

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILLS NOS. 55, 23 & 25
AN ACT

To repeal sections 160.400, 160.415, 160.425, 160.518, 160.545, 161.092, 161.097, 161.670, 163.023, 166.400, 166.410, 166.415, 166.420, 166.425, 166.435, 166.440, 166.456, 167.263, 167.268, 167.645, and 171.033, RSMo, and to enact in lieu thereof forty new sections relating to elementary and secondary education, with penalty provisions.

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

Section A. Sections 160.400, 160.415, 160.425, 160.518, 160.545, 161.092, 161.097, 161.670, 163.023, 166.400, 166.410, 166.415, 166.420, 166.425, 166.435, 166.440, 166.456, 167.263, 167.268, 167.645, and 171.033, RSMo, are repealed and forty new sections enacted in lieu thereof, to be known as sections 135.712, 135.713, 135.714, 135.715, 135.716, 135.719, 160.400, 160.415, 160.422, 160.425, 160.518, 160.545, 161.092, 161.097, 161.229, 161.670, 162.084, 162.089, 162.686, 163.023, 166.400, 166.410, 166.415, 166.420, 166.425, 166.435, 166.440, 166.456, 166.700, 166.705, 166.710, 166.715, 166.720, 166.725, 167.263, 167.268, 167.645, 167.790, 171.033, and 186.080, to read as follows:

135.712. 1. Sections 135.712 to 135.719 and sections 166.700 to 166.725 establish the "Missouri Empowerment Scholarship Accounts Program" to provide options toward ensuring the education of students in this state.

2. As used in sections 135.712 to 135.719, the following terms mean:

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

9 (2) "District" or "school district", the same meaning
10 as used in section 160.011;

11 (3) "Educational assistance organization", a
12 charitable organization registered in this state that is
13 exempt from federal taxation under the Internal Revenue Code
14 of 1986, as amended, is certified by and contracts with the
15 state treasurer to administer scholarship accounts, and that
16 allocates all of its annual revenue for educational
17 assistance, except as provided in paragraph (a) of
18 subdivision (8) of subsection 3 of section 135.714 and as
19 provided for in sections 135.712 to 135.719, and that does
20 not discriminate on the basis of race, color, or national
21 origin;

22 (4) "Parent", a parent, guardian, custodian, or other
23 person with authority to act on behalf of the qualified
24 student;

25 (5) "Program", the Missouri empowerment scholarship
26 accounts program established under sections 135.712 to
27 135.719 and sections 166.700 to 166.725;

28 (6) "Qualified student", the same meaning as used in
29 section 166.700;

30 (7) "Qualifying contribution", a donation of cash,
31 stocks, bonds, or other marketable securities for purposes
32 of claiming a tax credit under sections 135.712 to 135.719;

33 (8) "Scholarship account", a savings account created
34 by the Missouri empowerment scholarship accounts program
35 authorized by sections 166.700 to 166.725;

36 (9) "Taxpayer", an individual subject to the state
37 income tax imposed in chapter 143; an individual, a firm, a
38 partner in a firm, corporation, or a shareholder in an S
39 corporation doing business in this state and subject to the

40 state income tax imposed by chapter 143; or an express
41 company that pays an annual tax on its gross receipts in
42 this state under chapter 153, which files a Missouri income
43 tax return and is not a dependent of any other taxpayer.

135.713. 1. On or after August 28, 2021, any taxpayer
2 who makes a qualifying contribution to the Missouri
3 empowerment scholarship accounts program fund established
4 under section 135.715, may claim a credit against the tax
5 otherwise due under chapter 143, other than taxes withheld
6 under sections 143.191 to 143.265, and chapter 153, in an
7 amount equal to the amount the taxpayer contributed during
8 the tax year for which the credit is claimed. No taxpayer
9 shall claim a credit under sections 135.712 to 135.719 for
10 any contribution made by the taxpayer, or an agent of the
11 taxpayer, on behalf of the taxpayer's dependent, or in the
12 case of a business taxpayer, on behalf of the business's
13 agent's dependent.

2. The amount of the tax credit claimed shall not
15 exceed fifty percent of the taxpayer's state tax liability
16 for the tax year for which the credit is claimed. The state
17 treasurer shall certify to the department of revenue each
18 eligible applicant who qualifies for the tax credit. A
19 taxpayer may carry the credit forward to any of such
20 taxpayer's four subsequent tax years. All tax credits
21 authorized under the program shall not be transferred, sold,
22 or assigned, and are not refundable.

3. The cumulative amount of tax credits that may be
24 allocated to all taxpayers contributing to the scholarship
25 fund in the first year of the program shall not exceed fifty
26 million dollars. If the amount of tax credits claimed in
27 any tax year exceeds ninety percent of the tax credits
28 available, the amount of tax credits available shall
29 increase by ten percent in the subsequent year.

135.714. 1. The state treasurer shall certify and
contract with educational assistance organizations to
administer scholarship accounts authorized by sections
166.700 to 166.725.

2. Each educational assistance organization shall, for
each scholarship account the organization is designated to
administer:

(1) Distribute scholarship accounts payments either
four times per year or in a single lump sum at the beginning
of the school year as requested by the parent of a qualified
student, not to exceed a total grant amount equal to the
state adequacy target as defined in section 163.011 and
calculated by the department of elementary and secondary
education, in the form of a deposit into the scholarship
account of the qualified student;

(2) Give priority in the distribution of scholarship
accounts payments to students who have previously
participated in the Missouri empowerment scholarship
accounts program and the siblings of such students;

(3) Ensure that either the state achievement tests or
nationally norm-referenced tests that measure learning gains
in math and English language arts and provide for value-
added assessment are administered to all participating
students in grades that require testing under the statewide
assessment system set forth in section 160.518;

(4) Notwithstanding any other limitation, allow costs
of the testing requirements to be covered by scholarship
account distributions;

(5) Provide the parent of each student who was tested
with a copy of the results of the tests on an annual basis,
beginning with the first year of testing;

(6) Conduct an annual satisfaction survey for parents
of qualified students with scholarship accounts. The annual

satisfaction survey shall ask parents of scholarship students to express:

(a) Their satisfaction with their child's academic achievement, including academic achievement at the school their child attended through the scholarship program versus academic achievement at the school previously attended;

(b) Their satisfaction with school safety at the schools their child attends through the scholarship program versus safety at the schools previously attended;

(c) Whether their child would have been able to attend their school of choice without the scholarship;

(d) Their opinions on other topics, items, or issues that the department finds would elicit information about the effectiveness of the scholarship program; and

(e) The number of years the qualified child has participated in the scholarship program.

3. Each educational assistance organization shall:

(1) Demonstrate to the state treasurer that it is exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended;

(2) Provide the treasurer, upon request, with criminal background checks on all its employees and board members, and exclude from employment or governance any individual that might reasonably pose a risk to the appropriate use of contributed funds;

(3) Provide the results of tests administered pursuant to subdivision (3) of subsection 2 of this section to the department on an annual basis, beginning with the first year of testing;

(4) Report student information that would allow the department to aggregate data by grade level, gender, family income level, and race;

66 (5) Provide rates of high school graduation, college
67 attendance, and college graduation for participating
68 students to the department in a manner consistent with
69 nationally recognized standards;

70 (6) Provide to the department the results from the
71 annual parental satisfaction survey administered pursuant to
72 subdivision (6) of subsection 2 of this section, including
73 information about the number of years that the parent's
74 child has participated in the scholarship program;

75 (7) Demonstrate its financial viability, if it is to
76 administer scholarship accounts containing program funds
77 totaling fifty thousand dollars or more during the school
78 year, by filing with the state treasurer before the start of
79 the school year a surety bond or insurance policy payable to
80 the state in an amount equal to the aggregate amount of
81 program funds expected to be administered during the school
82 year or other financial information that demonstrates the
83 financial viability of the educational assistance
84 organization; and

85 (8) Ensure that, for any money received from the
86 Missouri empowerment scholarship accounts program fund:

87 (a) The following percentages of such money may be
88 used for marketing and administrative expenses: ten percent
89 for the first two hundred fifty thousand dollars, eight
90 percent for the next five hundred thousand dollars, and
91 three percent thereafter; and

92 (b) All other such money shall be used only to make
93 payments to eligible scholarship accounts.

94 4. The department shall:

95 (1) Ensure compliance with all student privacy laws
96 for data in the department's possession;

97 (2) Collect all test results of students participating
98 in the program;

99 (3) Provide the test results and associated learning
100 gains to the public via a state website after the third year
101 of test and test-related data collection. The findings
102 shall be aggregated by the students' grade level, gender,
103 family income level, number of years of participation in the
104 scholarship program, and race; and

105 (4) Provide graduation rates to the public via a state
106 website after the third year of test and test-related data
107 collection.

108 5. An educational assistance organization or the state
109 treasurer may contract with a private financial management
110 firm to manage scholarship accounts with the supervision of
111 the treasurer.

135.715. 1. There is hereby created in the state
2 treasury the "Missouri Empowerment Scholarship Accounts
3 Program Fund", which shall consist of moneys collected under
4 sections 135.712 to 135.719 and sections 166.700 to 166.725,
5 all other gifts or donations, and all moneys which may be
6 appropriated to it by the general assembly. The state
7 treasurer shall be custodian of the fund. In accordance
8 with sections 30.170 and 30.180, the state treasurer may
9 approve disbursements. Subject to appropriation, moneys in
10 the fund shall be used solely to distribute funds to
11 certified educational assistance organizations and to pay
12 for personal service, equipment, and other expenses of the
13 treasurer related to the administration of sections 135.712
14 to 135.719 and sections 166.700 to 166.725.

15 2. Notwithstanding the provisions of section 33.080 to
16 the contrary, any moneys remaining in the fund at the end of
17 the biennium shall not revert to the credit of the general
18 revenue fund.

19 3. The state treasurer shall invest moneys in the fund
20 in the same manner as other funds are invested. Any

21 interest and moneys earned on such investments shall be
22 credited to the fund.

135.716. 1. The state treasurer shall provide a
2 standardized format for a receipt to be issued to a taxpayer
3 to indicate the value of a contribution received. No
4 taxpayer shall receive a tax credit unless that person
5 presents such receipt to the department of revenue for
6 payment of state tax liability. The state treasurer shall
7 certify eligibility for the tax credits to the department of
8 revenue in the order applications are received.

2. The state treasurer or state auditor shall conduct
10 an investigation if the state treasurer possesses evidence
11 of fraud committed by an educational assistance organization.

3. The state treasurer shall bar an educational
13 assistance organization from participating in the program if
14 the treasurer establishes that the educational assistance
15 organization has intentionally and substantially failed to
16 comply with the requirements in section 135.714. If the
17 treasurer bars an educational assistance organization from
18 the program under this subsection, it shall notify affected
19 qualified students and their parents of the decision as soon
20 as possible after the determination is made.

4. The state treasurer shall issue a report on the
22 state of the Missouri empowerment scholarship accounts
23 program five years after it goes into effect. The report
24 shall include, but is not limited to:

(1) Information regarding the finances of the
26 educational assistance organizations and of the scholarship
27 accounts managed by the treasurer; and

(2) Educational outcomes of qualified students.

135.719. 1. The state treasurer may promulgate rules
2 to implement the provisions of sections 135.712 to 135.719.
3 Any rule or portion of a rule, as that term is defined in

4 section 536.010, that is created under the authority
5 delegated in this section shall become effective only if it
6 complies with and is subject to all of the provisions of
7 chapter 536 and, if applicable, section 536.028. This
8 section and chapter 536 are nonseverable and if any of the
9 powers vested with the general assembly pursuant to chapter
10 536 to review, to delay the effective date, or to disapprove
11 and annul a rule are subsequently held unconstitutional,
12 then the grant of rulemaking authority and any rule proposed
13 or adopted after August 28, 2021, shall be invalid and void.

14 2. The provisions of section 23.253 of the Missouri
15 sunset act shall not apply to sections 135.712 to 135.719
16 and sections 166.700 to 166.725.

160.400. 1. A charter school is an independent public
2 school.

3 2. [Except as further provided in subsection 4 of this
4 section,] Charter schools may be operated only:

5 (1) In a metropolitan school district;

6 (2) In an urban school district containing most or all
7 of a city with a population greater than three hundred fifty
8 thousand inhabitants;

9 (3) In a school district that has been classified as
10 unaccredited by the state board of education;

11 (4) In a school district that has been classified as
12 provisionally accredited by the state board of education and
13 has received scores on its annual performance report
14 consistent with a classification of provisionally accredited
15 or unaccredited for three consecutive school years beginning
16 with the 2012-13 accreditation year under the following
17 conditions:

18 (a) The eligibility for charter schools of any school
19 district whose provisional accreditation is based in whole
20 or in part on financial stress as defined in sections

161.520 to 161.529, or on financial hardship as defined by rule of the state board of education, shall be decided by a vote of the state board of education during the third consecutive school year after the designation of provisional accreditation; and

(b) The sponsor is limited to the local school board or a sponsor who has met the standards of accountability and performance as determined by the department based on sections 160.400 to 160.425 and section 167.349 and properly promulgated rules of the department; [or]

(5) In a school district located within a county with a charter form of government;

(6) In any municipality with a population greater than thirty thousand; or

(7) In a school district that has been accredited without provisions, sponsored only by the local school board; provided that no board with a current year enrollment of one thousand five hundred fifty students or greater shall permit more than thirty-five percent of its student enrollment to enroll in charter schools sponsored by the local board under the authority of this subdivision, except that this restriction shall not apply to any school district that subsequently becomes eligible under subdivision (3) or (4) of this subsection or to any district accredited without provisions that sponsors charter schools prior to having a current year student enrollment of one thousand five hundred fifty students or greater.

3. [Except as further provided in subsection 4 of this section,] The following entities are eligible to sponsor charter schools:

(1) The school board of the district in any district which is sponsoring a charter school as of August 27, 2012, as permitted under subdivision (1) or (2) of subsection 2 of

54 this section, the special administrative board of a
55 metropolitan school district during any time in which powers
56 granted to the district's board of education are vested in a
57 special administrative board, or if the state board of
58 education appoints a special administrative board to retain
59 the authority granted to the board of education of an urban
60 school district containing most or all of a city with a
61 population greater than three hundred fifty thousand
62 inhabitants, the special administrative board of such school
63 district;

64 (2) A public four-year college or university with an
65 approved teacher education program that meets regional or
66 national standards of accreditation;

67 (3) A community college, the service area of which
68 encompasses some portion of the district;

69 (4) Any private four-year college or university with
70 an enrollment of at least one thousand students, with its
71 primary campus in Missouri, and with an approved teacher
72 preparation program;

73 (5) Any two-year private vocational or technical
74 school designated as a 501(c)(3) nonprofit organization
75 under the Internal Revenue Code of 1986, as amended, and
76 accredited by the Higher Learning Commission, with its
77 primary campus in Missouri;

78 (6) The Missouri charter public school commission
79 created in section 160.425.

80 4. [Changes in a school district's accreditation
81 status that affect charter schools shall be addressed as
82 follows, except for the districts described in subdivisions
83 (1) and (2) of subsection 2 of this section:

84 (1) As a district transitions from unaccredited to
85 provisionally accredited, the district shall continue to
86 fall under the requirements for an unaccredited district

87 until it achieves three consecutive full school years of
88 provisional accreditation;

89 (2) As a district transitions from provisionally
90 accredited to full accreditation, the district shall
91 continue to fall under the requirements for a provisionally
92 accredited district until it achieves three consecutive full
93 school years of full accreditation;

94 (3) In any school district classified as unaccredited
95 or provisionally accredited where a charter school is
96 operating and is sponsored by an entity other than the local
97 school board, when the school district becomes classified as
98 accredited without provisions, a charter school may continue
99 to be sponsored by the entity sponsoring it prior to the
100 classification of accredited without provisions and shall
101 not be limited to the local school board as a sponsor.

102 A charter school operating in a school district identified
103 in subdivision (1) or (2) of subsection 2 of this section
104 may be sponsored by any of the entities identified in
105 subsection 3 of this section, irrespective of the
106 accreditation classification of the district in which it is
107 located. A charter school in a district described in this
108 subsection whose charter provides for the addition of grade
109 levels in subsequent years may continue to add levels until
110 the planned expansion is complete to the extent of grade
111 levels in comparable schools of the district in which the
112 charter school is operated.

113 5. The mayor of a city not within a county may request
114 a sponsor under subdivision (2), (3), (4), (5), or (6) of
115 subsection 3 of this section to consider sponsoring a
116 "workplace charter school", which is defined for purposes of
117 sections 160.400 to 160.425 as a charter school with the
118 ability to target prospective students whose parent or

parents are employed in a business district, as defined in the charter, which is located in the city.

6.] No sponsor shall receive from an applicant for a charter school any fee of any type for the consideration of a charter, nor may a sponsor condition its consideration of a charter on the promise of future payment of any kind.

[7.] 5. The charter school shall be organized as a Missouri nonprofit corporation incorporated pursuant to chapter 355. The charter provided for herein shall constitute a contract between the sponsor and the charter school.

[8.] 6. As a nonprofit corporation incorporated pursuant to chapter 355, the charter school shall select the method for election of officers pursuant to section 355.326 based on the class of corporation selected. Meetings of the governing board of the charter school shall be subject to the provisions of sections 610.010 to 610.030.

[9.] 7. A sponsor of a charter school, its agents and employees are not liable for any acts or omissions of a charter school that it sponsors, including acts or omissions relating to the charter submitted by the charter school, the operation of the charter school and the performance of the charter school.

[10.] 8. A charter school may affiliate with a four-year college or university, including a private college or university, or a community college as otherwise specified in subsection 3 of this section when its charter is granted by a sponsor other than such college, university or community college. Affiliation status recognizes a relationship between the charter school and the college or university for purposes of teacher training and staff development, curriculum and assessment development, use of physical facilities owned by or rented on behalf of the college or

university, and other similar purposes. A university, college or community college may not charge or accept a fee for affiliation status.

