

FIRST REGULAR SESSION

HOUSE BILL NO. 1252

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CHAPPELLE-NADAL.

2458H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 167.131, RSMo, and to enact in lieu thereof nine new sections relating to elementary and secondary education.

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

Section A. Section 167.131, RSMo, is repealed and nine new sections enacted in lieu thereof, to be known as sections 161.238, 162.1310, 167.131, 167.825, 167.826, 167.827, 167.829, 167.848, and 167.890, to read as follows:

161.238. 1. Notwithstanding any provision of chapter 536 and subdivisions (9) and (14) of section 161.092 to the contrary, the state board of education shall adopt a policy to classify individual attendance centers. By July 1, 2020, the state board of education shall, through administrative rule, develop a system of classification that accredits attendance centers within a district separately from the district as a whole. When the state board adopts its system, it shall assign a classification designation to each attendance center, except for those attendance centers that:

- (1) Do not offer classes above the second grade level;**
- (2) Are public separate special education schools within a special school district and within a school district;**
- (3) Are identified as juvenile detention centers within a special school district; and**
- (4) Are identified as alternative high schools.**

The policy shall require that an attendance center's classification be based solely on a three-year average of the attendance center's annual performance report scores using the three most recent years. The state board of education may assign classification numbers

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.

17 outside the range of numbers assigned to high schools, middle schools, junior high schools,
18 or elementary schools as classification designations for attendance centers that are exempt
19 from the accreditation classification system. While not applicable for the purpose of
20 accreditation, a special school district, any attendance centers of a special school district,
21 and any other attendance center excluded under this section shall continue to report all
22 scores on its annual performance report to the department of elementary and secondary
23 education.

24 **2. An attendance center that does not offer classes above the second grade level**
25 **shall be exempt from any requirements related to statewide assessments.**

26 **3. Notwithstanding the provisions of subdivision (9) of section 161.092, the rules**
27 **and regulations promulgated under this section shall be effective thirty days after**
28 **publication in the code of state regulations as provided in section 536.021 and shall not be**
29 **subject to the two-year delay contained in subdivision (9) of section 161.092.**

30 **4. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
31 **created under the authority delegated in this section shall become effective only if it**
32 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
33 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**
34 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
35 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
36 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2019,**
37 **shall be invalid and void.**

162.1310. If the state board of education classifies any district or attendance center
2 **as unaccredited, the district shall notify the parent or guardian of any student enrolled in**
3 **the unaccredited district or unaccredited attendance center of the loss of accreditation**
4 **within seven business days. The district shall also notify district taxpayers of the loss of**
5 **accreditation within seven business days. The district's notice shall include an explanation**
6 **of which students may be eligible to transfer, the transfer process under sections 167.825**
7 **to 167.827, and any services students may be entitled to receive as a result of the district**
8 **or attendance center being classified as unaccredited. The district's notice shall be written**
9 **in a clear, concise, and easy-to-understand manner. The district shall post the notice in a**
10 **conspicuous and accessible place in each district attendance center. The district shall also**
11 **send the notice to each municipality located within the boundaries of the district.**

167.131. 1. The board of education of each district in this state that does not maintain
2 ~~[an accredited]~~ **a high school [pursuant to the authority of the state board of education to classify**
3 ~~schools as established in section 161.092]~~ **offering work through the twelfth grade shall pay**
4 ~~[the]~~ **tuition [of] as calculated by the receiving district or approved charter school under**

5 **subsection 2 of this section** and provide transportation consistent with the provisions of section
6 167.241 for each pupil resident therein **who has completed the work of the highest grade**
7 **offered in the attendance centers of the district and** who attends an accredited **public high**
8 school in another district of the same or an adjoining county or who attends **high school at an**
9 approved charter school in the same or an adjoining county.

