

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, 162.720, 163.011, 163.023, 167.263, 167.268, 167.645, and 171.033, RSMo, and to enact in lieu thereof thirty-one new sections relating to elementary and secondary education, with penalty provisions and a contingent effective date for certain sections.

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160.518, 160.545, 161.092, 161.097, 162.720, 163.011, 163.023, 167.263, 167.268, 167.645, and 171.033, RSMo, are repealed and thirty-one new sections enacted in lieu thereof, to be known as sections 135.712, 135.713, 135.714, 135.715, 135.716, 135.719, 160.400, 160.415, 160.422,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, 162.084, 162.720, 163.011, 163.023, 166.700, 166.705, 166.710, 166.715, 166.720, 166.725, 167.263, 167.268, 167.645, 167.790, 170.341, 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:

(1) "Board", the Missouri empowerment scholarship board;

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

11 (3) "District" or "school district", the same meaning
12 as used in section 160.011;

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

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

26 (6) "Program", the Missouri empowerment scholarship
27 accounts program established under sections 135.712 to
28 135.719 and sections 166.700 to 166.725;

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

31 (8) "Qualifying contribution", a donation of cash, as
32 defined in regulations for the Missouri education savings
33 program pursuant to sections 166.400 to 166.456, for
34 purposes of claiming a tax credit under sections 135.712 to
35 135.719;

36 (9) "Scholarship account", a savings account created
37 by the Missouri empowerment scholarship accounts program
38 authorized by sections 166.700 to 166.725;

39 (10) "Taxpayer", an individual subject to the state
40 income tax imposed in chapter 143; an individual, a firm, a
41 partner in a firm, corporation, or a shareholder in an S

42 corporation doing business in this state and subject to the
43 state income tax imposed by chapter 143; or an express
44 company that pays an annual tax on its gross receipts in
45 this state under chapter 153, which files a Missouri income
46 tax return and is not a dependent of any other taxpayer.

47 3. There is hereby established the "Missouri
48 Empowerment Scholarship Board". The board shall administer
49 the Missouri empowerment scholarship program. The board
50 shall consist of the Missouri state treasurer, who shall
51 serve as chairman of the board; the commissioner of the
52 office of administration; the department of elementary and
53 secondary education nonpublic ombudsman; the director of the
54 department of revenue; and three residents of the state, one
55 of whom shall be selected by the president pro tempore of
56 the senate, one of whom shall be selected by the speaker of
57 the house of representatives, and one of whom shall be
58 appointed by the governor with the advice and consent of the
59 senate. The three appointed members shall be appointed to
60 serve for terms of four years from the date of appointment,
61 or until their successors shall have been appointed and
62 shall have qualified; provided that, for the initial
63 appointments to the board, the member selected by the
64 president pro tempore of the senate shall serve for a term
65 of one year, the member selected by the speaker of the house
66 of representatives shall serve for a term of two years, and
67 the member appointed by the governor shall serve for a term
68 of three years. The members of the board shall be subject
69 to the conflict of interest provisions of section 105.452.
70 Any member who violates the conflict of interest provisions
71 shall be removed from the board. In order to establish and
72 administer the scholarship program, the board, in addition
73 to its other powers and authority, shall have the power and
74 authority to:

75 (1) Develop and implement the Missouri empowerment
76 scholarship accounts program and, notwithstanding any
77 provision of sections 135.712 to 135.719 to the contrary,
78 the services consistent with the purposes and objectives of
79 sections 166.700 to 166.725;

80 (2) Promulgate reasonable rules and regulations and
81 establish policies and procedures to implement sections
82 135.712 to 135.719 and sections 166.700 to 166.725, to
83 ensure the scholarship program's compliance with all
84 applicable laws;

85 (3) Develop and implement educational programs and
86 related informational materials for participants and their
87 families, either directly or through a contractual
88 arrangement;

89 (4) Enter into agreements with any financial
90 institution, the state, or any federal or other agency or
91 entity as required for the operation of the scholarship
92 program pursuant to sections 135.712 to 135.719 and sections
93 166.700 to 166.725;

94 (5) Accept any grants, gifts, legislative
95 appropriations, and other moneys from the state; any unit of
96 federal, state, or local government; or any other person,
97 firm, partnership, or corporation for deposit to the
98 Missouri empowerment scholarship accounts program fund;

99 (6) Make appropriate payments and distributions on
100 behalf of qualified students;

101 (7) Make provisions for the payment of costs of
102 administration and operation of the scholarship program;

103 (8) Effectuate and carry out all the powers granted by
104 sections 135.712 to 135.719 and sections 166.700 to 166.725,
105 and have all other powers necessary to carry out and
106 effectuate the purposes, objectives, and provisions of

sections 135.712 to 135.719 and sections 166.700 to 166.725
pertaining to the scholarship program; and

(9) Procure insurance, guarantees, or other
protections against any loss in connection with the assets
or activities of the scholarship program.