[11.] 9. The expenses associated with sponsorship of charter schools shall be defrayed by the department of elementary and secondary education retaining one and five-tenths percent of the amount of state and local funding allocated to the charter school under section 160.415, not to exceed one hundred twenty-five thousand dollars, adjusted for inflation. The department of elementary and secondary education shall remit the retained funds for each charter school to the school's sponsor, provided the sponsor remains in good standing by fulfilling its sponsorship obligations under sections 160.400 to 160.425 and 167.349 with regard to each charter school it sponsors, including appropriate demonstration of the following:

(1) Expends no less than ninety percent of its charter school sponsorship funds in support of its charter school sponsorship program, or as a direct investment in the sponsored schools;

(2) Maintains a comprehensive application process that follows fair procedures and rigorous criteria and grants charters only to those developers who demonstrate strong capacity for establishing and operating a quality charter school;

(3) Negotiates contracts with charter schools that clearly articulate the rights and responsibilities of each party regarding school autonomy, expected outcomes, measures for evaluating success or failure, performance consequences based on the annual performance report, and other material terms;

(4) Conducts contract oversight that evaluates performance, monitors compliance, informs intervention and

renewal decisions, and ensures autonomy provided under applicable law; and

(5) Designs and implements a transparent and rigorous process that uses comprehensive data to make merit-based renewal decisions.

~~12.~~ 10. Sponsors receiving funds under subsection ~~11~~ 9 of this section shall be required to submit annual reports to the joint committee on education demonstrating they are in compliance with subsection ~~17~~ 15 of this section.

~~13.~~ 11. No university, college or community college shall grant a charter to a nonprofit corporation if an employee of the university, college or community college is a member of the corporation's board of directors.

~~14.~~ 12. No sponsor shall grant a charter under sections 160.400 to 160.425 and 167.349 without ensuring that a criminal background check and family care safety registry check are conducted for all members of the governing board of the charter schools or the incorporators of the charter school if initial directors are not named in the articles of incorporation, nor shall a sponsor renew a charter without ensuring a criminal background check and family care safety registry check are conducted for each member of the governing board of the charter school.

~~15.~~ 13. No member of the governing board of a charter school shall hold any office or employment from the board or the charter school while serving as a member, nor shall the member have any substantial interest, as defined in section 105.450, in any entity employed by or contracting with the board. No board member shall be an employee of a company that provides substantial services to the charter school. All members of the governing board of the charter school shall be considered decision-making public servants

as defined in section 105.450 for the purposes of the financial disclosure requirements contained in sections 105.483, 105.485, 105.487, and 105.489.

[16.] 14. A sponsor shall develop the policies and procedures for:

(1) The review of a charter school proposal including an application that provides sufficient information for rigorous evaluation of the proposed charter and provides clear documentation that the education program and academic program are aligned with the state standards and grade-level expectations, and provides clear documentation of effective governance and management structures, and a sustainable operational plan;

(2) The granting of a charter;

(3) The performance contract that the sponsor will use to evaluate the performance of charter schools. Charter schools shall meet current state academic performance standards as well as other standards agreed upon by the sponsor and the charter school in the performance contract;

(4) The sponsor's intervention, renewal, and revocation policies, including the conditions under which the charter sponsor may intervene in the operation of the charter school, along with actions and consequences that may ensue, and the conditions for renewal of the charter at the end of the term, consistent with subsections 8 and 9 of section 160.405;

(5) Additional criteria that the sponsor will use for ongoing oversight of the charter; and

(6) Procedures to be implemented if a charter school should close, consistent with the provisions of subdivision (15) of subsection 1 of section 160.405.

The department shall provide guidance to sponsors in developing such policies and procedures.

251 [17.] 15. (1) A sponsor shall provide timely
252 submission to the state board of education of all data
253 necessary to demonstrate that the sponsor is in material
254 compliance with all requirements of sections 160.400 to
255 160.425 and section 167.349. The state board of education
256 shall ensure each sponsor is in compliance with all
257 requirements under sections 160.400 to 160.425 and 167.349
258 for each charter school sponsored by any sponsor. The state
259 board shall notify each sponsor of the standards for
260 sponsorship of charter schools, delineating both what is
261 mandated by statute and what best practices dictate. The
262 state board shall evaluate sponsors to determine compliance
263 with these standards every three years. The evaluation
264 shall include a sponsor's policies and procedures in the
265 areas of charter application approval; required charter
266 agreement terms and content; sponsor performance evaluation
267 and compliance monitoring; and charter renewal,
268 intervention, and revocation decisions. Nothing shall
269 preclude the department from undertaking an evaluation at
270 any time for cause.

271 (2) If the department determines that a sponsor is in
272 material noncompliance with its sponsorship duties, the
273 sponsor shall be notified and given reasonable time for
274 remediation. If remediation does not address the compliance
275 issues identified by the department, the commissioner of
276 education shall conduct a public hearing and thereafter
277 provide notice to the charter sponsor of corrective action
278 that will be recommended to the state board of education.
279 Corrective action by the department may include withholding
280 the sponsor's funding and suspending the sponsor's authority
281 to sponsor a school that it currently sponsors or to sponsor
282 any additional school until the sponsor is reauthorized by
283 the state board of education under section 160.403.

284 (3) The charter sponsor may, within thirty days of
285 receipt of the notice of the commissioner's recommendation,
286 provide a written statement and other documentation to show
287 cause as to why that action should not be taken. Final
288 determination of corrective action shall be determined by
289 the state board of education based upon a review of the
290 documentation submitted to the department and the charter
291 sponsor.

292 (4) If the state board removes the authority to
293 sponsor a currently operating charter school under any
294 provision of law, the Missouri charter public school
295 commission shall become the sponsor of the school.

296 [18.] 16. If a sponsor notifies a charter school of
297 closure under subsection 8 of section 160.405, the
298 department of elementary and secondary education shall
299 exercise its financial withholding authority under
300 subsection 12 of section 160.415 to assure all obligations
301 of the charter school shall be met. The state, charter
302 sponsor, or resident district shall not be liable for any
303 outstanding liability or obligations of the charter school.

 160.415. 1. For the purposes of calculation and
2 distribution of state school aid under section 163.031,
3 pupils enrolled in a charter school shall be included in the
4 pupil enrollment of the school district within which each
5 pupil resides. Each charter school shall report the [names,
6 addresses, and] eligibility for free and reduced price
7 lunch, special education, or limited English proficiency
8 status, as well as eligibility for categorical aid, of
9 pupils resident in a school district who are enrolled in the
10 charter school to the school district in which those pupils
11 reside. The charter school shall report the average daily
12 attendance data, free and reduced price lunch count, special
13 education pupil count, and limited English proficiency pupil

count to the state department of elementary and secondary education. Each charter school shall promptly notify the state department of elementary and secondary education and the pupil's school district when a student discontinues enrollment at a charter school.

2. This subsection shall apply to all school years ending on or before June 30, 2022. Except as provided in subsections 3 and 4 of this section, the aid payments for charter schools shall be as described in this subsection.

(1) A school district having one or more resident pupils attending a charter school shall pay to the charter school an annual amount equal to the product of the charter school's weighted average daily attendance and the state adequacy target, multiplied by the dollar value modifier for the district, plus local tax revenues per weighted average daily attendance from the incidental and teachers' funds in excess of the performance levy as defined in section 163.011 plus all other state aid attributable to such pupils.

(2) The district of residence of a pupil attending a charter school shall also pay to the charter school any other federal or state aid that the district receives on account of such [child] pupil.

(3) If the department overpays or underpays the amount due to the charter school, such overpayment or underpayment shall be repaid by the [public] charter school or credited to the [public] charter school in twelve equal payments in the next fiscal year.

(4) The amounts provided pursuant to this subsection shall be prorated for partial year enrollment for a pupil.

(5) A school district shall pay the amounts due pursuant to this subsection as the disbursal agent and no later than twenty days following the receipt of any such funds. The department of elementary and secondary education

shall pay the amounts due when it acts as the disbursal agent within five days of the required due date.

3. This subsection shall apply to all school years ending on or before June 30, 2022. A workplace charter school shall receive payment for each eligible pupil as provided under subsection 2 of this section, except that if the student is not a resident of the district and is participating in a voluntary interdistrict transfer program, the payment for such pupils shall be the same as provided under section 162.1060.

4. This subsection shall apply to all school years ending on or before June 30, 2022. A charter school that has declared itself as a local educational agency shall receive from the department of elementary and secondary education an annual amount equal to the product of the charter school's weighted average daily attendance and the state adequacy target, multiplied by the dollar value modifier for the district, plus local tax revenues per weighted average daily attendance from the incidental and teachers funds in excess of the performance levy as defined in section 163.011 plus all other state aid attributable to such pupils. If a charter school declares itself as a local educational agency, the department of elementary and secondary education shall, upon notice of the declaration, reduce the payment made to the school district by the amount specified in this subsection and pay directly to the charter school the annual amount reduced from the school district's payment.

5. This subsection shall apply to all school years ending on or before June 30, 2022. If a school district fails to make timely payments of any amount for which it is the disbursal agent, the state department of elementary and secondary education shall authorize payment to the charter

80 school of the amount due pursuant to subsection 2 of this
81 section and shall deduct the same amount from the next state
82 school aid apportionment to the owing school district. If a
83 charter school is paid more or less than the amounts due
84 pursuant to this section, the amount of overpayment or
85 underpayment shall be adjusted equally in the next twelve
86 payments by the school district or the department of
87 elementary and secondary education, as appropriate. Any
88 dispute between the school district and a charter school as
89 to the amount owing to the charter school shall be resolved
90 by the department of elementary and secondary education, and
91 the department's decision shall be the final administrative
92 action for the purposes of review pursuant to chapter 536.
93 During the period of dispute, the department of elementary
94 and secondary education shall make every administrative and
95 statutory effort to allow the continued education of
96 children in their current [public] charter school setting.

97 6. The charter school and a local school board may
98 agree by contract for services to be provided by the school
99 district to the charter school. The charter school may
100 contract with any other entity for services. Such services
101 may include but are not limited to food service, custodial
102 service, maintenance, management assistance, curriculum
103 assistance, media services and libraries and shall be
104 subject to negotiation between the charter school and the
105 local school board or other entity. Documented actual costs
106 of such services shall be paid for by the charter school.

107 7. In the case of a proposed charter school that
108 intends to contract with an education service provider for
109 substantial educational services or management services, the
110 request for proposals shall additionally require the charter
111 school applicant to:

112 (1) Provide evidence of the education service
113 provider's success in serving student populations similar to
114 the targeted population, including demonstrated academic
115 achievement as well as successful management of nonacademic
116 school functions, if applicable;

117 (2) Provide a term sheet setting forth the proposed
118 duration of the service contract; roles and responsibilities
119 of the governing board, the school staff, and the service
120 provider; scope of services and resources to be provided by
121 the service provider; performance evaluation measures and
122 time lines; compensation structure, including clear
123 identification of all fees to be paid to the service
124 provider; methods of contract oversight and enforcement;
125 investment disclosure; and conditions for renewal and
126 termination of the contract;

127 (3) Disclose any known conflicts of interest between
128 the school governing board and proposed service provider or
129 any affiliated business entities;

130 (4) Disclose and explain any termination or nonrenewal
131 of contracts for equivalent services for any other charter
132 school in the United States within the past five years;

133 (5) Ensure that the legal counsel for the charter
134 school shall report directly to the charter school's
135 governing board; and

136 (6) Provide a process to ensure that the expenditures
137 that the education service provider intends to bill to the
138 charter school shall receive prior approval of the governing
139 board or its designee.

140 8. A charter school may enter into contracts with
141 community partnerships and state agencies acting in
142 collaboration with such partnerships that provide services
143 to children and their families linked to the school.

144 9. A charter school shall be eligible for
145 transportation state aid pursuant to section 163.161 and
146 shall be free to contract with the local district, or any
147 other entity, for the provision of transportation to the
148 students of the charter school.

149 10. (1) The proportionate share of state and federal
150 resources generated by students with disabilities or staff
151 serving them shall be paid in full to charter schools
152 enrolling those students by their school district where such
153 enrollment is through a contract for services described in
154 this section. The proportionate share of money generated
155 under other federal or state categorical aid programs shall
156 be directed to charter schools serving such students
157 eligible for that aid.

158 (2) A charter school shall provide the special
159 services provided pursuant to section 162.705 and may
160 provide the special services pursuant to a contract with a
161 school district or any provider of such services.

162 11. A charter school ~~may~~ shall not charge tuition or
163 impose fees that a school district is prohibited from
164 charging or imposing, except that a charter school may
165 receive tuition payments from districts in the same or an
166 adjoining county for nonresident students who transfer to an
167 approved charter school, as defined in section 167.895, from
168 an unaccredited district.

169 12. A charter school is authorized to incur debt in
170 anticipation of receipt of funds. A charter school may also
171 borrow to finance facilities and other capital items. A
172 school district may incur bonded indebtedness or take other
173 measures to provide for physical facilities and other
174 capital items for charter schools that it sponsors or
175 contracts with. Except as otherwise specifically provided
176 in sections 160.400 to 160.425, upon the dissolution of a

charter school, any liabilities of the corporation will be satisfied through the procedures of chapter 355. A charter school shall satisfy all its financial obligations within twelve months of notice from the sponsor of the charter school's closure under subsection 8 of section 160.405. After satisfaction of all its financial obligations, a charter school shall return any remaining state and federal funds to the department of elementary and secondary education for disposition as stated in subdivision (17) of subsection 1 of section 160.405. The department of elementary and secondary education may withhold funding at a level the department determines to be adequate during a school's last year of operation until the department determines that school records, liabilities, and reporting requirements, including a full audit, are satisfied.

13. Charter schools shall not have the power to acquire property by eminent domain.

14. The governing [body] board of a charter school is authorized to accept grants, gifts or donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or donation [may] shall not be accepted by the governing [body] board if it is subject to any condition contrary to law applicable to the charter school or other public schools, or contrary to the terms of the charter.

15. (1) As used in this subsection, the following terms mean:

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

(b) "Local aid", all local and county revenue received by the school district and charter schools within the school district. The term "local aid":

a. Includes, but is not limited to, the following:

(i) Property taxes and delinquent taxes;

210 (ii) Merchants' and manufacturers' tax revenues;
211 (iii) Financial institutions' tax revenues;
212 (iv) City sales tax revenue, including city sales tax
213 collected in any city not within a county;
214 (v) Payments in lieu of taxes;
215 (vi) Revenues from state-assessed railroad and
216 utilities tax; and
217 (vii) Any future aid; and
218 b. Shall not be construed to include:
219 (i) Charitable contributions, gifts, and grants made
220 to school districts and charter schools;
221 (ii) Interest earnings of school districts and charter
222 schools;
223 (iii) Student fees paid to school districts and
224 charter schools;
225 (iv) Debt service authorized by a public vote for the
226 purpose of making payments on a bond issuance of a school
227 district;
228 (v) Proposition C revenues received for school
229 purposes from the school district trust fund under section
230 163.087; or
231 (vi) Any other funding solely intended for a
232 particular school district or charter school and its
233 respective employees, schools, foundations, or organizations.
234 (2) Each charter school and each school district
235 responsible for distributing local aid to charter schools
236 under this subsection shall include as part of its annual
237 independent audit an audit of pupil residency, enrollment,
238 and attendance in order to verify pupil residency in the
239 school district or local education agency.
240 (3) A school district having one or more resident
241 pupils attending a charter school shall pay to the charter
242 school an annual amount equal to the product of the charter

243 school's weighted average daily attendance and the state
244 adequacy target, multiplied by the dollar value modifier for
245 the district, less the charter school's share of local
246 effort as defined in section 163.011 plus all other state
247 aid attributable to such pupils plus local aid received by
248 the school district divided by the total weighted average
249 daily attendance of the school district and all charter
250 schools within the school district per weighted average
251 daily attendance of the charter school.

252 (4) A charter school that has declared itself a local
253 educational agency shall receive all state aid calculated
254 under this subsection from the department and all local aid
255 calculated under this subsection from the school district.

256 A charter school shall receive an annual amount equal to the
257 product of the charter school's weighted average daily
258 attendance and the state adequacy target, multiplied by the
259 dollar value modifier for the district, less the charter
260 school's share of local effort as defined in section 163.011
261 plus all other state aid attributable to such pupils plus
262 local aid received by the school district divided by the
263 total weighted average daily attendance of the school
264 district and all charter schools within the school district
265 per weighted average daily attendance of the charter school.

266 (5) (a) The school district shall withhold, from the
267 total of all January local aid payments owed to the charter
268 schools in the district, an annual administrative fee in an
269 amount equal to two percent of the prior year's total
270 funding of the school district, calculated as the school
271 district's state aid plus the school district's local
272 effort, as defined in section 163.011, and the prior year's
273 total funding of the charter schools within the district.
274 As used in this subdivision, "state aid" means the product
275 of the school district's weighted average daily attendance

and the state adequacy target, multiplied by the dollar value modifier for the district, less the school district's share of local effort as defined in section 163.011.

(b) On or before December thirty-first of each year, the school district shall transmit to the department the total annual local aid calculation described in subdivision (6) of this subsection. If the school district fails to transmit the annual local aid calculation to the department, the school district shall not withhold the administrative fee.

(c) The department shall calculate the administrative fee under the formula in this subdivision using data from the previous school year. On or before January fifteenth of the following year, the department shall transmit to the school district the calculation of the administrative fee and make such calculation publicly available on the department's website.

