

SENATE SUBSTITUTE

FOR

HOUSE BILL NO. 447

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.

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

Section A. Sections 160.2705, 160.2720, 160.2725, 2 167.019, 167.126, and 205.565, RSMo, are repealed and ten new 3 sections enacted in lieu thereof, to be known as sections 4 160.527, 160.2705, 160.2720, 160.2725, 161.243, 163.063, 5 167.019, 167.126, 205.565, and 210.1360, to read as follows:

160.527. 1. The one-half unit of credit in health 2 education required by the state board of education shall be 3 renamed "Health and Family Education" for the 2024-25 school 4 year and all subsequent school years.

5 2. The state board of education shall convene a work 6 group to develop and recommend academic performance 7 standards relating to the one-half unit of credit of health 8 and family education required by the board. The work group 9 shall include, but not be limited to, educators providing 10 instruction in health education and family and consumer 11 science in grades nine to twelve, representatives from the 12 department of elementary and secondary education, and 13 nonprofit organizations that focus on public health, 14 parenting, and social services. The work group shall 15 develop written curriculum frameworks relating to health and 16 family education with an emphasis on behavioral health 17 relating to the causes of morbidity and mortality of youth, 18 chronic disease management, and parenting skills associated

19 with optimal family health over a lifetime that may be used
20 by school districts.

21 3. The state board of education shall adopt and
22 implement academic performance standards relating to health
23 and family education for the 2024-25 school year and all
24 subsequent school years.

25 4. The requirements of section 160.514 shall not apply
26 to this section.

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

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

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

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

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

22 (5) One adult high school to be located in a county
23 with more than seven hundred thousand but fewer than eight
24 hundred thousand inhabitants, or a contiguous county.

25 2. [The department of elementary and secondary
26 education shall grant the authorization described under
27 subsection 1 of this section based on a bid process
28 conducted in accordance with the rules and regulations
29 governing purchasing through the office of administration.
30 The successful bidder shall:] The department of social
31 services shall administer funding to adult high schools
32 subject to appropriations. The department shall be
33 responsible for granting and maintaining authorization for
34 adult high schools. For adult high schools in operation
35 prior to January 1, 2023, the department shall maintain
36 authorization for the nonprofit organization to operate the
37 schools, subject to compliance with this section. No more
38 than one organization shall be authorized to operate an
39 adult high school at each location described in subsection 1
40 of this section. An organization may establish satellite
41 campuses for any adult high school it is authorized to
42 operate. The department shall administer funding for
43 satellite campuses subject to appropriations.

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

49 (1) Demonstrate the ability to establish, within
50 twenty-one months of the receipt of the authorization,
51 [four] an adult high [schools] school offering high school
52 diplomas, an industry certification program or programs, and
53 child care for children of the students attending the high
54 schools;

55 (2) [Commit at least two million dollars in investment
56 for the purpose of establishing the necessary infrastructure
57 to operate four adult high schools] Demonstrate the ability

58 to commit at least five hundred thousand dollars for the
59 purpose of establishing the necessary infrastructure at the
60 adult high school;

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

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

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

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

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

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

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

91 (10) [Bids shall not include an] Limit the
92 administrative fee [greater than] to no more than ten
93 percent.

94 [3.] 4. (1) The department of elementary and
95 secondary education shall establish academic requirements
96 for students to obtain high school diplomas.

97 (2) Requirements for a high school diploma shall be
98 based on an adult student's prior high school achievement
99 and the remaining credits and coursework that would be
100 necessary for the student to receive a high school diploma
101 if such student were in a traditional high school setting.
102 The adult student shall meet the requirements with the same
103 level of academic rigor as would otherwise be necessary to
104 attain such credits.

105 (3) The adult high school authorized under this
106 section shall award high school diplomas to students who
107 successfully meet the established academic requirements.
108 The adult high school authorized under this section shall
109 confer the diploma as though the student earned the diploma
110 at a traditional high school. The diploma shall have no
111 differentiating marks, titles, or other symbols.

112 (4) Students at adult high schools may complete
113 required coursework at their own pace and as available
114 through the adult high school. They shall not be required
115 to satisfy any specific number of class minutes. The adult
116 high school may also make classes available to students
117 online as may be appropriate. However, students shall not
118 complete the majority of instruction of the school's
119 curriculum online or through remote instruction. For the
120 purposes of this subsection, synchronous instruction
121 connecting students to a live class conducted in a Missouri
122 adult high school shall be treated the same as in-person
123 instruction.