10 2. The rate of tuition to be charged by the district attended and paid by the sending
11 district is the per pupil cost of maintaining the district's grade level grouping which includes the
12 school attended. The rate of tuition to be charged by the approved charter school attended and
13 paid by the sending district is the per pupil cost of maintaining the approved charter school's
14 grade level grouping. For a district, the cost of maintaining a grade level grouping shall be
15 determined by the board of education of the district but in no case shall it exceed all amounts
16 spent for teachers' wages, incidental purposes, debt service, maintenance and replacements. For
17 an approved charter school, the cost of maintaining a grade level grouping shall be determined
18 by the approved charter school but in no case shall it exceed all amounts spent by the district in
19 which the approved charter school is located for teachers' wages, incidental purposes, debt
20 service, maintenance, and replacements. The term "debt service", as used in this section, means
21 expenditures for the retirement of bonded indebtedness and expenditures for interest on bonded
22 indebtedness. Per pupil cost of the grade level grouping shall be determined by dividing the cost
23 of maintaining the grade level grouping by the average daily pupil attendance. If there is
24 disagreement as to the amount of tuition to be paid, the facts shall be submitted to the state board
25 of education, and its decision in the matter shall be final. Subject to the limitations of this
26 section, each pupil shall be free to attend the public school of his or her choice.

27 3. For purposes of this section, "approved charter school" means a charter school that
28 has existed for less than three years or a charter school with a three-year average score of seventy
29 percent or higher on its annual performance report.

167.825. 1. For school year 2019-20, students who transferred from an
2 **unaccredited district to an accredited district in the same or an adjoining county under**
3 **section 167.131 as such section existed on July 1, 2018, shall be allowed to participate under**
4 **the same terms that governed such transfers in school year 2018-19, except that section**
5 **167.829 shall apply to determine the reimbursement of their tuition.**

6 **2. Notwithstanding the provisions of subsection 1 of this section, for school year**
7 **2019-20, any student who transferred from an unaccredited district to an accredited**
8 **district in the same or an adjoining county in school year 2017-18 or school year 2018-19**
9 **but did not attend a public school in the unaccredited district for the school year prior to**
10 **the transfer, unless the student was entering kindergarten or first grade when he or she**
11 **transferred, shall no longer be eligible to transfer under this section in school year 2019-20.**

12 **3. If an unaccredited district becomes classified as provisionally accredited or**
13 **accredited without provisions by the state board of education, any resident student of the**
14 **unaccredited district who transferred under section 167.131 as such section existed on July**
15 **1, 2018, shall be permitted to continue the student's educational program through the**
16 **completion of middle school, junior high school, or high school, whichever occurs first;**
17 **except that, a student who attends any attendance center serving students through high**
18 **school graduation but starting at grades lower than ninth grade shall be permitted to**
19 **complete high school in the attendance center to which he or she has transferred. No**
20 **student shall be required to return to an unaccredited attendance center within such**
21 **district under any circumstance except as provided under this subsection. In order to**
22 **qualify under this subsection, a student shall have previously attended an attendance**
23 **center in the sending district for at least one school year immediately before initially**
24 **transferring, unless the student was entering kindergarten or was a first grade student, and**
25 **shall continue to reside within the boundaries of the unaccredited district as those**
26 **boundaries existed when the student entered the transfer program to maintain eligibility.**

27 **4. Notwithstanding any other provision of law, any student who, before January**
28 **1, 2018, was participating in the school transfer program under section 167.131, as such**
29 **section existed on July 1, 2017, and who attended, for at least one school year immediately**
30 **prior to transferring, a school in an unaccredited district shall have the option of**
31 **transferring to a virtual school created under section 162.1250, an approved charter school,**
32 **or another attendance center in the student's district of residence that offers the student's**
33 **grade level of enrollment, as further provided in section 167.826.**

167.826. 1. Any student may transfer to another attendance center in the student's
2 **district of residence that offers the student's grade level of enrollment and that is**
3 **accredited without provisions by the state board of education if such student is enrolled in**
4 **and has attended an unaccredited attendance center within the student's resident district**
5 **for the full school year immediately prior to requesting the transfer.**

6 **2. No such transfer under subsection 1 of this section shall result in a class size and**
7 **assigned enrollment in a receiving attendance center that exceeds the standards for class**
8 **size and assigned enrollment as promulgated in the Missouri school improvement**
9 **program's resource standards, unless the school district consents to exceed the standards.**
10 **If the student chooses to attend a magnet school, an academically selective school, or a**
11 **school with a competitive entrance process within his or her district of residence that has**
12 **admissions requirements, the student shall meet such admissions requirements in order to**
13 **attend. The school board of each district shall determine the capacity at each of the**
14 **district's attendance centers that the state board of education has assigned a classification**

15 designation of accredited or accredited with distinction. The district's school board shall
16 be responsible for coordinating student transfers from unaccredited attendance centers to
17 accredited attendance centers within the district. No student enrolled in and attending any
18 attendance center that:

- 19 (1) Does not offer classes above the second grade level;
- 20 (2) Is a public separate special education school within a special school district and
21 within a school district;
- 22 (3) Is identified as a juvenile detention center within a special school district; or
- 23 (4) Is identified as an alternative high school

24

25 shall be eligible to transfer under this section.