(6) Each month the school district shall calculate the amount of local aid received by the school district that is owed to the charter school by the school district under this subsection. The school district shall pay to the charter school the amount of local aid owed to the charter school, as calculated by the school district using the previous month's weighted average daily attendance of the charter school. If any payment of local aid is due, the school district shall make monthly payments on the twenty-first day of each month or upon the closest business day beginning in July of each year.

(a) If the school district fails to make timely payment, the department shall impose any penalty the department deems appropriate.

(b) The school district shall, as part of its annual audit as required by section 165.111, include a report

309 converting the local aid received from an accrual basis to a
310 cash basis. Such report shall be made publicly available on
311 its district website in a searchable format or as a
312 downloadable and searchable document.

313 (7) The department shall conduct an annual review of
314 any payments made in the previous fiscal year under
315 subdivision (6) of this subsection to determine if there has
316 been any underpayment or overpayment. The annual review, to
317 be conducted in January of each year, shall include a
318 calculation of the amount of local aid owed to charter
319 schools using the first preceding year's annual audit
320 required by section 165.111. The school district shall pay
321 to the charter school the amount of local aid owed to the
322 charter school as calculated by the department. In the
323 event of an underpayment, the school district shall remit
324 the underpayment amount to the charter school. In the event
325 of an overpayment, the charter school shall remit the
326 overpayment amount to the school district.

327 (a) If the school district fails to remit any
328 underpayment amount to the charter school within thirty days
329 of notification of the underpayment amount, the department
330 shall impose any penalty the department deems appropriate.

331 (b) If the charter school fails to remit any
332 overpayment amount to the school district within thirty days
333 of notification of the overpayment amount, the department
334 shall impose any penalty the department deems appropriate.

335 (8) If a prior year correction of the amount of local
336 aid is necessary, the school district shall recalculate the
337 amount owed to a charter school and either remit any
338 underpayment amount to the charter school or provide a bill
339 to the charter school for any overpayment amount. Any
340 underpayment or overpayment amount shall be remitted under

the schedules in paragraphs (a) and (b) of subdivision (7) of this subsection.

(9) This subsection shall become effective on July 1, 2022.

16. The department may promulgate rules for the annual review of payments and any penalties to be assessed under subsection 15 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

160.422. 1. Any city not within a county shall not adopt, enforce, impose, or administer an ordinance, local policy, or local resolution that prohibits property sold, leased, or transferred by the city not within a county from being used for any lawful educational purpose by a charter school.

2. Any city not within a county shall not impose, enforce, or apply any deed restriction that expressly, or by its operation, prohibits property sold, leased, or transferred by the city not within a county from being used for any lawful educational purpose by a charter school. Any deed restriction or affirmative use deed restriction that affirmatively allows for only one or more specified uses or purposes that do not include any educational use or purpose is prohibited under this section. Any deed restriction or

16 affirmative use deed restriction in effect on the effective
17 date of this section that prohibits or does not permit
18 property previously used for any educational purpose from
19 being used for any future educational purpose is void.

20 3. If any city not within a county offers property of
21 the city not within a county for sale, lease, or rent, the
22 city not within a county shall not refuse to sell, lease, or
23 rent the property to a charter school solely because the
24 charter school intends to use the property for an
25 educational purpose, if the intent of the charter school is
26 to use the property for a lawful educational purpose. If
27 the city not within a county offers property of the city not
28 within a county for sale, lease, or rent, the city not
29 within a county is not required to sell, lease, or rent the
30 property to a charter school solely because the charter
31 school intends to use the property for an educational
32 purpose.

33 4. Any ordinance, policy, regulation, deed, or
34 contract made in violation of this section shall be void
35 from its inception.

160.425. 1. The "Missouri Charter Public School
2 Commission" is hereby created with the authority to sponsor
3 high quality charter schools throughout the state of
4 Missouri.

2. The commission shall consist of nine members
6 appointed by the governor, by and with the advice and
7 consent of the senate. No more than five of the members
8 shall be of the same political party. No more than two
9 members shall be from the same congressional district. The
10 term of office of each member shall be four years, except
11 those of the members first appointed, of which three shall
12 be appointed for a term of one year, two for a term of two
13 years, two for a term of three years, and two for a term of

four years. At the expiration of the term of each member, the governor, by and with the advice and consent of the senate, shall appoint a successor.

3. The appointees to the commission shall be selected as follows:

(1) One member selected by the governor from a slate of three recommended by the commissioner of education;

(2) One member selected by the governor from a slate of three recommended by the commissioner of higher education;

(3) One member selected by the governor from a slate of three recommended by the president pro tempore of the senate;

(4) One member selected by the governor from a slate of three recommended by the speaker of the house of representatives; and

(5) Five additional members appointed by the governor, one of whom shall be selected from a slate of three nominees recommended by the Missouri School Boards Association.

4. Members appointed to the commission shall collectively possess strong experience and expertise in governance, management and finance, school leadership, assessment, curriculum and instruction, and education law. All members of the commission shall have demonstrated understanding of and commitment to charter schooling as a strategy for strengthening public education.

5. The commission shall annually elect a chairperson and vice chairperson, who shall act as chairperson in his or her absence. The commission shall meet at the call of the chairperson. The chairperson may call meetings at such times as he or she deems advisable and shall call a meeting when requested to do so by three or more members of the commission. Members of the commission are not eligible to receive compensation.

47 6. The commission may approve proposed charters for
48 its sponsorship under sections 160.400 to 160.425 and shall:

49 (1) Comply with all of the requirements applicable to
50 sponsors under sections 160.400 to 160.425;

51 (2) Exercise sponsorship over charters approved by the
52 commission under sections 160.400 to 160.425, including
53 receipt of sponsorship funding under subsection [11] 9 of
54 section 160.400. Sponsorship funding due to the commission
55 shall be deposited to the credit of the charter public
56 school commission revolving fund created pursuant to this
57 section.

58 7. Charter schools sponsored by the commission shall
59 comply with all of the requirements applicable to charter
60 schools under sections 160.400 to 160.425.

61 8. The commission shall conduct its business in
62 accordance with chapter 610.

63 9. The department of elementary and secondary
64 education shall provide start-up funding for the commission
65 to operate. The commission shall reimburse the department's
66 costs from any funds it receives as sponsor under section
67 160.400.

68 10. The commission is authorized to receive and expend
69 gifts, grants, and donations of any kind from any public or
70 private entity to carry out the purposes of sections 160.400
71 to 160.425, subject to the terms and conditions under which
72 they are given, provided that all such terms and conditions
73 are permissible under law.

74 11. There is hereby created in the state treasury the
75 "Charter Public School Commission Revolving Fund", which
76 shall consist of moneys collected under this section. The
77 state treasurer shall be custodian of the fund. In
78 accordance with sections 30.170 and 30.180, the state
79 treasurer may approve disbursements. Notwithstanding the

80 provisions of section 33.080 to the contrary, any moneys
81 remaining in the fund at the end of the biennium shall not
82 revert to the credit of the general revenue fund. The state
83 treasurer shall invest moneys in the fund in the same manner
84 as other funds are invested. Subject to appropriation,
85 moneys in the fund shall be used solely for the
86 administration of this section.

160.518. 1. Consistent with the provisions contained
2 in section 160.526, the state board of education shall
3 develop, modify, and revise, as necessary, a statewide
4 assessment system [that provides maximum flexibility] for
5 local school districts to determine the degree to which
6 students in the public schools of the state are proficient
7 in the knowledge, skills, and competencies adopted by such
8 board pursuant to section 160.514. The statewide assessment
9 system shall assess problem solving, analytical ability,
10 evaluation, creativity, and application ability in the
11 different content areas and shall be performance-based to
12 identify what students know, as well as what they are able
13 to do, and shall enable teachers to evaluate actual academic
14 performance. The statewide assessment system shall neither
15 promote nor prohibit rote memorization and shall not include
16 existing versions of tests approved for use pursuant to the
17 provisions of section 160.257, nor enhanced versions of such
18 tests. After the state board of education adopts and
19 implements academic performance standards as required under
20 section 161.855, the state board of education shall develop
21 and adopt a standardized assessment instrument under this
22 section based on the academic performance standards adopted
23 under section 161.855. The statewide assessment system
24 shall measure, where appropriate by grade level, a student's
25 knowledge of academic subjects including, but not limited
26 to, reading skills, writing skills, mathematics skills,

world and American history, forms of government, geography and science.

2. [The statewide assessment system shall only permit the academic performance of students in each school in the state to be tracked against prior academic performance in the same school.

3.] The state board of education shall suggest, but not mandate, criteria for a school to demonstrate that its students learn the knowledge, skills and competencies at exemplary levels worthy of imitation by students in other schools in the state and nation. Exemplary levels shall be measured by the statewide assessment system developed pursuant to subsection 1 of this section, or until said statewide assessment system is available, by indicators approved for such use by the state board of education. The provisions of other law to the contrary notwithstanding, the commissioner of education may, upon request of the school district, present a plan for the waiver of rules and regulations to any such school, to be known as "Outstanding Schools Waivers", consistent with the provisions of subsection [4] 3 of this section.

[4.] 3. For any school that meets the criteria established by the state board of education for three successive school years pursuant to the provisions of subsection [3] 2 of this section, by August first following the third such school year, the commissioner of education shall present a plan to the superintendent of the school district in which such school is located for the waiver of rules and regulations to promote flexibility in the operations of the school and to enhance and encourage efficiency in the delivery of instructional services. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary

waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257, in the school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school related to the authority of the state board of education to classify school districts pursuant to subdivision (9) of subsection 2 of section 161.092 and such other rules and regulations as determined by the commissioner of education, excepting such waivers shall be confined to the school and not other schools in the district unless such other schools meet the criteria established by the state board of education consistent with subsection ~~[3]~~ 2 of this section and the waivers shall not include the requirements contained in this section and section 160.514. Any waiver provided to any school as outlined in this subsection shall be void on June thirtieth of any school year in which the school fails to meet the criteria established by the state board of education consistent with subsection ~~[3]~~ 2 of this section.

~~[5.]~~ 4. The score on any assessment test developed pursuant to this section or this chapter of any student for whom English is a second language shall not be counted until such time as such student has been educated for three full school years in a school in this state, or in any other state, in which English is the primary language.

~~[6.]~~ 5. The state board of education shall identify or, if necessary, establish one or more developmentally appropriate alternate assessments for students who receive special educational services, as that term is defined pursuant to section 162.675. In the development of such alternate assessments, the state board shall establish an advisory panel consisting of a majority of active special education teachers residing in Missouri and other education

professionals as appropriate to research available
assessment options. The advisory panel shall attempt to
identify preexisting developmentally appropriate alternate
assessments but shall, if necessary, develop alternate
assessments and recommend one or more alternate assessments
for adoption by the state board. The state board shall
consider the recommendations of the advisory council in
establishing such alternate assessment or assessments. Any
student who receives special educational services, as that
term is defined pursuant to section 162.675, shall be
assessed by an alternate assessment established pursuant to
this subsection upon a determination by the student's
individualized education program team that such alternate
assessment is more appropriate to assess the student's
knowledge, skills and competencies than the assessment
developed pursuant to subsection 1 of this section. The
alternate assessment shall evaluate the student's
independent living skills, which include how effectively the
student addresses common life demands and how well the
student meets standards for personal independence expected
for someone in the student's age group, sociocultural
background, and community setting.

[7.] 6. The state board of education shall also
develop recommendations regarding alternate assessments for
any military dependent who relocates to Missouri after the
commencement of a school term, in order to accommodate such
student while ensuring that [he or she] such student is
proficient in the knowledge, skills, and competencies
adopted under section 160.514.

160.545. 1. There is hereby established within the
department of elementary and secondary education the "A+
Schools Program" to be administered by the commissioner of
education. The program shall consist of grant awards made

5 to public secondary schools that demonstrate a commitment to
6 ensure that:

7 (1) All students be graduated from school;

8 (2) All students complete a selection of high school
9 studies that is challenging and for which there are
10 identified learning expectations; and

11 (3) All students:

12 (a) Earn credits toward any type of college degree
13 while in high school; or

14 (b) Proceed from high school graduation to a college
15 or postsecondary vocational or technical school or high-wage
16 job with work place skill development opportunities.

17 2. The state board of education shall promulgate rules
18 and regulations for the approval of grants made under the
19 program to schools that:

20 (1) Establish measurable districtwide performance
21 standards for the goals of the program outlined in
22 subsection 1 of this section; and

23 (2) Specify the knowledge, skills and competencies, in
24 measurable terms, that students must demonstrate to
25 successfully complete any individual course offered by the
26 school, and any course of studies ~~[which]~~ that will qualify
27 a student for graduation from the school; and

28 (3) Do not offer a general track of courses that, upon
29 completion, can lead to a high school diploma; and

30 (4) Require rigorous coursework with standards of
31 competency in basic academic subjects for students pursuing
32 vocational and technical education as prescribed by rule and
33 regulation of the state board of education; and

34 (5) Have a partnership plan developed in cooperation
35 and with the advice of local business persons, labor
36 leaders, parents, and representatives of college and
37 postsecondary vocational and technical school

representatives, with the plan then approved by the local board of education. The plan shall specify a mechanism to receive information on an annual basis from those who developed the plan in addition to senior citizens, community leaders, and teachers to update the plan in order to best meet the goals of the program as provided in subsection 1 of this section. Further, the plan shall detail the procedures used in the school to identify students that may drop out of school and the intervention services to be used to meet the needs of such students. The plan shall outline counseling and mentoring services provided to students who will enter the work force upon graduation from high school, address apprenticeship and intern programs, and shall contain procedures for the recruitment of volunteers from the community of the school to serve in schools receiving program grants.

3. Any nonpublic school in this state may apply to the state board of education for certification that it meets the requirements of this section subject to the same criteria as public high schools. Every nonpublic school that applies and has met the requirements of this section shall have its students eligible for reimbursement of postsecondary education under subsection 8 of this section on an equal basis to students who graduate from public schools that meet the requirements of this section. Any nonpublic school that applies shall not be eligible for any grants under this section. Students of certified nonpublic schools shall be eligible for reimbursement of postsecondary education under subsection 8 of this section so long as they meet the other requirements of such subsection. For purposes of subdivision (5) of subsection 2 of this section, the nonpublic school shall be included in the partnership plan developed by the public school district in which the

71 nonpublic school is located. For purposes of subdivision
72 (1) of subsection 2 of this section, the nonpublic school
73 shall establish measurable performance standards for the
74 goals of the program for every school and grade level over
75 which the nonpublic school maintains control.

76 4. A school district may participate in the program
77 irrespective of its accreditation classification by the
78 state board of education, provided it meets all other
79 requirements.

80 5. By rule and regulation, the state board of
81 education may determine a local school district variable
82 fund match requirement in order for a school or schools in
83 the district to receive a grant under the program. However,
84 no school in any district shall receive a grant under the
85 program unless the district designates a salaried employee
86 to serve as the program coordinator, with the district
87 assuming a minimum of one-half the cost of the salary and
88 other benefits provided to the coordinator. Further, no
89 school in any district shall receive a grant under the
90 program unless the district makes available facilities and
91 services for adult literacy training as specified by rule of
92 the state board of education.

93 6. For any school that meets the requirements for the
94 approval of the grants authorized by this section and
95 specified in subsection 2 of this section for three
96 successive school years, by August first following the third
97 such school year, the commissioner of education shall
98 present a plan to the superintendent of the school district
99 in which such school is located for the waiver of rules and
100 regulations to promote flexibility in the operations of the
101 school and to enhance and encourage efficiency in the
102 delivery of instructional services in the school. The
103 provisions of other law to the contrary notwithstanding, the

plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257 in the school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school related to the authority of the state board of education to classify school districts pursuant to subdivision (9) of subsection 2 of section 161.092 and such other rules and regulations as determined by the commissioner of education, except such waivers shall be confined to the school and not other schools in the school district unless such other schools meet the requirements of this subsection. However, any waiver provided to any school as outlined in this subsection shall be void on June thirtieth of any school year in which the school fails to meet the requirements for the approval of the grants authorized by this section as specified in subsection 2 of this section.

7. For any school year, grants authorized by subsections 1, 2, and 5 of this section shall be funded with the amount appropriated for this program, less those funds necessary to reimburse eligible students pursuant to subsection 8 or 9 of this section.

8. The department of higher education and workforce development shall, by rule, establish a procedure for the reimbursement of the cost of tuition, books and fees to any public community college or vocational or technical school or within the limits established in subsection 11 of this section for any two-year private vocational or technical school for any student:

(1) Who has attended a high school in the state for at least two years that meets the requirements of subsection 2 of this section and who has graduated from such a school;

except that, students who are active duty military dependents, and students who are dependents of retired military who relocate to Missouri within one year of the date of the parent's retirement from active duty who meet all other requirements of this subsection and are attending a school that meets the requirements of subsection 2 of this section shall be exempt from the two-year attendance requirement of this subdivision; and

(2) Who has made a good faith effort to first secure all available federal sources of funding that could be applied to the reimbursement described in this subsection; and

(3) Who has earned a minimal grade average while in high school or through the semester immediately before taking the course for which reimbursement is sought as determined by rule of the department of higher education and workforce development, and other requirements for the reimbursement authorized by this subsection as determined by rule and regulation of the department; and

(4) Who is a citizen or permanent resident of the United States.

9. The department of higher education and workforce development shall, by rule, establish a procedure for the reimbursement of the cost of tuition, and fees for any dual-credit or dual-enrollment course offered to a student in high school in association with an institution of higher education or vocational or technical school, subject to the requirements of subsection 11 of this section, for any student who meets the requirements established in subsection 8 of this section immediately before taking the course for which reimbursement is sought.

10. The commissioner of education shall develop a procedure for evaluating the effectiveness of the program

described in this section. Such evaluation shall be conducted annually with the results of the evaluation provided to the governor, speaker of the house, and president pro tempore of the senate.