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

130 [4.] 5. An adult high school shall be deemed a
131 secondary school system for the purposes of subdivision (15)
132 of subsection 1 of section 210.211.

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

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

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

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

(2) "Private entity", a private entity that:

(a) Is a licensed child care provider as the term "child care provider" is defined in section 210.201;

(b) Is a child care provider that is exempt from the requirement to have a license to establish, maintain, or operate a child care facility under the provisions of section 210.211; or

(c) Does not have a license to establish, maintain, or operate a child care facility, but is contracted with the department of elementary and secondary education.

2. Subject to appropriations, the department of elementary and secondary education shall provide grants directly to private entities for the provision of early childhood education services.

3. In order to be eligible to receive a grant under this section, a private entity shall meet all the standards developed by the department of elementary and secondary education pursuant to the provisions of section 161.213.

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

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

(a) At the time such child is admitted to a residential care facility, is domiciled in one school district in Missouri but resides in a residential care facility located in another school district in Missouri as a result of placement arranged by or approved by the department of mental health or the department of social

10 services or placement arranged by or ordered by a court of
11 competent jurisdiction;

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

15 (c) Is unable to attend school in either the school
16 district in which such domicile is located or the school
17 district in which such residential care facility is located
18 because such child:

19 a. May be a safety risk; or

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

23 (d) Is being provided all required educational
24 services within such residential care facility;

25 (2) "Residential care facility", any residential care
26 facility required to be licensed under sections 210.481 to
27 210.536, or a similar facility.

28 2. For purposes of calculating federal aid and state
29 aid distributions for nonresident pupils pursuant to the
30 provisions of this chapter, a nonresident pupil who receives
31 all of such pupil's required educational services on-site at
32 a residential care facility shall be included in the average
33 daily attendance of the following school district that
34 results in the greatest total amount of state and federal
35 aid to the district in which the residential care facility
36 is located:

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

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

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

44 4. Educational costs incurred by a residential care
45 facility for a child who was not enrolled in a school
46 district in Missouri at the time the child was admitted to
47 such residential care facility shall be reimbursed as
48 provided in section 167.126.

49 5. No provision of this section shall be construed to
50 prevent a residential care facility and a school district
51 from mutually agreeing to a financial arrangement that
52 deviates from the provisions of this section.

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

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

22 service from a special school district established under the
23 provisions of sections 162.670 to 162.999.

24 2. Each school district shall accept for credit full
25 or partial course work satisfactorily completed by a pupil
26 while attending a public school, nonpublic school, or
27 nonsectarian school in accordance with district policies or
28 regulations.

29 3. If a pupil completes the graduation requirements of
30 his or her school district of residence while under the
31 jurisdiction of the juvenile court as described in chapter
32 211, the school district of residence shall issue a diploma
33 to the pupil.

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

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

49 6. Any rule or portion of a rule, as that term is
50 defined in section 536.010, that is created under the
51 authority delegated in this section shall become effective
52 only if it complies with and is subject to all of the
53 provisions of chapter 536 and, if applicable, section
54 536.028. This section and chapter 536 are nonseverable and

55 if any of the powers vested with the general assembly
56 pursuant to chapter 536 to review, to delay the effective
57 date, or to disapprove and annul a rule are subsequently
58 held unconstitutional, then the grant of rulemaking
59 authority and any rule proposed or adopted after August 28,
60 2009, shall be invalid and void.

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

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

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

9 a. Placement arranged by or approved by the department
10 of mental health[,] or the department of social services
11 [or];

12 b. Placement arranged by or ordered by a court of
13 competent jurisdiction; or

14 c. Admittance under a physician's order because of a
15 determination of medical necessity for a diagnosed mental
16 illness.

17 (2) Children described in subdivision (1) of this
18 subsection shall have a right to be provided the educational
19 services as provided by law and shall not be denied
20 admission to any appropriate regular public school or
21 special school district program or program operated by the
22 state board of education, as the case may be, where the
23 child actually resides because of such admission or
24 placement; provided, however, that nothing in this section
25 shall prevent the department of mental health, the
26 department of social services or a court of competent

27 jurisdiction from otherwise providing or procuring
28 educational services for such child.