26 3. Any student who is enrolled in and has attended an unaccredited attendance
27 center for the full school year immediately prior to requesting the transfer and who has
28 first attempted but is unable to transfer to an accredited attendance center within his or
29 her district of residence under subsection 1 of this section due to a lack of capacity in
30 accredited attendance centers in the district of residence may apply to the department of
31 elementary and secondary education to transfer to:

- 32 (1) An accredited attendance center in an adjoining district; or
- 33 (2) An approved charter school, as defined in section 167.848, in an adjoining
34 district.

35 4. The application to the department of elementary and secondary education to
36 transfer shall be made by March first before the school year in which the student intends
37 to transfer.

38 5. A student who is eligible to begin kindergarten or first grade at an unaccredited
39 attendance center may apply to the department of elementary and secondary education for
40 a transfer if he or she resides in the attendance area of an unaccredited attendance center
41 on March first preceding the school year of first attendance. A student who does not apply
42 by March first shall be required to enroll and attend for one school year to become eligible
43 to transfer. If the student chooses to apply to attend a magnet school, an academically
44 selective school, or a school with a competitive entrance process that has admissions
45 requirements, the student shall furnish proof that he or she meets such admissions
46 requirements. Any student who does not maintain residency in the attendance area of his
47 or her attendance center in the district of residence shall lose eligibility to transfer. Any
48 student who transfers but later withdraws shall lose eligibility to transfer. The transfer
49 provisions of this subsection shall not apply to a district created under sections 162.815 to
50 162.840 or to any early childhood programs or early childhood special education programs.

51 **6. No unaccredited attendance center or provisionally accredited attendance center**
52 **shall be eligible to receive transfer students; except that, a transfer student who chooses**
53 **to attend a provisionally accredited attendance center in the district of residence shall be**
54 **allowed to transfer to such attendance center if there is an available slot.**

55 **7. If a charter school may receive nonresident transfer students under this section**
56 **because it has been operating for less than three years but then loses its status as an**
57 **approved charter school immediately after those three years because its three-year average**
58 **score on its annual performance report is below seventy percent, any students who**
59 **previously transferred to the charter school may remain enrolled in the charter school but**
60 **no additional nonresident students may transfer to the charter school.**

61 **8. No attendance center with a three-year average score of seventy percent or lower**
62 **on its annual performance report shall be eligible to receive any transfer students,**
63 **irrespective of its state board of education classification designation; except that, any**
64 **student who was granted a transfer to such an attendance center prior to the effective date**
65 **of this section may remain enrolled in that attendance center.**

66 **9. Notwithstanding any other provision of law to the contrary, for a receiving**
67 **attendance center or receiving approved charter school, no acceptance of a transfer student**
68 **shall require any of the following actions, unless the school board of the receiving**
69 **attendance center's district or the receiving approved charter school's governing board has**
70 **approved the action:**

71 **(1) A class size and assigned enrollment in a receiving attendance center or**
72 **receiving approved charter school that exceeds the number of students provided by its**
73 **approved policy on class size under subsection 10 of this section;**

74 **(2) The hiring of additional classroom teachers; or**

75 **(3) The construction of additional classrooms.**

76 **10. Each district and each receiving approved charter school shall have the right**
77 **to establish and adopt, by objective means, a policy for desirable class size and student-**
78 **teacher ratios for each attendance center. A district's policy may allow for estimated**
79 **growth in the resident student population. An approved charter school may use the class**
80 **size, student-teacher ratios, and growth projections for student enrollment contained in the**
81 **charter school's charter application and charter when adopting a policy. Any district or**
82 **approved charter school that adopts such a policy shall do so by January first annually.**
83 **A district or receiving approved charter school shall publish its policy and shall not be**
84 **required to accept any transfer students under this section that would violate its class size**
85 **or student-teacher ratio. If a student seeking to transfer is denied admission to an**
86 **attendance center or approved charter school based on a lack of space under the policy,**