11. For a two-year private vocational or technical school to obtain reimbursements under subsection 8 or 9 of this section, the following requirements shall be satisfied:

(1) Such two-year private vocational or technical school shall be a member of the North Central Association and be accredited by the Higher Learning Commission as of July 1, 2008, and maintain such accreditation;

(2) Such two-year private vocational or technical school shall be designated as a 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as amended;

(3) No two-year private vocational or technical school shall receive tuition reimbursements in excess of the tuition rate charged by a public community college for course work offered by the private vocational or technical school within the service area of such college; and

(4) The reimbursements provided to any two-year private vocational or technical school shall not violate the provisions of Article IX, Section 8, or Article I, Section 7, of the Missouri Constitution or the first amendment of the United States Constitution.

12. The department of higher education and workforce development shall distribute reimbursements in the following manner:

(1) To community college or vocational or technical school students;

(2) After all students from subdivision (1) of this subsection have been reimbursed, to any dual-credit or dual-enrollment student on the basis of financial need.

161.092. 1. As used in this section, "attendance center" means any individual public elementary or secondary school or charter school.

2. The state board of education shall:

(1) Adopt rules governing its own proceedings and formulate policies for the guidance of the commissioner of education and the department of elementary and secondary education;

(2) Carry out the educational policies of the state relating to [public schools] attendance centers and school districts that are provided by law and supervise instruction in the [public schools] attendance centers and school districts;

(3) Direct the investment of all moneys received by the state to be applied to the capital of any permanent fund established for the support of public education within the jurisdiction of the department of elementary and secondary education and see that the funds are applied to the branches of educational interest of the state that by grant, gift, devise or law they were originally intended, and if necessary institute suit for and collect the funds and return them to their legitimate channels;

(4) Cause to be assembled information which will reflect continuously the condition and management of the [public schools] attendance centers and school districts of the state;

(5) Require of county clerks or treasurers, boards of education or other [school] attendance center or school district officers, recorders and treasurers of cities, towns and villages, copies of all records required to be made by them and all other information in relation to the funds and condition of [schools] attendance centers and school

districts and the management thereof that is deemed necessary;

(6) Provide blanks suitable for use by officials in reporting the information required by the board;

(7) When conditions demand, cause the laws relating to [schools] attendance centers and school districts to be published in a separate volume, with pertinent notes and comments, for the guidance of those charged with the execution of the laws;

(8) Grant, without fee except as provided in section 168.021, certificates of qualification and licenses to teach in any of the [public schools] attendance centers or school districts of the state, establish requirements therefor, formulate regulations governing the issuance thereof, and cause the certificates to be revoked for the reasons and in the manner provided in section 168.071;

(9) Classify the [public schools] attendance centers and school districts of the state, subject to limitations provided by law and subdivision (14) of this [section] subsection, establish requirements for the [schools] attendance centers of each class, and formulate rules governing the inspection and accreditation of [schools] attendance centers and school districts preparatory to classification, with such requirements taking effect not less than [two years] one year from the date of adoption of the proposed rule by the state board of education, provided that this condition shall not apply to any requirement for which a time line for adoption is mandated in either federal or state law. Such rules shall include a process to allow any attendance center or school district that is accredited without provision that does not meet the state board's promulgated criteria for a classification designation of accredited with distinction to propose alternative criteria,___

66 subject to the limitations provided in subdivision (14) of
67 this subsection, to the state board to be classified as
68 accredited with distinction;

69 (10) Make an annual report on or before the first
70 Wednesday after the first day of January to the general
71 assembly or, when it is not in session, to the governor for
72 publication and transmission to the general assembly. The
73 report shall be for the last preceding school year, and
74 shall include:

75 (a) A statement of the number of [public schools]
76 attendance centers in the state[,]; the number of pupils
77 attending the [schools,] attendance centers; their sex,
78 race, and ethnicity; and the branches taught;

79 (b) A statement of the number of teachers employed[,];
80 their sex, race, and ethnicity; their professional
81 training[,]; and their average salary;

82 (c) A statement of the receipts and disbursements of
83 [public school] attendance center and school district funds
84 of every description, their sources, and the purposes for
85 which they were disbursed;

86 (d) Research-based and cited suggestions for the
87 improvement of [public schools] attendance centers and
88 school districts; and

89 (e) Any other information relative to the educational
90 interests of the state that the law requires or the board
91 deems important;

92 (11) Make an annual report to the general assembly and
93 the governor concerning coordination with other agencies and
94 departments of government that support family literacy
95 programs and other services [which] that influence
96 educational attainment of children of all ages;

97 (12) Require from the chief officer of each division
98 of the department of elementary and secondary education, on

99 or before the thirty-first day of August of each year,
100 reports containing information the board deems important and
101 desires for publication;

102 (13) Cause fifty copies of its annual report to be
103 reserved for the use of each division of the state
104 department of elementary and secondary education, and ten
105 copies for preservation in the state library;

106 (14) Promulgate rules under which the board shall
107 classify the [public schools] attendance centers and school
108 districts of the state; provided that:

109 (a) For purposes of accreditation, such
110 classifications shall include only the categories of
111 unaccredited, provisionally accredited, accredited, and
112 accredited with distinction;

113 (b) At least seventy percent of any rubric or scoring
114 methodology used to make an accreditation determination
115 shall be based on academic performance as measured by
116 achievement on state standardized tests and measures of
117 student growth;

118 (c) Any attendance center or school district
119 performing in the bottom ten percent of the state
120 distribution of accreditation scores shall be classified as
121 unaccredited;

122 (d) Any attendance center or school district
123 performing in the bottom twenty-five percent of the state
124 distribution of accreditation scores shall be classified as
125 provisionally accredited or unaccredited;

126 (e) Only attendance centers or school districts
127 performing in the top ten percent of the total accreditation
128 score shall be classified as accredited with distinction; and

129 (f) The appropriate scoring guides, instruments, and
130 procedures used in determining the accreditation status of
131 [a] an attendance center or school district shall be subject

to a public meeting upon notice in a newspaper of general circulation in each of the three most populous cities in the state and also a newspaper that is a certified minority business enterprise or woman-owned business enterprise in each of the two most populous cities in the state, and notice to each attendance center and each school district board of education, each superintendent of a school district, and to the speaker of the house of representatives, the president pro tem of the senate, and the members of the joint committee on education, at least fourteen days in advance of the meeting, which shall be conducted by the department of elementary and secondary education not less than ninety days prior to their application in accreditation, with all comments received to be reported to the state board of education;

(15) Have other powers and duties prescribed by law.

3. Rules promulgated under this section shall address the following:

(1) Rules relating to academic achievement and academic performance under paragraph (b) of subdivision (14) of subsection 2 of this section shall require that:

(a) Academic growth shall account for no less than forty percent of the total accreditation score;

(b) Points shall be awarded for statistically significant positive growth only if such growth has a normal curve equivalent of greater than fifty; and

(c) The total academic performance shall be computed by dividing the points gained for academic achievement and the points gained for academic growth by the total possible points in each category and adding the two quotients;

(2) Rules related to local educational agencies under paragraph (c) of subdivision (14) of subsection 2 of this section shall require that:

165 (a) For every unaccredited attendance center, the
166 local education agency in partnership with independent
167 school improvement experts shall produce a research-based
168 improvement plan to achieve at least provisional
169 accreditation in collaboration with parents and teachers.
170 Such plan shall be presented to the school district board or
171 the governing board no later than sixty days after the
172 designation is received. Plans shall contain three-year
173 goals for math and reading proficiency and three-year goals
174 for growth by subgroup and by grade level, and shall be
175 approved by the school district board or governing board;

176 (b) Local education agencies shall be encouraged to
177 place unaccredited schools into an innovation zone governed
178 by a nonprofit board and to partner with nonprofit
179 organizations with expertise in school redesign and
180 improvement. Any attendance center that is a charter school
181 and that is unaccredited for four consecutive years shall be
182 reconstituted in partnership with an accredited charter
183 organization or be closed; and

184 (c) Any local education agency with fifty percent or
185 more of its attendance centers classified as unaccredited
186 shall be classified only as "unaccredited";

187 (3) Rules related to local educational agencies under
188 paragraph (d) of subdivision (14) of subsection 2 of this
189 section shall require that:

190 (a) For every provisionally accredited attendance
191 center, the local education agency in partnership with
192 independent school improvement experts shall produce a
193 research-based improvement plan to achieve accreditation in
194 collaboration with parents and teachers. Such plan shall be
195 presented to the school district board or governing board no
196 later than sixty days after the designation is received.
197 Plans shall contain three-year goals for math and reading

198 proficiency and three-year goals for growth by subgroup and
199 grade level, and shall be approved by the school district
200 board or governing board;

201 (b) Local education agencies shall be encouraged to
202 place provisionally accredited schools into an innovation
203 zone governed by a nonprofit board and to partner with
204 nonprofit organizations with expertise in school redesign
205 and improvement;

206 (c) Local education agencies provide students
207 attending any attendance center that has been provisionally
208 accredited for five consecutive years the option to transfer
209 to an accredited attendance center within the district; and

210 (d) Any local education agency with fifty percent or
211 more of its attendance centers classified as provisionally
212 accredited or unaccredited shall be classified only as
213 provisionally accredited or unaccredited. Any local
214 education agency with twenty-five percent or more of its
215 attendance centers classified as unaccredited shall be
216 classified only as provisionally accredited or unaccredited;
217 and

218 (4) Rules relating to attendance centers or school
219 districts classified as accredited with distinction under
220 paragraph (e) of subdivision (14) of subsection 2 of this
221 section shall require the department of elementary and
222 secondary education to recognize and publish, on its own or
223 in partnership, the top ten percent of attendance centers as
224 measured by statistically significant academic growth in
225 both mathematics and reading as "fast improving schools" and
226 to produce an annual report highlighting the lessons from
227 these schools so that others may learn about the practices
228 that are driving learning growth.

161.097. 1. The state board of education shall
2 establish standards and procedures by which it will evaluate

3 all teacher training institutions in this state for the
4 approval of teacher education programs. The state board of
5 education shall not require teacher training institutions to
6 meet national or regional accreditation as a part of its
7 standards and procedures in making those evaluations, but it
8 may accept such accreditations in lieu of such approval if
9 standards and procedures set thereby are at least as
10 stringent as those set by the board. The state board of
11 education's standards and procedures for evaluating teacher
12 training institutions shall equal or exceed those of
13 national or regional accrediting associations.

14 2. There is hereby established within the department
15 of elementary and secondary education the "Missouri Advisory
16 Board for Educator Preparation", hereinafter referred to as
17 "MABEP". The MABEP shall advise the state board of
18 education and the coordinating board for higher education
19 regarding matters of mutual interest in the area of quality
20 educator preparation programs in Missouri.

21 3. Upon approval by the state board of education of
22 the teacher education program at a particular teacher
23 training institution, any person who graduates from that
24 program, and who meets other requirements which the state
25 board of education shall prescribe by rule, regulation and
26 statute shall be granted a certificate or license to teach
27 in the public schools of this state. However, no such rule
28 or regulation shall require that the program from which the
29 person graduates be accredited by any national or regional
30 accreditation association.

31 4. The state board of education shall require literacy
32 and reading instruction coursework for teacher education
33 programs aligned to certification in early childhood
34 education, elementary education, middle school education
35 with subject area certification in language arts, secondary

education with subject area certification in English,
special reading, and special education to include training
in:

(1) The core components of reading, such as phonemic
awareness, phonics, fluency, comprehension, morphology,
syntax, and vocabulary;

(2) Oral and written language development;

(3) Identification of reading deficiencies, dyslexia,
and other language difficulties; and

(4) The administration and interpretation of
assessments and how to translate assessment results into
effective practice in the classroom specific to the needs of
students.

5. Any rule or portion of a rule, as that term is
defined in section 536.010, that is created under the
authority delegated in this section shall become effective
only if it complies with and is subject to all of the
provisions of chapter 536 and, if applicable, section
536.028. This section and chapter 536 are nonseverable and
if any of the powers vested with the general assembly
pursuant to chapter 536 to review, to delay the effective
date, or to disapprove and annul a rule are subsequently
held unconstitutional, then the grant of rulemaking
authority and any rule proposed or adopted after August 28,
2014, shall be invalid and void.

161.229. 1. The department of elementary and
secondary education shall maintain and publish on its
website any data or report sent to the department from any
federal agency within thirty days of receipt of such data or
report.

2. The department shall maintain and publish on its
website the full text of all state administrative rules and
regulations related to elementary and secondary education

9 and shall update such information within thirty days of the
10 publication in the Missouri Register of any final order of
11 rulemaking related to such rules and regulations.

12 3. The information published pursuant to subsections 1
13 and 2 of this section shall be made available to the public
14 and shall be accessible and searchable from various devices
15 including, but not limited to, computers, tablets, and other
16 electronic communication devices.

17 4. By December thirty-first in every even-numbered
18 year, the state auditor shall review the department's
19 website for compliance with this section.

161.670. 1. Notwithstanding any other law, prior to
2 July 1, 2007, the state board of education shall establish
3 the "Missouri Course Access and Virtual School Program" to
4 serve school-age students residing in the state. The state
5 board of education and the department of elementary and
6 secondary education shall refer to the program as the
7 Missouri course access and virtual school program or the
8 "MCAVSP". The Missouri course access and virtual school
9 program shall offer nonclassroom-based instruction in a
10 virtual setting using technology, intranet, [and/or] or
11 internet methods of communication. Any student under the
12 age of twenty-one in grades kindergarten through twelve who
13 resides in this state shall be eligible to enroll in the
14 Missouri course access and virtual school program pursuant
15 to subsection 3 of this section.

16 2. For purposes of calculation and distribution of
17 state school aid, students enrolled in the Missouri course
18 access and virtual school program shall be included in the
19 student enrollment of the school district in which the
20 student physically is enrolled under subsection 3 of this
21 section. The Missouri course access and virtual school
22 program shall report to the district of residence the

23 following information about each student served by the
24 Missouri course access and virtual school program: name,
25 address, eligibility for free or reduced-price lunch,
26 limited English proficiency status, special education needs,
27 and the number of courses in which the student is enrolled.
28 The Missouri course access and virtual school program shall
29 promptly notify the resident district when [a] any student
30 discontinues enrollment. A "full-time equivalent student"
31 is a student who [successfully has completed] is enrolled in
32 the instructional equivalent of six credits per regular
33 term. Each Missouri course access and virtual school
34 program course shall count as one class and shall generate
35 that portion of a full-time equivalent that a comparable
36 course offered by the school district would generate. Full-
37 time equivalent students shall not be required by the
38 resident school district to be present at any specific
39 physical location for any ongoing instructional activity.
40 In no case shall more than the full-time equivalency of a
41 regular term of attendance for a single student be used to
42 claim state aid. Full-time equivalent student credit
43 completed shall be reported to the department of elementary
44 and secondary education in the manner prescribed by the
45 department. If a school district or charter school fails to
46 make any payment required under the provisions of this
47 section in full within sixty days of receiving an invoice
48 for such payment from a provider, the provider may notify
49 the department. Upon notice of such nonpayment, the
50 department shall immediately pay the Missouri course access
51 and virtual school program the total amount invoiced. Any
52 such department payments shall be offset by withholding the
53 amount so paid from its next disbursement of funding to the
54 non-paying school district or charter school. By November
55 first annually, the department shall provide a written

56 report to the joint committee on education detailing each
57 occasion during the prior school year that a provider
58 notified the department of an unpaid invoice pursuant to
59 this subsection, including the name of the provider, the
60 name of the district or charter school, the amount due, and
61 how quickly the department made full payment to the provider
62 after receiving the request. Nothing in this section shall
63 prohibit students from enrolling in additional courses under
64 a separate agreement that includes terms for paying tuition
65 or course fees. A full-time virtual school program serving
66 full time equivalent students shall participate in the
67 statewide assessment system as defined in section 160.518.
68 The academic performance of students enrolled in a full-time
69 virtual school program will be assigned to the designated
70 attendance center of the full-time virtual school program.

71 3. (1) A school district or charter school shall
72 allow any [eligible] student who is eligible to enroll in a
73 Missouri public school and who resides in such district to
74 enroll in Missouri course access and virtual school program
75 courses of [his or her] the student's choice as a part of
76 the student's annual course load each school year or a full-
77 time virtual school option[, with any costs associated with
78 such course or courses to be paid by the school district or
79 charter school if:

80 (a) The student is enrolled full-time in and has
81 attended, for at least one semester immediately prior to
82 enrolling in the Missouri course access and virtual school
83 program, a public school, including any charter school;
84 except that, no student seeking to enroll in Missouri course
85 access and virtual school program courses under this
86 subdivision shall be required to have attended a public
87 school during the previous semester if the student has a
88 documented medical or psychological diagnosis or condition

that prevented the student from attending a school in the community during the previous semester; and

(b) prior to enrolling in any Missouri course access and virtual school program course, a student has received approval from his or her school district or charter school through the procedure described under subdivision (2) of this subsection].

