision and who are not employees of the board to which the appeal has  
10 been made. All of the panel members shall have some knowledge or training  
11 involving children with disabilities, none shall have a personal or professional  
12 interest which would conflict with his or her objectivity in the hearing, and all  
13 shall meet the department of elementary and secondary education's training and  
14 assessment requirements pursuant to state regulations and federal law and  
15 regulation requirements of the Individuals With Disabilities Education Act. One  
16 person shall be chosen by the local school district board or its delegated  
17 representative or the responsible educational agency, and one person shall be  
18 chosen at the recommendation of the parent or guardian. If either party has not  
19 chosen a panel member ten days after the receipt by the department of  
20 elementary and secondary education of the request for a due process hearing,  
21 such panel member shall be chosen instead by the department of elementary and  
22 secondary education. Each of these two panel members shall be compensated  
23 pursuant to a rate set by the department of elementary and secondary  
24 education. The third person shall be appointed by the state board of education  
25 and shall serve as the chairperson of the panel. The chairperson shall be an  
26 attorney licensed to practice law in this state. During the pendency of any  
27 three-member panel hearing, or prior to the empowerment of the panel, the  
28 parties may, by mutual agreement, submit their dispute to a mediator pursuant  
29 to section 162.959.

30 2. The parent or guardian, school official, and other persons affected by  
31 the action in question shall present to the hearing panel all pertinent evidence  
32 relative to the matter under appeal. All rights and privileges as described in  
33 section 162.963 shall be permitted.

34 3. After review of all evidence presented and a proper deliberation, the

35 hearing panel, within the time lines required by the Individuals With Disabilities  
36 Education Act, 20 U.S.C. Section 1415 and any amendments thereto, shall by  
37 majority vote determine its findings, conclusions, and decision in the matter in  
38 question and forward the written decision to the parents or guardian of the child  
39 and to the president of the appropriate local board of education or responsible  
40 educational agency and to the department of elementary and secondary education.  
41 A specific extension of the time line may be made by the chairman at the request  
42 of either party, except in the case of an expedited hearing as provided in  
43 subsection 4 of this section.

44           4. An expedited due process hearing by the state board of education may  
45 be requested by a parent to challenge a disciplinary change of placement or to  
46 challenge a manifestation determination in connection with a disciplinary change  
47 of placement or by a responsible educational agency to seek a forty-five school day  
48 alternative educational placement for a dangerous or violent student. The board  
49 or its delegated representative shall appoint a hearing officer to hear the case and  
50 render a decision within the time line required by federal law and state  
51 regulations implementing federal law. The hearing officer shall be an attorney  
52 licensed to practice law in this state. The hearing officer shall have some  
53 knowledge or training involving children with disabilities, shall not have a  
54 personal or professional interest which would conflict with his or her objectivity  
55 in the hearing, and shall meet the department of elementary and secondary  
56 education's training and assessment requirements pursuant to state regulations  
57 and federal law and regulation requirements of the Individuals With Disabilities  
58 Education Act. A specific extension of the time line is only permissible to the  
59 extent consistent with federal law and pursuant to state regulations.

60           5. If the responsible public agency requests a due process hearing to seek  
61 a forty-five school day alternative educational placement for a dangerous or  
62 violent student, the agency shall show by substantial evidence that there is a  
63 substantial likelihood the student will injure himself or others and that the  
64 agency made reasonable efforts to minimize that risk, and shall show that the  
65 forty-five school day alternative educational placement will provide a free  
66 appropriate public education which includes services and modifications to address  
67 the behavior so that it does not reoccur, and continue to allow progress in the  
68 general education curriculum.

69           6. Any due process hearing request and responses to the request shall  
70 conform to the requirements of the Individuals With Disabilities Education Act

71 (IDEA). Determination of the sufficiency shall be made by the chairperson of the  
72 three-member hearing panel, or in the case of an expedited due process hearing,  
73 by the hearing officer. The chairperson or hearing officer shall implement the  
74 process and procedures, including time lines, required by the IDEA, related to  
75 sufficiency of notice, response to notice, determination of sufficiency dispute, and  
76 amendments of the notice.