87 the student or the student's parent or guardian may appeal the ruling to the state board
88 of education if he or she believes the district's policy or approved charter school's policy
89 is unduly restrictive to student transfers. If more than one student or parent appeals a
90 denial of admission from the same attendance center or approved charter school to the
91 state board of education, the state board shall make an effort to hear such actions at the
92 same time. If the state board of education finds that the policy is unduly restrictive to
93 student transfers, the state board may limit the policy. The state board's decision shall be
94 final.

95 **11. For each student who transfers to another district or approved charter school,**
96 **the student's district of residence shall pay the tuition amount for each transfer student to**
97 **the receiving district or receiving approved charter school in two increments annually,**
98 **once at the start of the school year and once at the start of the second semester of the school**
99 **year. Each receiving district and receiving approved charter school shall adopt a policy**
100 **establishing a tuition rate by February first annually.**

101 **12. If an unaccredited attendance center becomes classified as provisionally**
102 **accredited or accredited without provisions by the state board of education, any student**
103 **who was assigned to such attendance center and who has transferred under this section**
104 **shall be permitted to continue his or her educational program in that education option**
105 **through the completion of middle school, junior high school, or high school, whichever**
106 **occurs first; except that, a student who attends any attendance center serving students**
107 **through high school graduation but starting at grades lower than ninth grade shall be**
108 **permitted to complete high school in the attendance center to which he or she has**
109 **transferred.**

110 **13. The department of elementary and secondary education shall designate at least**
111 **one accredited attendance center in an adjoining district to which the district operating the**
112 **unaccredited attendance center shall provide transportation for transfer students. If the**
113 **designated attendance center reaches full student capacity and is unable to receive**
114 **additional students, the department of elementary and secondary education shall designate**
115 **at least one additional accredited attendance center to which the district operating an**
116 **unaccredited attendance center shall provide transportation for transfer students.**

117 **14. Notwithstanding the provisions of subsection 11 of this section to the contrary,**
118 **if costs associated with the provision of special education and related services to a student**
119 **with a disability exceed the tuition amount established under this section, the transfer**
120 **student's district of residence shall remain responsible to pay the excess cost to the**
121 **receiving district or receiving approved charter school. If the receiving district is a**
122 **component district of a special school district, the transfer student's district of residence,**

123 including any metropolitan school district, shall contract with the special school district for
124 the entirety of the costs to provide special education and related services, excluding
125 transportation under this section. The special school district may contract with the
126 transfer student's district of residence, including any metropolitan district, for the
127 provision of transportation of a student with a disability, or the transfer student's district
128 of residence may provide transportation on its own.

129 **15. A special school district shall continue to provide special education and related**
130 **services, with the exception of transportation under this section, to a student with a**
131 **disability transferring from an unaccredited attendance center within a component district**
132 **to an accredited attendance center within the same or a different component district within**
133 **the special school district.**

134 **16. If any metropolitan school district operates an unaccredited attendance center,**
135 **it shall remain responsible for the provision of special education and related services,**
136 **including transportation, to students with disabilities. A special school district in an**
137 **adjoining county to a metropolitan school district may contract with the metropolitan**
138 **school district for the reimbursement of special education services under sections 162.705**
139 **and 162.710 provided by the special school district for transfer students who are residents**
140 **of the district operating an unaccredited attendance center.**

141 **17. Regardless of whether transportation is identified as a related service within**
142 **a student's individualized education program, a receiving district that is not part of a**
143 **special school district shall not be responsible for providing transportation to a student**
144 **transferring under this section. A district operating an unaccredited attendance center**
145 **may contract with a receiving district that is not part of a special school district under**
146 **sections 162.705 and 162.710 for transportation of students with disabilities.**

147 **18. If a seven-director district or urban school district operates an unaccredited**
148 **attendance center, it may contract with a receiving district that is not part of a special**
149 **school district in the same or an adjoining county for the reimbursement of special**
150 **education and related services under sections 162.705 and 162.710 provided by the**
151 **receiving district for transfer students who are residents of the district operating an**
152 **unaccredited attendance center.**