(2) [Each school district or charter school] For students not enrolled in a full-time virtual school, the department of elementary and secondary education shall adopt a policy that delineates the process by which a student may enroll in courses provided by the Missouri course access and virtual school program that is substantially similar to the typical process by which a district student would enroll in courses offered by the school district and a charter school student would enroll in courses offered by the charter school. The policy shall allow for continuous enrollment throughout the school year. The policy may include consultation with the school's counselor and may include parental notification or authorization. [School counselors shall not be required to approve or disapprove a student's enrollment in the Missouri course access and virtual school program.] If the school district or charter school [disapproves] believes a student's request to enroll in a course or courses provided by the Missouri course access and virtual school program, including full-time enrollment in courses provided by the Missouri course access and virtual school program, is not in the best educational interest of the student, the reason shall be provided in writing [and it shall be for good cause. Good cause justification to disapprove a student's request for enrollment in a course shall be a determination that doing so is not in the best educational interest of the student. In cases of denial by

the school district or charter school, local education agencies shall inform the student and the student's family of their right to appeal any enrollment denial in the Missouri course access and virtual school program to the local school district board or charter school governing body where the family shall be given an opportunity to present their reasons for their child or children to enroll in the Missouri course access and virtual school program in an official school board meeting. In addition, the school district or charter school administration shall provide its good cause justification for denial at a school board meeting or governing body meeting. Both the family and school administration shall also provide their reasons in writing to the members of the school board or governing body and the documents shall be entered into the official board minutes. The members of the board or governing body shall issue their decision in writing within thirty calendar days, and then an appeal may be made to the department of elementary and secondary education, which shall provide a final enrollment decision within seven calendar days] to the student's parent or guardian who shall have final decision-making authority. The resident school district or charter school shall not base any recommendation upon financial considerations or the offering of virtual courses or programming by the resident school district or charter school or a preferred provider. For students enrolling in a full-time program, the school district or charter school operating the program shall adopt a policy that delineates the process by which a student may enroll that is substantially similar to the typical process by which the district or charter school enrolls a new resident student of the district or charter school.

154 (3) For students enrolled in any Missouri course
155 access and virtual school program course in which costs
156 associated with such course are to be paid by the school
157 district or charter school as described under subdivision
158 (1) of this subsection, the school district [or], charter
159 school, or the department shall pay the content provider
160 directly [on a pro rata monthly basis based on a student's
161 completion of assignments and assessments] once per
162 semester. Each such payment shall be made in full within
163 sixty days of receiving an invoice from the provider. If a
164 student discontinues enrollment, the district [or], charter
165 school, or the department may stop making [monthly] payments
166 to the content provider. No school district or charter
167 school shall pay, for any one course for a student, [more
168 than the market necessary costs but in no case shall pay]
169 more than fourteen percent of the state adequacy target, as
170 defined under section 163.011, as calculated at the end of
171 the most recent school year for any single, year-long course
172 and no more than seven percent of the state adequacy target
173 as described above for any single semester equivalent
174 course. Payment for a full-time virtual school student
175 shall not exceed the state adequacy target, unless the
176 student receives additional federal or state aid. [Nothing
177 in this subdivision shall prohibit a school district or
178 charter school from negotiating lower costs directly with
179 course or full-time virtual school providers, particularly
180 in cases where several students enroll in a single course or
181 full-time virtual school.]

182 (4) In the case of a student who is a candidate for A+
183 tuition reimbursement and taking a virtual course under this
184 section, the school shall attribute no less than ninety-five
185 percent attendance to any such student who has completed
186 such virtual course.

187 (5) The Missouri course access and virtual school
188 program shall ensure that individual learning plans designed
189 by certified teachers and professional staff are developed
190 for all students enrolled in more than two full-time course
191 access program courses or a full-time virtual school.

192 (6) The department shall monitor [student success and
193 engagement of students enrolled in their program and report
194 the information to the school district or charter school.
195 Providers and the department may make recommendations to the
196 school district or charter school regarding the student's
197 continued enrollment in the program. The school district or
198 charter school shall consider the recommendations and
199 evaluate the progress and success of enrolled students that
200 are enrolled in any course or full-time virtual school
201 offered under this section and may terminate or alter the
202 course offering if it is found the course or full-time
203 virtual school is not meeting the educational needs of the
204 students enrolled in the course] the aggregate performance
205 of providers and make such information available to the
206 public under subsection 11 of this section.

207 (7) [School districts and charter schools] Virtual
208 school providers shall monitor individual student progress
209 and success, and [course or full-time virtual school
210 quality, and annually provide feedback to the department of
211 elementary and secondary education regarding course quality]
212 may remove a student under subsection 4 of this section if
213 the provider believes it to be in the best educational
214 interest of the student.

215 (8) Pursuant to rules to be promulgated by the
216 department of elementary and secondary education, when a
217 student transfers into a school district or charter school,
218 credits previously gained through successful passage of
219 approved courses under the Missouri course access and

virtual school program shall be accepted by the school district or charter school.

(9) Pursuant to rules to be promulgated by the department of elementary and secondary education, if a student transfers into a school district or charter school while enrolled in a Missouri course access and virtual school program course [or full-time virtual school], the student shall continue to be enrolled in such course or school.

(10) Nothing in this section shall prohibit home school students, private school students, or students wishing to take additional courses beyond their regular course load from enrolling in Missouri course access and virtual school program courses under an agreement that includes terms for paying tuition or course fees.

(11) Nothing in this subsection shall require any school district, charter school, or the state to provide computers, equipment, or internet access to any student unless required by an eligible student with a disability to comply with federal law.

(12) The authorization process shall provide for continuous monitoring of approved providers and courses. The department shall revoke or suspend or take other corrective action regarding the authorization of any course or provider no longer meeting the requirements of the program. Unless immediate action is necessary, prior to revocation or suspension, the department shall notify the provider and give the provider a reasonable time period to take corrective action to avoid revocation or suspension. The process shall provide for periodic renewal of authorization no less frequently than once every three years.

(13) Courses approved as of August 28, 2018, by the department to participate in the Missouri virtual

instruction program shall be automatically approved to participate in the Missouri course access and virtual school program, but shall be subject to periodic renewal.

(14) Any online course or virtual program offered by a school district or charter school, including those offered prior to August 28, 2018, ~~[which]~~ that meets the requirements of section 162.1250 shall be automatically approved to participate in the Missouri course access and virtual school program. Such course or program shall be subject to periodic renewal. A school district or charter school offering such a course or virtual school program shall be deemed an approved provider.

4. (1) As used in this subsection, the term "instructional activities" means classroom-based or nonclassroom-based activities that a student shall be expected to complete, participate in, or attend during any given school day, such as:

- (a) Online logins to curricula or programs;
- (b) Offline activities;
- (c) Completed assignments within a particular program, curriculum, or class;
- (d) Testing;
- (e) Face-to-face communications or meetings with school staff;
- (f) Telephone or video conferences with school staff;
- (g) School-sanctioned field trips; or
- (h) Orientation.

(2) A full-time virtual school shall submit a notification to the parent or guardian of any student who is not consistently engaged in instructional activities.

(3) Each full-time virtual school shall develop, adopt, and post on the school's website a policy setting forth the consequences for a student who fails to complete

the required instructional activities. Such policy shall state, at a minimum, that if a student fails to complete the instructional activities after receiving a notification under subdivision (2) of this subsection, and after reasonable intervention strategies have been implemented, that the student shall be subject to certain consequences which may include disenrollment from the school. Prior to any disenrollment, the parent or guardian shall have the opportunity to present any information that the parent deems relevant, and such information shall be considered prior to any final decision.

(4) If a full-time virtual school disenrolls a student under subdivision (3) of this subsection, the school shall immediately provide written notification to such student's school district of residence. The student's school district of residence shall then provide to the parents or guardian of the student a written list of available educational options and promptly enroll the student in the selected option. Any student disenrolled from a full-time virtual school shall be prohibited from re-enrolling in the same virtual school for the remainder of the school year.

5. School districts or charter schools shall [inform] annually issue a separate notification informing parents of [their] the child's right to participate in the program. Availability of the program shall also be [made clear] provided in a clear and conspicuous manner in the parent handbook, registration documents, and featured on the home page of the school district or charter school's website. Such notices shall provide information on the program in an impartial manner without any favor toward one provider or program over another. Any school district or charter school that fails to fully comply with any provision of this subsection shall be subject to civil penalties in an amount

equal to one hundred dollars for each calendar day the school district or charter school is not in compliance with this subsection, including reasonable attorney's fees.

[5.] 6. The department shall:

(1) Establish an authorization process for course or full-time virtual school providers that includes multiple opportunities for submission each year;

(2) Pursuant to the time line established by the department, authorize course or full-time virtual school providers that:

(a) Submit all necessary information pursuant to the requirements of the process; and

(b) Meet the criteria described in subdivision (3) of this subsection;

(3) Review, pursuant to the authorization process, proposals from providers to provide a comprehensive, full-time equivalent course of study for students through the Missouri course access and virtual school program. The department shall ensure that these comprehensive courses of study align to state academic standards and that there is consistency and compatibility in the curriculum used by all providers from one grade level to the next grade level;

(4) Within [thirty] ten calendar days of any denial, provide a written explanation to any course or full-time virtual school providers that are denied authorization.

[6.] 7. If a course or full-time virtual school provider is denied authorization, the course provider may reapply at any point in the future.

[7.] 8. The department shall publish the process established under this section, including any deadlines and any guidelines applicable to the submission and authorization process for course or full-time virtual school providers on its website.

352 **[8.] 9.** If the department determines that there are
353 insufficient funds available for evaluating and authorizing
354 course or full-time virtual school providers, the department
355 may charge applicant course or full-time virtual school
356 providers a fee up to, but no greater than, the amount of
357 the costs in order to ensure that evaluation occurs. The
358 department shall establish and publish a fee schedule for
359 purposes of this subsection.

360 **[9.] 10.** Except as specified in this section and as
361 may be specified by rule of the state board of education,
362 the Missouri course access and virtual school program shall
363 comply with all state laws and regulations applicable to
364 school districts, including but not limited to the Missouri
365 school improvement program (MSIP), annual performance report
366 (APR), teacher certification, and curriculum standards.

367 **[10.] 11.** The department shall submit and publicly
368 publish an annual report on the Missouri course access and
369 virtual school program and the participation of entities to
370 the governor, the chair and ranking member of the senate
371 education committee, and the chair and ranking member of the
372 house of representatives elementary and secondary education
373 committee. The report shall at a minimum include the
374 following information:

375 (1) The annual number of unique students participating
376 in courses authorized under this section and the total
377 number of courses in which students are enrolled in;

378 (2) The number of authorized providers;

379 (3) The number of authorized courses and the number of
380 students enrolled in each course;

381 (4) The number of courses available by subject and
382 grade level;

383 (5) The number of students enrolled in courses broken
384 down by subject and grade level;

(6) Student outcome data, including completion rates, student learning gains, student performance on state or nationally accepted assessments, comparative data to gains and performance by students in prior educational settings, four- and five-year graduation rates, credit status upon enrollment, and progress towards graduation. If possible, data shall be presented by subject and grade level per provider. This outcome data shall be published in a manner that protects student privacy;

(7) The costs per course;

(8) Evaluation of in-school course availability compared to course access availability to ensure gaps in course access are being addressed statewide.

[11.] 12. The department shall be responsible for creating the Missouri course access and virtual school program catalog providing a listing of all courses authorized and available to students in the state, detailed information, including costs per course, about the courses to inform student enrollment decisions, and the ability for students to submit their course enrollments.

[12.] 13. The state board of education through the rulemaking process and the department of elementary and secondary education in its policies and procedures shall ensure that multiple content providers and learning management systems are allowed, ensure digital content conforms to accessibility requirements, provide an easily accessible link for providers to submit courses or full-time virtual schools on the Missouri course access and virtual school program website, and allow any person, organization, or entity to submit courses or full-time virtual schools for approval. No content provider shall be allowed that is unwilling to accept payments in the amount and manner as described under subdivision (3) of subsection 3 of this

section or does not meet performance or quality standards adopted by the state board of education.

[13.] 14. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.

162.084. If any attendance center, individual public elementary or secondary school, charter school, or school district is classified or reclassified as provisionally accredited or unaccredited, such attendance center, school, or district shall mail a letter to the parents and guardians of each student in such attendance center, school, or district informing such parents and guardians:

(1) That the attendance center, school, or district is classified as provisionally accredited or unaccredited;

(2) What options are available to such students as a result of the classification or reclassification; and

(3) What plans the attendance center, school, or district has for school improvement including, but not limited to, academic proficiency and growth goals in reading and math for the next three years.

162.089. 1. (1) Each member of any school board of any public school district shall be subject to recall from office by the registered voters of the school district such member was elected to represent. Such recall election shall

5 be held upon the submission of a petition signed by
6 registered voters of the district equal in number to at
7 least twenty-five percent of the number of voters who voted
8 in the most recent election held to elect a district board
9 member in such district.

10 (2) No proceedings shall be commenced against any
11 member under this section if, at the time of commencement,
12 such member:

13 (a) Has not held office during the member's term for
14 more than thirty days;

15 (b) Has fewer than one hundred eighty days remaining
16 in the member's term; or

17 (c) Has had a recall election determined in the
18 member's favor during the member's current term of office.

19 2. (1) Proceedings may be commenced for the recall of
20 any school board member by the filing of a notice of
21 intention to circulate a recall petition under this section.

22 The notice shall be filed with the election authority
23 having jurisdiction over the school district under this
24 chapter and chapter 115. Each notice shall contain the
25 following:

26 (a) The name and office of the board member sought to
27 be recalled;

28 (b) A statement of grounds, not exceeding two hundred
29 words in length, listing the particular reasons for the
30 proposed recall;

31 (c) A sworn statement of at least three proponents of
32 the recall that they are registered voters in the school
33 district and that the information in the statement of
34 grounds is true, correct, and complete to the best of the
35 knowledge and belief of the proponent;

36 (d) The printed names and the business or residential
37 addresses of the proponents of the recall making the sworn
38 statement under paragraph (c) of this subdivision; and

39 (e) The notarized signature of each of the proponents
40 of the recall making the sworn statement under paragraph (c)
41 of this subdivision.

42 (2) (a) The grounds for recall required to be stated
43 in paragraph (b) of subdivision (1) of this subsection may
44 include but shall not be limited to the following:

45 a. Conduct that relates to and adversely affects the
46 rights and interests of the public;

47 b. Commission of an act or acts of malfeasance;

48 c. Moral turpitude;

49 d. Violation of the member's oath of office;

50 e. Abuse of power or authority;

51 f. Misuse or misappropriation of public property or
52 public moneys;

53 g. Conviction of a felony;

54 h. Willful violation of any code of ethics applicable
55 to such member as provided in the revised statutes of
56 Missouri;

57 i. Violation of any school board policy of the school
58 district in which the member serves;

59 j. Breach of public trust;

60 k. Lack of responsiveness to concerns raised by the
61 public or staff;

62 l. Promotion and implementation of measures that are
63 counterproductive to the best interests of the students and
64 staff of the school district; or

65 m. Violation of any applicable provision of chapter
66 610; except that, discretionary performance of a lawful act
67 or a prescribed duty shall not constitute a ground for
68 recall.

69 (b) The election authority shall neither have nor
70 assume the authority to determine the validity of the
71 grounds for recall.

72 (3) No notice of intention shall name more than one
73 board member sought to be recalled.

74 (4) (a) If the election authority finds that the
75 notice of intention contains the required information under
76 this section, the election authority shall attach to the
77 affidavit a certification showing that the notice has been
78 properly filed.

79 (b) Within three business days after the
80 certification, the election authority shall send
81 notification of the filing of the notice by registered mail
82 to the school district administration, the school board, and
83 the board member sought to be recalled.

84 (c) Within fourteen days after the receipt of the
85 notice, the board member who is the subject of the notice
86 may file with the election authority a statement, not
87 exceeding two hundred words in length, in answer to the
88 statement of the proponents. If an answer is filed, the
89 election authority shall make the answer available for
90 public viewing upon request at the election authority's
91 office.

92 3. (1) After the election authority certifies the
93 notice, the proponents of the recall may begin circulating a
94 petition for recall and collecting signatures on such
95 petition.

96 (a) Any person circulating a petition for recall shall
97 be a registered voter in the district of the board member
98 sought to be recalled.

99 (b) Collection of signatures may begin after seven
100 days have passed following the election authority's
101 certification with the date of the certification counted as

102 the first day. The election authority shall indicate the
103 date on which collection of signatures may begin in the
104 certification of the notice. The number of signatures
105 required to equal the twenty-five percent of voters
106 necessary under subsection 1 of this section shall be
107 determined by the election authority.

108 (2) Each page of the petition for recall shall include:

109 (a) The name and office of the member for whom recall
110 is sought;

111 (b) The grounds for recall described in particular, in
112 no more than two hundred words;

113 (c) A statement that the petition signatories are
114 registered voters of the district in which the member sought
115 to be recalled serves; and

116 (d) Space for the date of the signing, the signer's
117 printed name, the house number and street name of each
118 signer's residence, and each signer's signature.

119 (3) Each signer shall be a registered voter in the
120 school district.

121 (4) Each signer shall provide the date of the signing,
122 the signer's printed name, the house number and street name
123 of the signer's residence, and the signer's signature.

124 (5) Every person signing a petition shall do so in the
125 presence of the person who is circulating the petition and
126 who will execute the affidavit of verification for each page
127 of the petition.

128 4. (1) Within sixty days after the beginning date for
129 the collection of signatures, the completed petition with
130 the required number of signatures shall be filed with the
131 election authority. The signatures to the petition need not
132 all be attached to one paper, but the person who files the
133 petition with the election authority shall sign each page
134 attesting that the signatures attached are true and correct

135 to the best of such person's knowledge and belief. Such
136 signature on each page of the petition shall be notarized.

137 (2) Within fifteen business days after the date of
138 filing the signed petition, the election authority shall
139 examine the petition and determine whether the petition is
140 signed by the required number of registered voters.
141 Signatures that cannot be verified shall not be counted.

142 (3) (a) If the election authority finds the signed
143 petition to be insufficient, the election authority shall,
144 within three business days after such determination, send
145 notification of the insufficiency by registered mail to the
146 person who filed the signed petition. The election
147 authority shall specify the errors, omissions, or other
148 problems that cause the insufficiency.

149 (b) The signed petition shall be returned to the
150 person who filed the signed petition, without prejudice to
151 the refiling of the petition or the filing of a new petition.