4. Any member of the board may designate a proxy for
that member who will enjoy the full voting privileges of
that member for one meeting so specified by that member. No
more than three proxies shall be considered members of the
board for the purpose of establishing a quorum.

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

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

135.713. 1. On or after August 28, 2021, any taxpayer
who makes a qualifying contribution to the Missouri
empowerment scholarship accounts program fund established
under section 135.715, may claim a credit against the tax
otherwise due under chapter 143, other than taxes withheld
under sections 143.191 to 143.265, and chapter 153, in an
amount equal to the amount the taxpayer contributed during
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.

14 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.

23 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. For each subsequent year, the amount of
27 tax credits available shall equal the amount available in
28 the previous year, provided that, in any fiscal year in
29 which the amount appropriated for pupil transportation under
30 section 163.161 increases from such amount appropriated for
31 the previous fiscal year, the amount of tax credits
32 available under this section shall increase by the same
33 percentage as the percentage increase in the amount
34 appropriated for pupil transportation under section 163.161.

135.714. 1. The board may certify and contract with
2 educational assistance organizations to administer
3 scholarship accounts authorized by sections 166.700 to
4 166.725.

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

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

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

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

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

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

32 (6) Conduct an annual satisfaction survey for parents
33 of qualified students with scholarship accounts. The annual
34 satisfaction survey shall ask parents of scholarship
35 students to express:

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

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

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

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

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

50 3. Each educational assistance organization shall:

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

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

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

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

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

70 (6) Provide to the board the results from the annual
71 parental satisfaction survey administered pursuant to
72 subdivision (6) of subsection 2 of this section, including

information about the number of years that the parent's child has participated in the scholarship program;

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

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

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

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

4. The board shall:

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

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

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

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

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

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 board related to the administration of sections 135.712 to
14 135.719 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.

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

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

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

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

28 (2) Educational outcomes of qualified students.

135.719. 1. The board may promulgate rules to
2 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 assets of the scholarship accounts program
15 shall at all times be preserved, invested, and expended only
16 for the purposes set forth in this section and in accordance
17 with the program provisions, and no property rights therein
18 shall exist in favor of the state.

19 3. The director of investment of the state treasurer's
20 office shall, on a semiannual basis, review the financial
21 status and the participation rate in the program. The
22 director of investment shall also review the continued
23 viability of the program and the administration of the
24 program by the board. The director of investment shall
25 report the findings annually to the board, which shall
26 subsequently disclose such findings at a public meeting.

27 4. Money accruing to and deposited in individual
28 scholarship accounts shall not be part of "total state
29 revenues" as defined in sections 17 and 18 of article X of
30 the Constitution of the state of Missouri and the
31 expenditure of such revenues shall not be an expense of
32 state government under section 20 of article X of the
33 Constitution of the state of Missouri.

34 5. The provisions of section 23.253 of the Missouri
35 sunset act shall not apply to sections 135.712 to 135.719
36 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
21 161.520 to 161.529, or on financial hardship as defined by
22 rule of the state board of education, shall be decided by a
23 vote of the state board of education during the third
24 consecutive school year after the designation of provisional
25 accreditation; and

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

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

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

35 (7) In a school district that has been accredited
36 without provisions, sponsored only by the local school
37 board; provided that no board with a current year enrollment
38 of one thousand five hundred fifty students or greater shall

39 permit more than thirty-five percent of its student
40 enrollment to enroll in charter schools sponsored by the
41 local board under the authority of this subdivision, except
42 that this restriction shall not apply to any school district
43 that subsequently becomes eligible under subdivision (3) or
44 (4) of this subsection or to any district accredited without
45 provisions that sponsors charter schools prior to having a
46 current year student enrollment of one thousand five hundred
47 fifty students or greater.