77 7. A preliminary meeting, known as a resolution session, shall be  
78 convened by the responsible public agency, under the requirements of the  
79 IDEA. The process and procedures required by the IDEA in connection to the  
80 resolution session and any resulting written settlement agreement shall be  
81 implemented. **The responsible public agency or its designee shall sign**  
82 **the agreement. The designee identified by the responsible public**  
83 **agency shall have the authority to bind the agency. A local board of**  
84 **education, as a responsible public agency, shall identify a designee with**  
85 **authority to bind the school district.**

162.963. 1. At any hearing held pursuant to the provisions of section  
2 162.961, except as otherwise provided in this section, either party or a  
3 representative shall be entitled to:

4 (1) Be accompanied and advised by counsel and by individuals with  
5 special knowledge or training with respect to the problems of children with  
6 disabilities;

7 (2) Present evidence and confront, cross-examine, and compel the  
8 attendance of witnesses;

9 (3) Prohibit the introduction of any evidence, including all evaluations and  
10 recommendations based on the offering party's evaluation, at the hearing that has  
11 not been disclosed to that party at least five business days before the hearing[,  
12 except this shall not be applicable in the case of an expedited hearing where no  
13 discovery shall take place];

14 (4) Obtain a written or, at the option of the parents, electronic verbatim  
15 record of the hearing; and

16 (5) Obtain written or, at the option of the parents, electronic findings of  
17 fact and decision.

18 2. Parents involved in hearings have the right to have the child who is the  
19 subject of the hearing present and the right to open the hearing to the public.

20 3. Prior to the resolution conference or hearing, the parent or guardian  
21 or a representative of the parent or guardian shall have access to any reports,

22 records, clinical evaluations or other materials upon which the action to be  
23 reviewed was wholly or partially based which could reasonably have a bearing on  
24 the correctness of the determination.

25 4. A complete record shall be made of all proceedings unless otherwise  
26 specified by statute, which records shall include verbatim transcription of all  
27 testimony and shall include all documents, writings, or other evidence presented  
28 by any party. Costs incurred during these proceedings, except those of the  
29 parties for purchasing diagnostic services or legal counsel or other services of a  
30 personal nature, shall be the responsibility of the state board of education.

[160.730. 1. Not less than twice each calendar year, the  
2 commissioner of higher education, the chair of the coordinating  
3 board for higher education, the commissioner of education, the  
4 president of the state board of education, and the director of the  
5 department of economic development shall meet and discuss ways  
6 in which their respective departments may collaborate to achieve  
7 the policy goals as outlined in this section.

8 2. In order to create a more efficient and effective education  
9 system that more adequately prepares students for the challenges  
10 of entering the workforce, the persons and agencies outlined in  
11 subsection 1 of this section shall be responsible for accomplishing  
12 the following goals:

13 (1) Studying the potential for a state-coordinated  
14 economic/educational policy that addresses all levels of education;

15 (2) Determining where obstacles make state support of  
16 programs that cross institutional or jurisdictional boundaries  
17 difficult and suggesting remedies;

18 (3) Creating programs that:

19 (a) Intervene at known critical transition points, such as  
20 middle school to high school and the freshman year of college to  
21 help assure student success at the next level;

22 (b) Foster higher education faculty spending time in  
23 elementary and secondary classrooms and private workplaces, and  
24 elementary and secondary faculty spending time in general  
25 education-level higher education courses and private workplaces,  
26 with particular emphasis on secondary school faculty working with  
27 general education higher education faculty;

28 (c) Allow education stakeholders to collaborate with  
29 members of business and industry to foster policy alignment,  
30 professional interaction, and information systems across sectors;

31 (d) Regularly provide feedback to schools, colleges, and  
32 employers concerning the number of students requiring  
33 postsecondary remediation, whether in educational institutions or  
34 the workplace;

35 (4) Exploring ways to better align academic content,  
36 particularly between secondary school and first-year courses at  
37 public colleges and universities, which may include alignment  
38 between:

39 (a) Elementary and secondary assessments and public  
40 college and university admission and placement standards; and

41 (b) Articulation agreements of programs across sectors and  
42 educational levels.

43 3. No later than the first Wednesday after the first Monday  
44 of January each year, the persons outlined in subsection 1 of this  
45 section shall report jointly to the general assembly and to the  
46 governor the actions taken by their agencies and their  
47 recommendations for policy initiatives and legislative alterations  
48 to achieve the policy goals as outlined in this section.]

✓

Copy