152 (c) The person who filed the signed petition shall
153 have thirty days after the date of notification of
154 insufficiency to correct the insufficiencies and refile the
155 petition. If the petition is not corrected and refiled, the
156 petition and all its signatures shall be void.

157 (4) If the election authority finds the signed
158 petition to be sufficient, the election authority shall
159 attach to the petition a certificate showing the result of
160 the examination. The election authority shall, within three
161 business days after the certification, send notification of
162 the sufficiency and certification by registered mail to the
163 person who filed the signed petition, the school district
164 administration, the school board, and the board member
165 sought to be recalled.

166 5. (1) Upon receipt of the notification of the
167 sufficiency of the petition and the election authority's

168 certification, the election authority shall order the
169 question to be submitted to the voters of the district on
170 one of the following days:

171 (a) The next general election day;

172 (b) At a special election to be called on the first
173 Tuesday after the first Monday in November of odd-numbered
174 years if that date is no fewer than ninety calendar days
175 after the date of notification; or

176 (c) At the next election in which the voters of the
177 school district vote for any school board member on the
178 general municipal election day, if that date is no fewer
179 than ninety calendar days after the date of notification.

180 (2) If no election will occur or can be called at the
181 times described in this subsection before the term of the
182 member who is the subject of the recall petition expires, no
183 recall election shall be held and such member may serve the
184 remainder of the member's term.

185 6. (1) The name of the member who is the subject of
186 the recall shall appear on the ballot under the separate
187 heading "(name of school district) Recall Election".

188 (2) The question on the ballot shall be in
189 substantially the following form: "Shall school board
190 member (name of member) be removed from the school board?".

191 (3) (a) If a majority of the votes cast on the
192 question by the qualified voters voting thereon are opposed
193 to removing the member, the member shall remain in office
194 and shall not be subject to another recall election during
195 the remainder of the member's term.

196 (b) If a majority of the votes cast on the question by
197 the qualified voters voting thereon in a November election
198 are in favor of removing the member, the vacancy shall be
199 filled in the manner provided in this chapter.

200 (c) If a majority of the votes cast on the question by
201 the qualified voters voting thereon in an April election are
202 in favor of removing the member and the number of candidates
203 on the ballot is greater than the number of seats for
204 expired board member terms, the vacancy shall be filled by
205 the candidate receiving the next highest number of votes
206 after the seats for expired board member terms are filled.
207 If the number of candidates is not greater than the number
208 of seats of expired board member terms, the vacancy shall be
209 filled in the manner provided in this chapter.

210 7. A school board member who has been recalled shall
211 not fill the vacancy created by the recall, but such member
212 may seek election to the school board at any election not
213 held to fill the vacancy created by the member's recall.

214 8. Except as otherwise provided in this section, the
215 provisions of this chapter and chapter 115 governing the
216 conduct of school board elections shall apply, if
217 appropriate, to recall elections held under this section.
218 The costs of the election shall be paid as provided in
219 chapter 115.

162.686. 1. No school district or charter school
2 shall prohibit a parent or legal guardian of a student from
3 recording by audio any meeting held under the federal
4 Individuals with Disabilities Education Act (IDEA), 20
5 U.S.C. Section 1400, et seq., as amended, or Section 504 of
6 the federal Rehabilitation Act of 1973, 29 U.S.C. Section
7 794, as amended.

8 2. Any recording made by a parent or legal guardian
9 under this section shall be the property of the parent or
10 legal guardian creating the recording. No recording made
11 under this section shall be construed to be a public record
12 made by or prepared for any public governmental body under
13 chapter 610.

14 3. No school district or charter school shall impose
15 pre-meeting notification requirements of recording by a
16 parent or legal guardian of more than twenty-four hours.

17 4. No school district or charter school employee who
18 reports any violations under this section shall be subject
19 to discharge, retaliation, or any other adverse employment
20 action for making such report.

163.023. 1. Commencing September 1, 1997, a school
2 district that has an operating levy for school purposes as
3 defined in section 163.011, of less than the minimum value
4 required by section 163.021, shall be classified as
5 unaccredited by the state board of education and shall be
6 deemed to be an unclassified school district for all
7 purposes under force of law, pursuant to the authority of
8 the state board of education to classify school districts
9 pursuant to section 161.092, except that no school district
10 shall be classified as unaccredited or deemed to be an
11 unclassified school district pursuant to this section if
12 such district is ineligible to receive state aid under
13 section 163.031, exclusive of categorical add-ons, because
14 the district's local effort is greater than its weighted
15 average daily attendance multiplied by the state adequacy
16 target multiplied by the dollar value modifier. No school
17 district, except a district [which] that is ineligible to
18 receive state aid under section 163.031, exclusive of
19 categorical add-ons, because the district's local effort is
20 greater than its weighted average daily attendance
21 multiplied by the state adequacy target multiplied by the
22 dollar value modifier, may be classified or reclassified as
23 accredited until such district has an operating levy for
24 school purposes [which] that is equal to or greater than the
25 minimum value required by section 163.021. Beginning July
26 1, 1998, the state board of education shall consider the

27 results for a school district from the statewide assessment
28 system developed pursuant to the provisions of section
29 160.518 when classifying a school district as authorized by
30 subdivision (9) of subsection 2 of section 161.092.

31 Further, the state board of education shall consider the
32 condition and adequacy of facilities of a school district
33 when determining such classification.

34 2. For any school district classified unaccredited for
35 any school year, the state board of education shall conduct
36 procedures to classify said school district for the first
37 school year following.

166.400. Sections 166.400 to ~~[166.455]~~ 166.456 shall
2 be known and may be cited as the "Missouri Education
3 ~~[Savings]~~ Program".

166.410. ~~[Definitions.]~~ As used in sections 166.400
2 to ~~[166.455]~~ 166.456, except where the context clearly
3 requires another interpretation, the following terms mean:

4 (1) "Beneficiary", any individual designated by a
5 participation agreement to benefit from payments for
6 qualified education expenses at an eligible educational
7 institution;

8 (2) "Benefits", the payment of qualified education
9 expenses on behalf of a beneficiary from a savings account
10 during the beneficiary's attendance at an eligible
11 educational institution;

12 (3) "Board", the Missouri education ~~[savings]~~ program
13 board established in section 166.415;

14 (4) "Eligible educational institution", an
15 ~~[institution of postsecondary education]~~ eligible
16 educational institution as defined in Section 529~~[(e)(5)]~~ of
17 the Internal Revenue Code, ~~[and institutions of elementary~~
18 ~~and secondary education as provided in Sections 529(c)(7)~~
19 ~~and 529(e)(3) of the Internal Revenue Code,]~~ as amended;

20 (5) "Financial institution", a bank, insurance company
21 or registered investment company;

22 (6) "Internal Revenue Code", the Internal Revenue Code
23 of 1986, as amended;

24 (7) "Missouri education [savings] program" or
25 "[savings] program", the program created pursuant to
26 sections 166.400 to [166.455] 166.456;

27 (8) "Participant", a person who has entered into a
28 participation agreement pursuant to sections 166.400 to
29 [166.455] 166.456 for the advance payment of qualified
30 education expenses on behalf of a beneficiary;

31 (9) "Participation agreement", an agreement between a
32 participant and the board pursuant to and conforming with
33 the requirements of sections 166.400 to [166.455] 166.456;
34 and

35 (10) "Qualified higher education expenses" or
36 "qualified education expenses", the qualified costs of
37 tuition and fees and other expenses for attendance at an
38 eligible educational institution, as defined in Section
39 [529(e)(3)] 529 of the Internal Revenue Code, as amended.

166.415. 1. There is hereby created the "Missouri
2 Education [Savings] Program". The program shall be
3 administered by the Missouri education [savings] program
4 board which shall consist of the Missouri state treasurer
5 who shall serve as chairman, the commissioner of the
6 department of higher education and workforce development,
7 the commissioner of education, the commissioner of the
8 office of administration, the director of the department of
9 economic development, two persons having demonstrable
10 experience and knowledge in the areas of finance or the
11 investment and management of public funds, one of whom is
12 selected by the president pro tem of the senate and one of
13 whom is selected by the speaker of the house of

representatives, and one person having demonstrable experience and knowledge in the area of banking or deposit rate determination and placement of depository certificates of deposit or other deposit investments. Such member shall be appointed by the governor with the advice and consent of the senate. The three appointed members shall be appointed to serve for terms of four years from the date of appointment, or until their successors shall have been appointed and shall have qualified. The members of the board shall be subject to the conflict of interest provisions of section 105.452. Any member who violates the conflict of interest provisions shall be removed from the board. In order to establish and administer the [savings] program, the board, in addition to its other powers and authority, shall have the power and authority to:

(1) Develop and implement the Missouri education [savings] program and, notwithstanding any provision of sections 166.400 to [166.455] 166.456 to the contrary, the [savings] programs and services consistent with the purposes and objectives of sections 166.400 to [166.455] 166.456;

(2) Promulgate reasonable rules and regulations and establish policies and procedures to implement sections 166.400 to [166.455] 166.456, to permit the [savings] program to qualify as a "qualified state tuition program" pursuant to Section 529 of the Internal Revenue Code and to ensure the [savings] program's compliance with all applicable laws;

(3) Develop and implement educational programs and related informational materials for participants, either directly or through a contractual arrangement with a financial institution for investment services, and their families, including special programs and materials to inform

families with young children regarding methods for financing education and training;

(4) Enter into agreements with any financial institution, the state or any federal or other agency or entity as required for the operation of the [savings] program pursuant to sections 166.400 to [166.455] 166.456;

(5) Enter into participation agreements with participants;

(6) Accept any grants, gifts, legislative appropriations, and other moneys from the state, any unit of federal, state, or local government or any other person, firm, partnership, or corporation for deposit to the account of the [savings] program;

(7) Invest the funds received from participants in appropriate investment instruments to achieve long-term total return through a combination of capital appreciation and current income;

(8) Make appropriate payments and distributions on behalf of beneficiaries pursuant to participation agreements;

(9) Make refunds to participants upon the termination of participation agreements pursuant to the provisions, limitations, and restrictions set forth in sections 166.400 to [166.455] 166.456 and the rules adopted by the board;

(10) Make provision for the payment of costs of administration and operation of the [savings] program;

(11) Effectuate and carry out all the powers granted by sections 166.400 to [166.455] 166.456, and have all other powers necessary to carry out and effectuate the purposes, objectives and provisions of sections 166.400 to [166.455] 166.456 pertaining to the [savings] program; and

(12) Procure insurance, guarantees or other protections against any loss in connection with the assets or activities of the [savings] program.

79 2. Any member of the board may designate a proxy for
80 that member who will enjoy the full voting privileges of
81 that member for the one meeting so specified by that member.

82 No more than three proxies shall be considered members of
83 the board for the purpose of establishing a quorum.

84 3. Four members of the board shall constitute a
85 quorum. No vacancy in the membership of the board shall
86 impair the right of a quorum to exercise all the rights and
87 perform all the duties of the board. No action shall be
88 taken by the board except upon the affirmative vote of a
89 majority of the members present.

90 4. The board shall meet within the state of Missouri
91 at the time set at a previously scheduled meeting or by the
92 request of any four members of the board. Notice of the
93 meeting shall be delivered to all other trustees in person
94 or by depositing notice in a United States post office in a
95 properly stamped and addressed envelope not less than six
96 days prior to the date fixed for the meeting. The board may
97 meet at any time by unanimous mutual consent. There shall
98 be at least one meeting in each quarter.

99 5. The funds shall be invested only in those
100 investments which a prudent person acting in a like capacity
101 and familiar with these matters would use in the conduct of
102 an enterprise of a like character and with like aims, as
103 provided in section 105.688. For new contracts entered into
104 after August 28, 2012, board members shall study investment
105 plans of other states and contract with or negotiate to
106 provide benefit options the same as or similar to other
107 states' qualified plans for the purpose of offering
108 additional options for members of the plan. The board may
109 delegate to duly appointed investment counselors authority
110 to act in place of the board in the investment and
111 reinvestment of all or part of the moneys and may also

112 delegate to such counselors the authority to act in place of
113 the board in the holding, purchasing, selling, assigning,
114 transferring or disposing of any or all of the securities
115 and investments in which such moneys shall have been
116 invested, as well as the proceeds of such investments and
117 such moneys. Such investment counselors shall be registered
118 as investment advisors with the United States Securities and
119 Exchange Commission. In exercising or delegating its
120 investment powers and authority, members of the board shall
121 exercise ordinary business care and prudence under the facts
122 and circumstances prevailing at the time of the action or
123 decision. No member of the board shall be liable for any
124 action taken or omitted with respect to the exercise of, or
125 delegation of, these powers and authority if such member
126 shall have discharged the duties of his or her position in
127 good faith and with that degree of diligence, care and skill
128 which a prudent person acting in a like capacity and
129 familiar with these matters would use in the conduct of an
130 enterprise of a like character and with like aims.

131 6. No investment transaction authorized by the board
132 shall be handled by any company or firm in which a member of
133 the board has a substantial interest, nor shall any member
134 of the board profit directly or indirectly from any such
135 investment.

136 7. No trustee or employee of the [savings] program
137 shall receive any gain or profit from any funds or
138 transaction of the [savings] program. Any trustee, employee
139 or agent of the [savings] program accepting any gratuity or
140 compensation for the purpose of influencing such trustee's,
141 employee's or agent's action with respect to the investment
142 or management of the funds of the [savings] program shall
143 thereby forfeit the office and in addition thereto be
144 subject to the penalties prescribed for bribery.

166.420. 1. The board may enter into [savings]
program participation agreements with participants on behalf
of beneficiaries pursuant to the provisions of sections
166.400 to [166.455] 166.456, including the following terms
and conditions:

(1) A participation agreement shall stipulate the
terms and conditions of the [savings] program in which the
participant makes contributions;

(2) A participation agreement shall specify the method
for calculating the return on the contribution made by the
participant;

(3) The execution of a participation agreement by the
board shall not guarantee that the beneficiary named in any
participation agreement will be admitted to an eligible
educational institution, be allowed to continue to attend an
eligible educational institution after having been admitted
or will graduate from an eligible educational institution;

(4) A participation agreement shall clearly and
prominently disclose to participants the risk associated
with depositing moneys with the board;

(5) Participation agreements shall be organized and
presented in a way and with language that is easily
understandable by the general public; and

(6) A participation agreement shall clearly and
prominently disclose to participants the existence of any
load charge or similar charge assessed against the accounts
of the participants for administration or services.

2. The board shall establish the maximum amount which
may be contributed annually [by a participant] with respect
to a beneficiary.

3. The board shall establish a total contribution
limit for savings accounts established under the [savings]
program with respect to a beneficiary to permit the

34 [savings] program to qualify as a "qualified state tuition
35 program" pursuant to Section 529 of the Internal Revenue
36 Code. No contribution may be made to a savings account for
37 a beneficiary if it would cause the balance of all savings
38 accounts of the beneficiary to exceed the total contribution
39 limit established by the board. The board may establish
40 other requirements that it deems appropriate to provide
41 adequate safeguards to prevent contributions on behalf of a
42 beneficiary from exceeding what is necessary to provide for
43 the qualified education expenses of the beneficiary.

44 4. The board shall establish the minimum length of
45 time that contributions and earnings must be held by the
46 [savings] program to qualify pursuant to section 166.435.
47 Any contributions or earnings that are withdrawn or
48 distributed from a savings account prior to the expiration
49 of the minimum length of time, as established by the board,
50 shall be subject to a penalty pursuant to section 166.430.

166.425. All money paid by a participant in connection
2 with participation agreements shall be deposited as received
3 and shall be promptly invested by the board. Contributions
4 and earnings thereon accumulated on behalf of participants
5 in the [savings] program may be used, as provided in the
6 participation agreement, for qualified education expenses.
7 Such contributions and earnings shall not be considered
8 income for purposes of determining a participant's
9 eligibility for financial assistance under any state student
10 aid program.

166.435. 1. Notwithstanding any law to the contrary,
2 the assets of the [savings] program held by the board, the
3 assets of any deposit program authorized in section 166.500,
4 and the assets of any qualified tuition [savings] program
5 established pursuant to Section 529 of the Internal Revenue
6 Code and any income therefrom shall be exempt from all

7 taxation by the state or any of its political subdivisions.
8 Income earned or received from the [savings] program,
9 deposit, or other qualified tuition [savings] programs
10 established under Section 529 of the Internal Revenue Code,
11 or refunds of qualified education expenses received by a
12 beneficiary from an eligible educational institution in
13 connection with withdrawal from enrollment at such
14 institution which are contributed within sixty days of
15 withdrawal to a qualified tuition [savings] program of which
16 such individual is a beneficiary shall not be subject to
17 state income tax imposed pursuant to chapter 143 and shall
18 be eligible for any benefits provided in accordance with
19 Section 529 of the Internal Revenue Code. The exemption
20 from taxation pursuant to this section shall apply only to
21 assets and income maintained, accrued, or expended pursuant
22 to the requirements of the [savings] program established
23 pursuant to sections 166.400 to ~~[166.455]~~ 166.456, the
24 deposit program established pursuant to sections 166.500 to
25 166.529, and other qualified tuition [savings] programs
26 established under Section 529 of the Internal Revenue Code,
27 and no exemption shall apply to assets and income expended
28 for any other purposes. Annual contributions made to the
29 [savings] program held by the board, the deposit program,
30 and any qualified tuition [savings] program established
31 under Section 529 of the Internal Revenue Code up to and
32 including eight thousand dollars per [participating]
33 taxpayer, and up to sixteen thousand dollars for married
34 individuals filing a joint tax return, shall be subtracted
35 in determining Missouri adjusted gross income pursuant to
36 section 143.121.