29 2. Each school district or special school district
30 constituting the domicile of any child for whom educational
31 services are provided or procured under this section shall
32 pay toward the per-pupil costs for educational services for
33 such child. A school district which is not a special school
34 district shall pay an amount equal to the average sum
35 produced per child by the local tax effort of the district
36 of domicile. A special school district shall pay an amount
37 not to exceed the average sum produced per child by the
38 local tax efforts of the domiciliary districts.

39 3. When educational services have been provided by the
40 school district or special school district in which a child
41 actually resides, including a child who temporarily resides
42 in a children's hospital licensed under chapter 197 or a
43 psychiatric residential treatment facility, for rendering
44 health care services to children under the age of eighteen
45 for more than three days, other than the district of
46 domicile, the amounts as provided in subsection 2 of this
47 section for which the domiciliary school district or special
48 school district is responsible shall be paid by such
49 district directly to the serving district. The school
50 district, or special school district, as the case may be,
51 shall send a written voucher for payment to the regular or
52 special district constituting the domicile of the child
53 served and the domiciliary school district or special school
54 district receiving such voucher shall pay the district
55 providing or procuring the services an amount not to exceed
56 the average sum produced per child by the local tax efforts
57 of the domiciliary districts. In the event the responsible
58 district fails to pay the appropriate amount to the district
59 within ninety days after a voucher is submitted, the state

60 department of elementary and secondary education shall
61 deduct the appropriate amount due from the next payments of
62 any state financial aid due that district and shall pay the
63 same to the appropriate district.

64 4. In cases where a child whose domicile is in one
65 district is placed in programs or facilities operated by the
66 department of mental health or resides in another district
67 pursuant to assignment by that department [or], is placed by
68 the department of social services or a court of competent
69 jurisdiction into any type of publicly contracted
70 residential site in Missouri, or is admitted under a
71 physician's order because of a determination of medical
72 necessity for a diagnosed mental illness, the department of
73 elementary and secondary education shall, as soon as funds
74 are appropriated, pay the serving district from funds
75 appropriated for that purpose the amount by which the per-
76 pupil costs of the educational services exceeds the amounts
77 received from the domiciliary district except that any other
78 state money received by the serving district by virtue of
79 rendering such service shall reduce the balance due.

80 5. Institutions providing a place of residence for
81 children whose parents or guardians do not reside in the
82 district in which the institution is located shall have
83 authority to enroll such children in a program in the
84 district or special district in which the institution is
85 located and such enrollment shall be subject to the
86 provisions of subsections 2 and 3 of this section. The
87 provisions of this subsection shall not apply to placement
88 authorized pursuant to subsection 1 of this section or if
89 the placement occurred for the sole purpose of enrollment in
90 the district or special district. "Institution" as used in
91 this subsection means a facility organized under the laws of

92 Missouri for the purpose of providing care and treatment of
93 juveniles.

94 6. Children residing in institutions providing a place
95 of residence for three or more such children whose domicile
96 is not in the state of Missouri may be admitted to schools
97 or programs provided on a contractual basis between the
98 school district, special district or state department or
99 agency and the proper department or agency, or persons in
100 the state where domicile is maintained. Such contracts
101 shall not be permitted to place any financial burden
102 whatsoever upon the state of Missouri, its political
103 subdivisions, school districts or taxpayers.

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

110 8. For the purpose of distributing state aid under
111 section 163.031, a child receiving educational services
112 provided by the district in which the child actually
113 resides, other than the district of domicile, shall be
114 included in average daily attendance, as defined under
115 section 163.011, of the district providing the educational
116 services for the child.

117 9. Each school district or special school district
118 where the child actually resides, other than the district of
119 domicile, may receive payment from the department of
120 elementary and secondary education, in lieu of receiving the
121 local tax effort from the domiciliary school district. Such
122 payments from the department shall be subject to
123 appropriation and shall only be made for children that have
124 been placed in a school other than the domiciliary school

125 district by a state agency [or], a court of competent
126 jurisdiction, or by being admitted under a physician's order
127 because of a determination of medical necessity for a
128 diagnosed mental illness and from whom excess educational
129 costs are billed to the department of elementary and
130 secondary education.

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

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

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

13 3. This section shall not prevent a parent or legal
14 guardian from accessing the parent's or legal guardian's
15 child's records.