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

51 (1) The school board of the district in any district
52 which is sponsoring a charter school as of August 27, 2012,
53 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

primary campus in Missouri, and with an approved teacher preparation program;

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

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

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

(1) As a district transitions from unaccredited to provisionally accredited, the district shall continue to fall under the requirements for an unaccredited district until it achieves three consecutive full school years of provisional accreditation;

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

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

A charter school operating in a school district identified in subdivision (1) or (2) of subsection 2 of this section

may be sponsored by any of the entities identified in subsection 3 of this section, irrespective of the accreditation classification of the district in which it is located. A charter school in a district described in this subsection whose charter provides for the addition of grade levels in subsequent years may continue to add levels until the planned expansion is complete to the extent of grade levels in comparable schools of the district in which the charter school is operated.

5. The mayor of a city not within a county may request a sponsor under subdivision (2), (3), (4), (5), or (6) of subsection 3 of this section to consider sponsoring a "workplace charter school", which is defined for purposes of sections 160.400 to 160.425 as a charter school with the 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.

136 [9.] 7. A sponsor of a charter school, its agents and
137 employees are not liable for any acts or omissions of a
138 charter school that it sponsors, including acts or omissions
139 relating to the charter submitted by the charter school, the
140 operation of the charter school and the performance of the
141 charter school.

142 [10.] 8. A charter school may affiliate with a four-
143 year college or university, including a private college or
144 university, or a community college as otherwise specified in
145 subsection 3 of this section when its charter is granted by
146 a sponsor other than such college, university or community
147 college. Affiliation status recognizes a relationship
148 between the charter school and the college or university for
149 purposes of teacher training and staff development,
150 curriculum and assessment development, use of physical
151 facilities owned by or rented on behalf of the college or
152 university, and other similar purposes. A university,
153 college or community college may not charge or accept a fee
154 for affiliation status.

155 [11.] 9. The expenses associated with sponsorship of
156 charter schools shall be defrayed by the department of
157 elementary and secondary education retaining one and five-
158 tenths percent of the amount of state and local funding
159 allocated to the charter school under section 160.415, not
160 to exceed one hundred twenty-five thousand dollars, adjusted
161 for inflation. The department of elementary and secondary
162 education shall remit the retained funds for each charter
163 school to the school's sponsor, provided the sponsor remains
164 in good standing by fulfilling its sponsorship obligations
165 under sections 160.400 to 160.425 and 167.349 with regard to
166 each charter school it sponsors, including appropriate
167 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

201 that a criminal background check and family care safety
202 registry check are conducted for all members of the
203 governing board of the charter schools or the incorporators
204 of the charter school if initial directors are not named in
205 the articles of incorporation, nor shall a sponsor renew a
206 charter without ensuring a criminal background check and
207 family care safety registry check are conducted for each
208 member of the governing board of the charter school.

209 **[15.] 13.** No member of the governing board of a
210 charter school shall hold any office or employment from the
211 board or the charter school while serving as a member, nor
212 shall the member have any substantial interest, as defined
213 in section 105.450, in any entity employed by or contracting
214 with the board. No board member shall be an employee of a
215 company that provides substantial services to the charter
216 school. All members of the governing board of the charter
217 school shall be considered decision-making public servants
218 as defined in section 105.450 for the purposes of the
219 financial disclosure requirements contained in sections
220 105.483, 105.485, 105.487, and 105.489.

221 **[16.] 14.** A sponsor shall develop the policies and
222 procedures for:

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

231 (2) The granting of a charter;

232 (3) The performance contract that the sponsor will use
233 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.

[17.] 15. (1) A sponsor shall provide timely submission to the state board of education of all data necessary to demonstrate that the sponsor is in material compliance with all requirements of sections 160.400 to 160.425 and section 167.349. The state board of education shall ensure each sponsor is in compliance with all requirements under sections 160.400 to 160.425 and 167.349 for each charter school sponsored by any sponsor. The state board shall notify each sponsor of the standards for sponsorship of charter schools, delineating both what is mandated by statute and what best practices dictate. The state board shall evaluate sponsors to determine compliance with these standards every three years. The evaluation shall include a sponsor's policies and procedures in the areas of charter application approval; required charter agreement terms and content; sponsor performance evaluation

and compliance monitoring; and charter renewal, intervention, and revocation decisions. Nothing shall preclude the department from undertaking an evaluation at any time for cause.

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

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

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

[18.] 16. If a sponsor notifies a charter school of closure under subsection 8 of section 160.405, the department of elementary and secondary education shall exercise its financial withholding authority under

subsection 12 of section 160.415 to assure all obligations of the charter school shall be met. The state, charter sponsor, or resident district shall not be liable for any outstanding liability or obligations of the charter school.