167.827. 1. By January first annually, each district shall report to the department
2 **of elementary and secondary education its number of available enrollment slots in**
3 **accredited attendance centers by grade level. Each approved charter school that is eligible**
4 **to receive transfer students under section 167.826 shall report the number of available**
5 **enrollment slots by January first annually.**

6 **2. The department of elementary and secondary education shall make information**
7 **and assistance available to parents or guardians who intend to transfer their child from**
8 **an unaccredited attendance center in accordance with section 167.826.**

9 **3. The parent or guardian of a student who intends to transfer his or her child from**
10 **an unaccredited attendance center in accordance with section 167.826 shall send initial**
11 **notification to the department of elementary and secondary education by March first for**
12 **enrollment in the subsequent school year.**

13 **4. The department of elementary and secondary education shall assign those**
14 **students who are unable to transfer to an accredited attendance center in their district of**
15 **residence and seek to transfer to an accredited attendance center in an adjoining district**
16 **or an approved charter school in an adjoining district. When assigning transfer students**
17 **to approved charter schools, the department shall coordinate with each approved charter**
18 **school and its admissions process if capacity is insufficient to enroll all students who submit**
19 **a timely application. An approved charter school shall not be required to receive any**
20 **transfer students that would require it to institute a lottery procedure for determining the**
21 **admission of resident students. The department of elementary and secondary education**
22 **shall give first priority to students who live in the same household with any family member**
23 **or members within the first or second degree of consanguinity or affinity who have already**
24 **transferred and who apply to attend the same attendance center. If insufficient grade-**
25 **appropriate enrollment slots are available for a student to be able to transfer, that student**
26 **shall receive first priority the following school year. The department of elementary and**
27 **secondary education shall only disrupt student and parent choice for transfer if the**
28 **available slots are requested by more students than there are slots available. The**
29 **department of elementary and secondary education shall consider the following factors in**
30 **assigning attendance centers, with the student's or parent's choice as the most important**
31 **factor:**

- 32 **(1) The student's or parent's choice of the receiving attendance center;**
33 **(2) The best interests of the student; and**
34 **(3) Distance and travel time to a receiving attendance center.**

35

36 **The department of elementary and secondary education shall not consider student**
37 **academic performance, free and reduced price lunch status, or athletic ability in assigning**
38 **a student to an attendance center.**

39 **5. The department of elementary and secondary education may deny a transfer to**
40 **a student who in the most recent school year has been suspended from an attendance**
41 **center two or more times or who has been suspended for an act of school violence under**

42 subsection 2 of section 160.261. A student whose transfer is initially precluded under this
43 subsection may be permitted to transfer on a provisional basis as a probationary transfer
44 student, subject to no further disruptive behavior, upon a statement from the student's
45 current attendance center that the student is not disruptive. A student who is denied a
46 transfer under this subsection has the right to an in-person meeting with a representative
47 of the department. The department of elementary and secondary education shall develop
48 administrative guidelines to provide common standards for determining disruptive
49 behavior that shall include, but not be limited to, criteria under section 160.261.

50 6. Notwithstanding any other provision of law, the test scores of transfer students
51 attending attendance centers or approved charter schools in districts other than their
52 district of residence under section 167.826 shall be counted as follows:

53 (1) In the first year of attendance in a district or approved charter school, a
54 transfer student's score on a statewide assessment shall not be included when calculating
55 the status or progress scores on the district's or charter school's annual performance
56 report scores. The growth score shall be weighted at one hundred percent;

57 (2) In the second year of attendance, a transfer student's score on a statewide
58 assessment shall be weighted at thirty percent when calculating the district's or charter
59 school's performance for purposes of the district's or charter school's annual performance
60 report status or progress score, with the growth score weighted at one hundred percent;

61 (3) In the third year of attendance, a transfer student's score on a statewide
62 assessment shall be weighted at seventy percent when calculating the district's or charter
63 school's performance for purposes of the district's or charter school's annual performance
64 report status or progress score, with the growth score weighted at one hundred percent;
65 and

66 (4) In the fourth year of attendance and any subsequent years of attendance, a
67 transfer student's score on a statewide assessment shall be weighted at one hundred
68 percent when calculating the district's or charter school's performance for purposes of the
69 district's or charter school's annual performance report status or progress score, with the
70 growth score weighted at one hundred percent.