37 2. If any deductible contributions to or earnings from
38 any such program referred to in this section are distributed
39 and not used to pay qualified education expenses, not

transferred as allowed by 26 U.S.C. Section 529(c)(3)(C)(i), as amended, and any Internal Revenue Service regulations or guidance issued in relation thereto, or are not held for the minimum length of time established by the appropriate Missouri board, then the amount so distributed shall be included in the Missouri adjusted gross income of the participant, or, if the participant is not living, the beneficiary.

3. The provisions of this section shall apply to tax years beginning on or after January 1, 2008, and the provisions of this section with regard to sections 166.500 to 166.529 shall apply to tax years beginning on or after January 1, 2004.

166.440. The assets of the [savings] program shall at all times be preserved, invested and expended only for the purposes set forth in this section and in accordance with the participation agreements, and no property rights therein shall exist in favor of the state.

166.456. All personally identifiable information concerning participants and beneficiaries of accounts established within the Missouri education [savings] program pursuant to sections 166.400 to 166.456 shall be confidential, and any disclosure of such information shall be restricted to purposes directly connected with the administration of the program.

166.700. As used in sections 166.700 to 166.725, the following terms mean:

(1) "Curriculum", a complete course of study for a particular content area or grade level, including any supplemental materials;

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

8 (3) "Educational assistance organization", the same
9 meaning as used in section 135.712;

10 (4) "Parent", the same meaning as used in section
11 135.712;

12 (5) "Private school", a school that is not a part of
13 the public school system of the state of Missouri and that
14 charges tuition for the rendering of elementary or secondary
15 educational services;

16 (6) "Program", the Missouri empowerment scholarship
17 accounts program;

18 (7) "Qualified school", a charter school as defined in
19 section 160.400, a home school as defined in section
20 167.031, a private school as defined in this subsection, a
21 public school as defined in section 160.011, or a public or
22 private virtual school that is incorporated in Missouri.
23 Charter schools, public schools, and public virtual schools
24 are "qualified schools" only to the extent that moneys
25 deposited in a qualified student's scholarship account shall
26 be used for specific services or individual classes
27 consistent with the provisions of subdivision (4) of
28 subsection 1 of section 166.705;

29 (8) "Qualified student", a resident of this state who:

30 (a) Attended a public school as a full-time student
31 for at least one semester from the previous twelve months;

32 (b) Previously participated in the Missouri
33 empowerment scholarship accounts program;

34 (c) Is a child who is eligible to begin kindergarten
35 under sections 160.051 to 160.055;

36 (d) Is attending school for the first time;

37 (e) Is a child of a parent in active military service;

38 or

39 (f) Attended a public school as a full-time student
40 for any period of time during the 2019-2020 or 2020-2021
41 school years.

166.705. 1. A parent of a qualified student may
2 establish a Missouri empowerment scholarship account for the
3 student by entering into a written agreement with an
4 educational assistance organization designated by the
5 treasurer to administer the qualified student's scholarship
6 account. The agreement shall provide that:

7 (1) The qualified student shall enroll in a qualified
8 school and receive an education in at least the subjects of
9 English language arts, mathematics, social studies, and
10 science;

11 (2) The qualified student shall not be enrolled in a
12 school operated by the qualified student's district of
13 residence or a charter school, except for a qualified
14 student that is in the custody of the state, and shall
15 release the district of residence from all obligations to
16 educate the qualified student while the qualified student is
17 enrolled in the program; except that, this subdivision shall
18 not relieve the student's district of residence from the
19 obligation to conduct an evaluation for disabilities;

20 (3) The qualified student shall receive a grant, in
21 the form of money deposited pursuant to section 135.714, in
22 the qualified student's Missouri empowerment scholarship
23 account;

24 (4) The money deposited in the qualified student's
25 Missouri empowerment scholarship account shall be used only
26 for the following expenses of the qualified student:

27 (a) Tuition or fees at a qualified school;

28 (b) Textbooks required by a qualified school;

29 (c) Educational therapies or services for the
30 qualified student from a licensed or accredited practitioner

31 or provider, including licensed or accredited
32 paraprofessionals or educational aides;
33 (d) Tutoring services;
34 (e) Curriculum;
35 (f) Tuition or fees for a private virtual school;
36 (g) Fees for a nationally standardized norm-referenced
37 achievement test, advanced placement examinations,
38 international baccalaureate examinations, or any exams
39 related to college or university admission;
40 (h) Fees for management of the empowerment scholarship
41 account by firms selected by the state treasurer or the
42 educational assistance organization designated to administer
43 the scholarship account;
44 (i) Services provided by a public school, including
45 individual classes and extracurricular programs;
46 (j) Computer hardware or other technological devices
47 that are used to help meet a qualified student's educational
48 needs and that are approved by the state treasurer or the
49 educational assistance organization designated to administer
50 the scholarship account;
51 (k) Fees for summer education programs and specialized
52 after-school education programs; and
53 (l) Other expenses related to home school instruction;
54 (5) Moneys deposited in the qualified student's
55 account shall not be used for the following:
56 (a) Consumable educational supplies including, but not
57 limited to, paper, pens, pencils, or markers; and
58 (b) Tuition at a private school located outside of the
59 state of Missouri.
60 2. Missouri empowerment scholarship accounts are
61 renewable on an annual basis upon request of the parent of a
62 qualified student. Notwithstanding any changes to the
63 qualified student's multidisciplinary evaluation team plan,

64 a student who has previously qualified for a Missouri
65 empowerment scholarship account shall remain eligible to
66 apply for renewal until the student completes high school
67 and submits scores from a nationally standardized norm-
68 referenced achievement test, advanced placement examination,
69 international baccalaureate examination, or any exam related
70 to college or university admission purchased with Missouri
71 empowerment scholarship account funds to the department or
72 to the educational assistance organization assigned to
73 administer the student's scholarship account.

74 3. A signed agreement under this section shall satisfy
75 the compulsory school attendance requirements of section
76 167.031.

77 4. A qualified school or a provider of services
78 purchased under this section shall not share, refund, or
79 rebate any Missouri empowerment scholarship account moneys
80 with the parent or qualified student in any manner.

81 5. If a qualified student withdraws from the program
82 by enrolling in a school other than a qualified school, or
83 is disqualified from the program under the provisions of
84 section 166.710, the qualified student's Missouri
85 empowerment scholarship account shall be closed and any
86 remaining funds shall be returned to the Missouri
87 empowerment scholarship accounts program fund established
88 under section 135.715. Under such circumstances, the
89 obligation to provide an education for such student shall
90 transfer back to the student's district of residence.

91 6. Any funds remaining in a qualified student's
92 scholarship account at the end of a school year shall remain
93 in the account. Any funds remaining in a qualified
94 student's scholarship account upon graduation from a
95 qualified school shall be returned to the Missouri
96 empowerment scholarship accounts program fund.

97 7. Moneys received under sections 135.712 to 135.719
98 and 166.700 to 166.725 shall not constitute Missouri taxable
99 income to the parent to the qualified student.

166.710. 1. Beginning in the 2023-2024 school year,
2 the state treasurer shall conduct or contract for annual
3 audits of empowerment scholarship accounts to ensure
4 compliance with the requirements of subsection 1 of section
5 166.705. The treasurer shall also conduct or contract for
6 random, quarterly, and annual audits of empowerment
7 scholarship accounts as needed to ensure compliance with the
8 requirements of subsection 1 of section 166.705.

9 2. A parent or qualified student or vendor may be
10 disqualified from program participation if the treasurer
11 finds the party has committed an intentional program
12 violation consisting of any misrepresentation or other act
13 that materially violates any law or rule governing the
14 program. The treasurer may remove any parent or qualified
15 student from eligibility for a Missouri empowerment
16 scholarship program account. A parent may appeal the
17 treasurer's decision to the administrative hearing
18 commission. A parent may appeal the administrative hearing
19 commission's decision to the circuit court of the county in
20 which the student resides.

21 3. The state treasurer may refer cases of substantial
22 misuse of moneys to the attorney general for investigation
23 if the state treasurer obtains evidence of fraudulent use of
24 an account.

25 4. The state treasurer shall promulgate the following
26 rules to implement and administer the Missouri empowerment
27 scholarship accounts program:

28 (1) Rules for conducting examinations of use of
29 account funds;

30 (2) Rules for conducting random, quarterly, and annual
31 reviews of accounts;

32 (3) Creating an online anonymous fraud reporting
33 service; and

34 (4) Creating an anonymous telephone hotline for fraud
35 reporting.

36 5. Any rule or portion of a rule, as that term is
37 defined in section 536.010, that is created under the
38 authority delegated in this section shall become effective
39 only if it complies with and is subject to all of the
40 provisions of chapter 536 and, if applicable, section
41 536.028. This section and chapter 536 are nonseverable and
42 if any of the powers vested with the general assembly
43 pursuant to chapter 536 to review, to delay the effective
44 date, or to disapprove and annul a rule are subsequently
45 held unconstitutional, then the grant of rulemaking
46 authority and any rule proposed or adopted after August 28,
47 2021, shall be invalid and void.

166.715. 1. A person commits a class A misdemeanor if
2 he or she is found to have knowingly used moneys granted
3 under section 135.714 for purposes other than those provided
4 for in sections 166.700 to 166.725.

5 2. No financial institution shall be liable in any
6 civil action for providing a savings account's financial
7 information to the state treasurer unless the information
8 provided is false and the financial institution providing
9 the false information does so knowingly and with malice.

166.720. 1. Sections 166.700 to 166.725 do not permit
2 any governmental agency to exercise control or supervision
3 over any qualified school in which a qualified student
4 enrolls other than a qualified school that is a public
5 school.

6 2. A qualified school, other than a qualified school
7 that is a public school, that accepts a payment from a
8 parent under sections 166.700 to 166.725 shall not be
9 considered an agent of the state or federal government.

10 3. A qualified school shall not be required to alter
11 its creed, practices, admissions policy, or curriculum in
12 order to accept students whose parents pay tuition or fees
13 from an empowerment scholarship account to participate as a
14 qualified school.

15 4. In any legal proceeding challenging the application
16 of sections 166.700 to 166.725 to a qualified school, the
17 state shall bear the burden of establishing that the law is
18 necessary and does not impose any undue burden on qualified
19 schools.

166.725. All personally identifiable information
2 concerning eligible students and the parents of eligible
3 students within the Missouri empowerment scholarship
4 accounts program pursuant to sections 135.712 to 135.719 and
5 sections 166.700 to 166.725 shall be confidential, and any
6 disclosure of such information shall be restricted to
7 purposes directly connected with administration of the
8 program.

 167.263. 1. A program to provide teacher assistants
2 in regular classrooms in grades kindergarten through three
3 is established. For the purposes of this section a "teacher
4 assistant" is defined as a qualified person employed by a
5 school district to assist a certificated teacher in
6 classroom instruction and management. No teacher assistant
7 shall be counted as a teacher for the purposes of
8 establishing ratios of teachers to pupils in a classroom,
9 school or school district. Any public elementary school
10 containing such grades which meets the criteria pursuant to
11 this section shall be eligible for a state financial

12 supplement to employ teacher assistants. Eligibility
13 criteria are that the school shall have a breakfast program,
14 the school shall serve at least forty percent of its lunches
15 to pupils who are eligible for free or reduced price meals
16 according to federal guidelines, and the school shall have a
17 reading [intervention] success plan for any student who
18 requires such a plan pursuant to section 167.268.

19 2. A school district which contains such eligible
20 schools may apply to the department of elementary and
21 secondary education for a state financial supplement to
22 employ teacher assistants in those schools named in the
23 application and in no other schools of the district. The
24 state full-time equivalent financial supplement shall be
25 three thousand dollars per teacher assistant. No more than
26 one assistant per classroom shall be supplemented by the
27 state pursuant to this section. Teacher assistants thus
28 employed pursuant to this section shall assist teachers in
29 grades kindergarten through three and in no other grades.
30 School districts shall not apply for or assign teacher
31 assistants employed pursuant to this section in classrooms
32 designated as special education or compensatory education
33 classrooms.

34 3. The state board of education shall promulgate rules
35 and regulations for the implementation of this section.
36 Such rules shall include identifying minimum qualifications
37 for teacher assistants which may include teacher education
38 students, determining the minimum number of pupils per
39 classroom to be eligible for a teacher assistant,
40 establishing application procedures for school districts,
41 and determining a method of awarding state financial
42 supplements in the event that the number of applications
43 exceeds the amounts appropriated therefor. No rule or
44 portion of a rule promulgated under the authority of this

chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

167.268. 1. The state board of education, in collaboration with the coordinating board for higher education and the literacy advisory council established pursuant to section 186.080, shall develop a plan to establish a comprehensive system of services for reading instruction.

2. Each local school district and charter school shall have on file a policy for reading [intervention] success plans for any pupils of the district or charter school in grades kindergarten through [three] four pursuant to the provisions of this section. Such plans shall identify strategies to be followed by the district or charter school teachers to raise a pupil identified as reading below grade level by recognized methods to reading at grade level by the end of the [third] fourth grade. Recognized methods of identification may include but need not be limited to the scores of the pupil obtained through any established standardized testing program currently administered by the district or charter school, observations of classroom teachers, and documented classroom performance. The local policy shall be aligned with the guidelines developed by the department of elementary and secondary education for reading success plans.

[2.] 3. The [state board of] department of elementary and secondary education shall develop guidelines to assist districts and charter schools in formulating policies for reading [intervention] success plans. Such guidelines may include, but are not limited to, measures of reading proficiency, strategies for addressing reading deficiencies and disorders, timelines for measuring pupil improvement in reading[,] and information on screening for and treatment of

[auditory] dyslexia[, and information on the Lindamood Auditory Conceptualization Test and the Auditory Discrimination in Depth Program] and other reading deficiencies. In addition, any guidelines for instruction shall meet the needs of the students by ensuring that instruction is explicit, systematic, and diagnostic and based on phonological awareness, phonics, fluency, vocabulary, comprehension, morphology, syntax, and semantics. Such guidelines may also identify performance levels for pupils identified as handicapped or severely handicapped and conditions under which such pupils [are] may be exempt from the provisions of this section.

[3.] 4. Each local school district [enrolling a pupil identified as reading below grade level shall develop an individual plan of reading intervention for such pupil. The individual pupil's plan may include individual or group reading development activities. The plan may be developed after consultation with the pupil's parent or legal guardian] and charter school shall provide supplemental reading instruction under a reading success plan created pursuant to section 167.645 to any enrolled student who exhibits a reading deficiency.

167.645. 1. For purposes of this section, the following terms mean:

(1) "Dyslexia", the same meaning given to the term in section 633.420;

(2) "Evidence-based reading instruction", any research-validated program that has successful evidence to demonstrate adequate gains in reading achievement where such evidence is:

(a) Objective data that any evaluator would identify and interpret similarly;

11 (b) Valid and reliable data on the tasks children need
12 to accomplish to be successful readers that will remain
13 essentially unchanged if collected on a different day or by
14 a different person;

15 (c) Systematic data that is collected according to a
16 rigorous design of either observation or experimentation; and

17 (d) Peer-reviewed data that has been approved for
18 publication by a panel of independent reviewers;

19 (3) "Reading assessment", a recognized method of
20 judging a student's reading ability, with results expressed
21 as reading at a particular grade level. The term reading
22 assessment shall include, but is not limited to, standard
23 checklists designed for use as a student reads out loud,
24 paper-and-pencil tests promulgated by nationally recognized
25 organizations and other recognized methods of determining a
26 student's reading accuracy, expression, fluency and
27 comprehension in order to make a determination of the
28 student's grade-level reading ability. Assessments [which]
29 that do not give a grade-level result may be used in
30 combination with other assessments to reach a grade-level
31 determination. Districts and charter schools are encouraged
32 but not required to select assessment methods identified
33 pursuant to section 167.346. Districts and charter schools
34 are [also] encouraged to use multiple methods of assessment;

35 [(2)] (4) "Structured literacy", an evidence-based
36 reading instruction that addresses phonology, sound-symbol
37 association, syllable instruction, morphology, syntax, and
38 semantics when such instruction is taught through
39 systematic, cumulative, explicit, and diagnostic methods;

40 (5) "Summer school", for reading instruction purposes,
41 a minimum of forty hours of reading instruction and
42 practice. A school district or charter school may arrange

the hours and days of instruction to coordinate with its regular program of summer school.

2. For purposes of this section, methods of reading assessment shall be determined by each school district and charter school. Each school district and charter school shall provide training on the administration of reading assessments to all kindergarten through fifth grade teachers and any other personnel who provide literacy instruction.

Unless a student has been determined in the [current] previous school year to be reading at grade level or above, each school district and charter school shall administer a reading assessment or set of assessments to each student within [forty-five days of the end of the third-grade year] the first thirty calendar days of school for grades one through four, and by January thirty-first for kindergarten, except that the provisions of this subsection shall not apply to students receiving special education services under an individualized education plan pursuant to sections 162.670 to 162.999, to students receiving services pursuant to Section 504 of the Rehabilitation Act of 1973 whose services plan includes an element addressing reading or to students determined to have limited English proficiency or to students who have been determined, prior to the beginning of any school year, to have a cognitive ability insufficient to meet the reading requirement set out in this section, provided that districts and charter schools shall provide reading [improvement] success plans for students with an individualized education plan that have a reading deficiency, for students receiving services under Section 504 of the Rehabilitation Act of 1973 whose service plan includes an element addressing reading, and to students determined to have such insufficient cognitive ability. The assessment required by this subsection shall also be

76 required for students who enter a school district or charter
77 school in grades four, five, or six unless such student has
78 been determined in the current school year to be reading at
79 grade level or above.

80 3. [Beginning with school year 2002-03, for each
81 student whose third-grade reading assessment determines that
82 such student is reading below second-grade level, the school
83 district shall design a reading improvement plan for the
84 student's fourth-grade year. Such reading improvement plan
85 shall include, at a minimum, thirty hours of additional
86 reading instruction or practice outside the regular school
87 day during the fourth-grade year.]