167.829. 1. A district operating an unaccredited attendance center that transfers
2 a student to an accredited attendance center in an adjoining district under section 167.826
3 shall pay tuition to the receiving district in an amount equal to the tuition rate of the
4 receiving district. If the tuition charged by the receiving district under this section exceeds
5 the tuition rate of the sending district, fifty percent of the difference in rates shall be paid
6 from the supplemental tuition fund created in subsection 2 of this section. The sending

7 district shall pay twenty-five percent of the difference and the receiving district shall
8 absorb twenty-five percent of the difference.

9 **2. There is hereby created in the state treasury the "Supplemental Tuition Fund".**
10 **The fund shall consist of any moneys appropriated annually by the general assembly from**
11 **general revenue to such fund, any moneys paid into the state treasury and required by law**
12 **to be credited to such fund, and any gifts, bequests, or public or private donations to such**
13 **fund. The state treasurer shall be custodian of the fund. The department of elementary**
14 **and secondary education shall administer the fund. In accordance with sections 30.170 and**
15 **30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund**
16 **and, upon appropriation, moneys in the fund shall be used solely for the administration of**
17 **this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys**
18 **remaining in the fund at the end of the biennium shall not revert to the credit of the**
19 **general revenue fund. The state treasurer shall invest moneys in the fund in the same**
20 **manner as other funds are invested. Any interest and moneys earned on such investments**
21 **shall be credited to the fund.**

167.848. For purposes of section 161.238 and sections 167.825 to 167.848, the
2 **following terms mean:**

3 **(1) "Accredited attendance center", an attendance center that is classified as**
4 **accredited or accredited with distinction by the state board of education under the**
5 **authority of the state board of education to classify attendance centers as established in**
6 **sections 161.092 and 161.238;**

7 **(2) "Accredited district", a school district that is classified as accredited or**
8 **accredited with distinction by the state board of education under the authority of the state**
9 **board of education to classify school districts as established in section 161.092;**

10 **(3) "Approved charter school", a charter school that has existed for less than three**
11 **years or a charter school with a three-year average score of seventy percent or higher on**
12 **its annual performance report;**

13 **(4) "Attendance center", a public school building or buildings or part of a school**
14 **building that constitutes one unit for accountability purposes under the Missouri school**
15 **improvement program;**

16 **(5) "Provisionally accredited attendance center", an attendance center that is**
17 **classified as provisionally accredited by the state board of education under the authority**
18 **of the state board of education to classify attendance centers as established in sections**
19 **161.092 and 161.238;**

20 **(6) "Provisionally accredited district", a school district that is classified as**
21 **provisionally accredited by the state board of education under the authority of the state**
22 **board of education to classify school districts as established in section 161.092;**

23 **(7) "Unaccredited attendance center", an attendance center that is classified as**
24 **unaccredited by the state board of education under the authority of the state board of**
25 **education to classify attendance centers as established in sections 161.092 and 161.238;**

26 **(8) "Unaccredited district", a school district classified as unaccredited by the state**
27 **board of education under the authority of the state board of education to classify school**
28 **districts as established in section 161.092.**

167.890. 1. The department of elementary and secondary education shall compile
2 **and maintain student performance data scores of all transfer students enrolled in districts**
3 **other than their resident districts as provided in sections 167.825 and 167.826 and make**
4 **such data available on the Missouri comprehensive data system. No personally identifiable**
5 **data shall be accessible on the database.**

6 **2. The department of elementary and secondary education may promulgate all**
7 **necessary rules and regulations for the administration of this section. Any rule or portion**
8 **of a rule, as that term is defined in section 536.010, that is created under the authority**
9 **delegated in this section shall become effective only if it complies with and is subject to all**
10 **of the provisions of chapter 536 and, if applicable, section 536.028. This section and**
11 **chapter 536 are nonseverable, and if any of the powers vested with the general assembly**
12 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**
13 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority and**
14 **any rule proposed or adopted after August 28, 2019, shall be invalid and void.**

✓