88 (1) School districts and charter schools shall offer a
89 reading success plan to each student in grades kindergarten
90 through four who exhibits a reading deficiency, has been
91 identified as being at risk for dyslexia in the statewide
92 dyslexia screening requirement, or has a formal diagnosis of
93 dyslexia to ensure students can read at or above grade level
94 by the end of the fourth grade. The reading success plan
95 shall be provided in addition to core reading instruction
96 that is provided to all students in the general education
97 classroom. The reading success plan shall:

98 (a) Include, at a minimum, thirty hours of additional
99 reading instruction or practice outside the regular school
100 day during the fourth-grade year;

101 (b) Be provided to all students in grades kindergarten
102 through four identified with a reading deficiency as
103 determined by the school district or charter school using
104 local or statewide screening assessments administered within
105 the first thirty days of school for grades one through four,
106 and by January thirty-first for kindergarten;

107 (c) Provide explicit and systematic multisensory
108 instruction in phonological awareness, phonics, fluency,
109 vocabulary, and comprehension as applicable to each student;

110 (d) Monitor the reading progress of each student's
111 reading skills throughout the school year and adjust
112 instruction according to the student's needs; and

113 (e) Be implemented during regular school hours.

114 (2) A structured literacy reading program shall be
115 provided to any student with a formal diagnosis of dyslexia
116 or for a student who was found to be at risk for dyslexia in
117 the statewide dyslexia screening.

118 (3) If a student who is provided a reading success
119 plan is determined to not be reading at or above grade level
120 by the end of second grade, the student shall receive
121 structured literacy instruction as well as additional
122 support and services including but not limited to:

123 (a) Frequent, targeted reading intervention based on
124 the student's needs and provided in a small-group or one-on-
125 one setting;

126 (b) Frequent monitoring of the student's reading
127 skills throughout the school year; and

128 (c) Adjustment of the structured literacy instruction
129 and reading interventions according to the student's needs.

130 (4) For students in grades six through twelve, school
131 districts and charter schools shall continue to address the
132 reading deficiencies of any student for whom the deficiency
133 creates a barrier to success in school.

134 4. A reading success plan shall be created for a
135 student within forty-five days following the identification
136 of a reading deficiency by such student's teacher and other
137 pertinent school personnel, after consultation with the
138 student's parent or legal guardian, and shall describe the
139 evidence-based reading intervention services the student

140 shall receive to remedy the deficiency. The reading success
141 plan shall specify whether the student was found to be at
142 risk for dyslexia in the local or statewide dyslexia
143 screening requirement or whether the student has a formal
144 diagnosis of dyslexia. Each student shall receive
145 appropriate reading intervention until the student no longer
146 has a deficiency in reading.

147 5. The school district or charter school shall
148 determine the [method of reading instruction] specific
149 structured literacy curriculum necessary to enforce this
150 subsection. The school district or charter school may also
151 require the student to attend summer school for reading
152 instruction as a condition of promotion to fourth grade.
153 The department of elementary and secondary education may,
154 from funds appropriated for the purpose, reimburse school
155 districts and charter schools for additional instructional
156 personnel costs incurred in the implementation and execution
157 of the thirty hours of additional reading instruction minus
158 the revenue generated by the school district or charter
159 school through the foundation formula for the additional
160 reading instruction average daily attendance.

161 [4.] 6. Each student for whom a reading [improvement]
162 success plan has been designed pursuant to subsection 3 of
163 this section shall be given another reading assessment, to
164 be administered within forty-five days of the end of such
165 student's fourth-grade year. If such student is determined
166 to be reading below third-grade level at the end of the
167 third grade, the student shall be [required to attend summer
168 school to receive reading instruction. At the end of such
169 summer school instruction, such student shall be given
170 another reading assessment. If such student is determined
171 to be reading below third-grade level, the district shall
172 notify the student's parents or guardians, and the student

shall not be promoted to fifth grade. No student shall be denied promotion more than once solely for inability to meet the reading standards set out in this section.

5. The process described in subsections 3 and 4 of this section shall be repeated as necessary through the end of the sixth grade, with the target grade level rising accordingly. Mandatory retention in grade shall not apply to grades subsequent to fourth grade] referred for an evaluation for an individualized education plan (IEP) and the district shall provide appropriate intensive structured literacy instruction on a one-to-one individualized basis. If the student does not qualify for an IEP under the state guidelines for qualification, the student shall continue to receive appropriate intensive structured literacy instruction on a one-to-one individualized basis until the student is reading at grade level.

[6. The mandatory process of additional reading instruction pursuant to this section shall cease at the end of the sixth grade. The permanent record of students who are determined to be reading below the fifth-grade level at the end of sixth grade shall carry a notation advising that such student has not met minimal reading standards. The notation shall stay on the student's record until such time as the district determines that a student has met minimal reading standards].

7. Each school district and charter school shall be required to offer summer school reading instruction to any student with a reading [improvement] success plan. Districts and charter schools may fulfill the requirement of this section through cooperative arrangements with neighboring districts[; provided that such districts shall timely make all payments provided pursuant to such cooperative agreements].

206 8. A school district or charter school may adopt a
207 policy that requires retention in grade of any student who
208 has been determined to require summer school instruction in
209 reading and who does not fulfill the summer school
210 attendance requirement.

211 9. Nothing in this section shall preclude a school
212 district or charter school from retaining any student in
213 grade when a determination is made in accordance with
214 district or charter school policy that retention is in the
215 best interests of the student.

216 10. The state board of education shall not incorporate
217 information about the number of students receiving
218 additional instruction pursuant to this section into any
219 element of any standard of the Missouri school improvement
220 program or its successor accreditation program; provided,
221 however, each district or charter school shall make
222 available, upon the request of any parent, patron, advocacy
223 group, or media outlet [within the district], the number and
224 percentage of students receiving remediation pursuant to
225 this section. The information shall be presented in a way
226 that does not permit personal identification of any student
227 or educational personnel.

228 11. Each school district and charter school shall make
229 a systematic effort to inform parents of the methods and
230 materials used to teach reading in kindergarten through
231 [fourth] fifth grade, in terms understandable to a layperson
232 [and shall similarly inform parents of students for whom a
233 reading improvement plan is required pursuant to this
234 section]. The parent or legal guardian of any student in
235 kindergarten through the fifth grade who exhibits a
236 deficiency in reading or has screened positive for the
237 characteristics of dyslexia at any time during the school
238 year, as determined by the school, shall be notified in

239 writing that the child has a reading deficiency or has
240 screened positive for the characteristics of dyslexia no
241 later than thirty calendar days after the identification of
242 the reading deficiency as determined by the school district
243 or charter school. Such written notification shall include
244 the following:

245 (1) A statement that the student has been identified
246 as having a deficiency in reading or has screened positive
247 for the characteristics of dyslexia and that a reading
248 success plan shall be developed by the teacher and other
249 pertinent school personnel;

250 (2) A description of the current services that are
251 provided to the student;

252 (3) A description of the proposed evidence-based
253 interventions and supplemental instructional services and
254 supports that shall be provided to the student that are
255 designed to remedy the identified area or areas of reading
256 deficiency;

257 (4) A statement that the parent or legal guardian
258 shall be informed in writing of the student's progress
259 toward grade-level reading on a quarterly basis, at a
260 minimum; and

261 (5) Strategies that a parent or legal guardian should
262 use at home to help the student succeed in reading.

263 12. The department of elementary and secondary
264 education may promulgate rules to implement the provisions
265 of this section. Any rule or portion of a rule, as that
266 term is defined in section 536.010, that is created under
267 the authority delegated in this section shall become
268 effective only if it complies with and is subject to all of
269 the provisions of chapter 536 and, if applicable, section
270 536.028. This section and chapter 536 are nonseverable, and
271 if any of the powers vested with the general assembly

272 pursuant to chapter 536 to review, to delay the effective
273 date, or to disapprove and annul a rule are subsequently
274 held unconstitutional, then the grant of rulemaking
275 authority and any rule proposed or adopted after August 28,
276 2021, shall be invalid and void.

167.790. 1. In order to receive funds under section
2 163.031, no school district shall be a member of, or remit
3 any funds to, any statewide activities association that:

4 (1) Prohibits a student who is receiving instruction
5 at a home school as defined in section 167.031, from the
6 opportunity to participate in any event or activity offered
7 by the school district or an attendance center of the school
8 district in which the student resides and where the
9 statewide activities association exercises authority, rules,
10 or guidelines for participating in such events or activities
11 for any reason relating to such student's home instruction;
12 or

13 (2) Requires a student who is receiving instruction at
14 a home school as defined in section 167.031 to attend the
15 public school of residence for any portion of a school day
16 in order to participate in any event or activity offered by
17 the school district or an attendance center of the school
18 district in which the student resides where the statewide
19 activities association exercises authority, rules, or
20 guidelines for participating in such events or activities.
21 This subdivision shall not be construed as applying to seat
22 time or the number of classes taken or required unless a
23 specific class is required for the participation and is
24 directly related to the participation in an association
25 activity or in a club, extracurricular activity, or sport.

26 2. The department of elementary and secondary
27 education shall withhold payments under section 163.031 for
28 any district in violation of this section. The department

29 shall release any withheld funds under this section upon the
30 district providing satisfactory proof to the state board of
31 education that the school district has ceased membership in
32 the association and has ceased remission of any funds to
33 said association.

34 3. A statewide activities association shall not
35 prohibit or restrict any school district which is a member
36 of such association from participating in any events
37 sanctioned, authorized, or regulated by such association
38 with any school that is not a member of the association.

171.033. 1. "Inclement weather", for purposes of this
2 section, shall be defined as ice, snow, extreme cold,
3 excessive heat, flooding, or a tornado.

4 2. (1) A district shall be required to make up the
5 first six days of school lost or cancelled due to inclement
6 weather and half the number of days lost or cancelled in
7 excess of six days if the makeup of the days is necessary to
8 ensure that the district's students will attend a minimum of
9 one hundred forty-two days and a minimum of one thousand
10 forty-four hours for the school year except as otherwise
11 provided in this section. Schools with a four-day school
12 week may schedule such make-up days on Fridays.

13 (2) Notwithstanding subdivision (1) of this
14 subsection, in school year 2019-20 and subsequent years, a
15 district shall be required to make up the first thirty-six
16 hours of school lost or cancelled due to inclement weather
17 and half the number of hours lost or cancelled in excess of
18 thirty-six if the makeup of the hours is necessary to ensure
19 that the district's students attend a minimum of one
20 thousand forty-four hours for the school year, except as
21 otherwise provided under subsections 3 and 4 of this section.

22 3. (1) In the 2009-10 school year and subsequent
23 years, a school district may be exempt from the requirement

24 to make up days of school lost or cancelled due to inclement
25 weather in the school district when the school district has
26 made up the six days required under subsection 2 of this
27 section and half the number of additional lost or cancelled
28 days up to eight days, resulting in no more than ten total
29 make-up days required by this section.

30 (2) In school year 2019-20 and subsequent years, a
31 school district may be exempt from the requirement to make
32 up school lost or cancelled due to inclement weather in the
33 school district when the school district has made up the
34 thirty-six hours required under subsection 2 of this section
35 and half the number of additional lost or cancelled hours up
36 to forty-eight, resulting in no more than sixty total make-
37 up hours required by this section.

38 4. The commissioner of education may provide, for any
39 school district that cannot meet the minimum school calendar
40 requirement of at least one hundred seventy-four days for
41 schools with a five-day school week or one hundred forty-two
42 days for schools with a four-day school week and one
43 thousand forty-four hours of actual pupil attendance or, in
44 school year 2019-20 and subsequent years, one thousand forty-
45 four hours of actual pupil attendance, upon request, a
46 waiver to be excused from such requirement. This waiver
47 shall be requested from the commissioner of education and
48 may be granted if the school was closed due to circumstances
49 beyond school district control, including inclement weather
50 or fire.

51 5. (1) Except as otherwise provided in this
52 subsection, in school year 2020-21 and subsequent years, a
53 district shall not be required to make up any hours of
54 school lost or cancelled due to exceptional or emergency
55 circumstances during a school year if the district has an
56 alternative methods of instruction plan approved by the

department of elementary and secondary education for such school year. Exceptional or emergency circumstances shall include, but not be limited to, inclement weather, a utility outage, or an outbreak of a contagious disease. The department of elementary and secondary education shall not approve any such plan unless the district demonstrates that the plan will not negatively impact teaching and learning in the district.

(2) If school is closed due to exceptional or emergency circumstances and the district has an approved alternative methods of instruction plan, the district shall notify students and parents on each day of the closure whether the alternative methods of instruction plan is to be implemented for that day. If the plan is to be implemented on any day of the closure, the district shall ensure that each student receives assignments for that day in hard copy form or receives instruction through virtual learning or another method of instruction.

(3) A district with an approved alternative methods of instruction plan shall not use alternative methods of instruction as provided for in the plan for more than thirty-six hours during a school year. A district that has used such alternative methods of instruction for thirty-six hours during a school year shall be required, notwithstanding subsections 2 and 3 of this section, to make up any subsequent hours of school lost or cancelled due to exceptional or emergency circumstances during such school year.

(4) The department of elementary and secondary education shall give districts with approved alternative methods of instruction plans credit for the hours in which they use alternative methods of instruction by considering such hours as hours in which school was actually in session.

(5) Any district wishing to use alternative methods of instruction under this subsection shall submit an application to the department of elementary and secondary education. The application shall describe:

(a) The manner in which the district intends to strengthen and reinforce instructional content while supporting student learning outside the classroom environment;

(b) The process the district intends to use to communicate to students and parents the decision to implement alternative methods of instruction on any day of a closure;

(c) The manner in which the district intends to communicate the purpose and expectations for a day in which alternative methods of instruction will be implemented to students and parents;

(d) The assignments and materials to be used within the district for days in which alternative methods of instruction will be implemented to effectively facilitate teaching and support learning for the benefit of the students;

(e) The manner in which student attendance will be determined for a day in which alternative methods of instruction will be implemented. The method chosen shall be linked to completion of lessons and activities;

(f) The instructional methods, which shall include instruction through electronic means and instruction through other means for students who have no access to internet services or a computer;

(g) Instructional plans for students with individualized education programs; and

(h) The role and responsibility of certified personnel to be available to communicate with students.

123 6. For the 2018-19 school year, a district shall be
124 exempt from the requirements of subsections 2 and 3 of this
125 section, and only be required to make up the first six days
126 of school lost or cancelled due to inclement weather.

127 7. Notwithstanding the provisions of this section or
128 section 171.031 to the contrary, in school year 2021-2022
129 and subsequent years, no school district shall be granted a
130 waiver of or exemption from any requirement for such
131 district or any attendance center in such district to
132 provide in-person instruction or to make up lost or
133 cancelled days of school, and the department of elementary
134 and secondary education shall not approve or waive any
135 requirement for an alternative methods of instruction plan
136 pursuant to subsection 5 of this section for such district
137 or attendance center, based on the COVID-19 pandemic unless
138 such district demonstrates to the department:

139 (1) That the school district offers in-person
140 instruction for at least four days per week as an option to
141 all students who are not otherwise exempt from in-person
142 instruction; or

143 (2) That the school district or attendance center has
144 a specific need to temporarily suspend all in-person
145 instruction based on district-specific or attendance center-
146 specific data, including:

147 (a) The number of school personnel, including
148 teachers, administrators, food service workers, bus drivers,
149 and custodial staff, currently in quarantine due to COVID-19
150 exposure or infection; and

151 (b) The availability of substitute teachers and other
152 substitute personnel required to meet the day-to-day needs
153 of the school district or attendance center.

154 8. For purposes of subsection 7 of this section,
155 "COVID-19" shall mean any disease, health condition, or

156 threat of harm caused by the severe acute respiratory
157 syndrome coronavirus 2 or a virus mutating therefrom.

186.080. 1. There is hereby established within the
2 department of elementary and secondary education the
3 "Literacy Advisory Council", which shall be composed of at
4 least twelve and no more than twenty members to be appointed
5 by the commissioner of education. The members of the
6 council shall include at least:

7 (1) One public school board member;
8 (2) One charter school representative;
9 (3) One public school district superintendent;
10 (4) One elementary or secondary school principal;
11 (5) Two teachers with expertise in reading
12 instruction, each of whom has been certified by the Center
13 for Effective Reading Instruction or has completed all
14 levels of the Language Essentials for Teachers of Reading
15 and Spelling training program;

16 (6) One special education teacher;
17 (7) One parent of an elementary or secondary school
18 student who has been diagnosed with dyslexia;

19 (8) One representative from Decoding Dyslexia Missouri;
20 (9) One representative from an institution of
21 postsecondary education which offers approved teacher
22 preparation programs;

23 (10) One representative from an independent private
24 provider or nonprofit organization serving individuals with
25 dyslexia;

26 (11) One representative from the Missouri branch of
27 the International Dyslexia Association;

28 (12) One certified academic language therapist
29 recommended by the Academic Language Therapy Association who
30 is a resident of this state;

31 (13) One professional with experience diagnosing
32 dyslexia, such as a school psychologist or
33 neuropsychologist, who is licensed under chapter 337; and

34 (14) One dyslexia specialist from the department of
35 elementary and secondary education.

36 2. The advisory council shall meet biannually to
37 review best practices in literacy instruction and related
38 policies.

39 3. The advisory council shall periodically provide
40 recommendations to the commissioner and the state board of
41 education regarding any identified improvements to literacy
42 instruction and policy for elementary and secondary
43 students. The recommendations may include recommendations
44 for changes to state law, and the commissioner shall furnish
45 any such recommendations to the joint committee on education.