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

63 state adequacy target, multiplied by the dollar value
64 modifier for the district, plus local tax revenues per
65 weighted average daily attendance from the incidental and
66 teachers funds in excess of the performance levy as defined
67 in section 163.011 plus all other state aid attributable to
68 such pupils. If a charter school declares itself as a local
69 educational agency, the department of elementary and
70 secondary education shall, upon notice of the declaration,
71 reduce the payment made to the school district by the amount
72 specified in this subsection and pay directly to the charter
73 school the annual amount reduced from the school district's
74 payment.

75 5. This subsection shall apply to all school years
76 ending on or before June 30, 2022. If a school district
77 fails to make timely payments of any amount for which it is
78 the disbursal agent, the state department of elementary and
79 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

statutory effort to allow the continued education of children in their current [public] charter school setting.

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

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

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

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

provide the special services pursuant to a contract with a school district or any provider of such services.

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

12. A charter school is authorized to incur debt in anticipation of receipt of funds. A charter school may also borrow to finance facilities and other capital items. A school district may incur bonded indebtedness or take other measures to provide for physical facilities and other capital items for charter schools that it sponsors or contracts with. Except as otherwise specifically provided 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;

(ii) Merchants' and manufacturers' tax revenues;

(iii) Financial institutions' tax revenues;

(iv) City sales tax revenue, including city sales tax collected in any city not within a county;

(v) Payments in lieu of taxes;

(vi) Revenues from state-assessed railroad and utilities tax; and

(vii) Any future aid; and

b. Shall not be construed to include:

(i) Charitable contributions, gifts, and grants made to school districts and charter schools;

(ii) Interest earnings of school districts and charter schools;

(iii) Student fees paid to school districts and 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

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

(5) (a) The school district shall withhold, from the total of all January local aid payments owed to the charter schools in the district, an annual administrative fee in an amount equal to two percent of the prior year's total funding of the school district, calculated as the school district's state aid plus the school district's local effort, as defined in section 163.011, and the prior year's total funding of the charter schools within the district. As used in this subdivision, "state aid" means the product 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 converting the local aid received from an accrual basis to a cash basis. Such report shall be made publicly available on its district website in a searchable format or as a downloadable and searchable document.

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

the underpayment amount to the charter school. In the event of an overpayment, the charter school shall remit the overpayment amount to the school district.

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

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

(8) If a prior year correction of the amount of local aid is necessary, the school district shall recalculate the amount owed to a charter school and either remit any underpayment amount to the charter school or provide a bill to the charter school for any overpayment amount. Any 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

357 rulemaking authority and any rule proposed or adopted after
358 August 28, 2021, shall be invalid and void.

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

7 2. Any city not within a county shall not impose,
8 enforce, or apply any deed restriction that expressly, or by
9 its operation, prohibits property sold, leased, or
10 transferred by the city not within a county from being used
11 for any lawful educational purpose by a charter school. Any
12 deed restriction or affirmative use deed restriction that
13 affirmatively allows for only one or more specified uses or
14 purposes that do not include any educational use or purpose
15 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.

5 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
14 four years. At the expiration of the term of each member,
15 the governor, by and with the advice and consent of the
16 senate, shall appoint a successor.

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

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

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

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

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

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

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

39 5. The commission shall annually elect a chairperson
40 and vice chairperson, who shall act as chairperson in his or
41 her absence. The commission shall meet at the call of the
42 chairperson. The chairperson may call meetings at such
43 times as he or she deems advisable and shall call a meeting
44 when requested to do so by three or more members of the
45 commission. Members of the commission are not eligible to
46 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,
27 world and American history, forms of government, geography
28 and science.

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

33 3.] The state board of education shall suggest, but not
34 mandate, criteria for a school to demonstrate that its
35 students learn the knowledge, skills and competencies at
36 exemplary levels worthy of imitation by students in other
37 schools in the state and nation. Exemplary levels shall be
38 measured by the statewide assessment system developed
39 pursuant to subsection 1 of this section, or until said
40 statewide assessment system is available, by indicators

41 approved for such use by the state board of education. The
42 provisions of other law to the contrary notwithstanding, the
43 commissioner of education may, upon request of the school
44 district, present a plan for the waiver of rules and
45 regulations to any such school, to be known as "Outstanding
46 Schools Waivers", consistent with the provisions of
47 subsection [4] 3 of this section.

48 [4.] 3. For any school that meets the criteria
49 established by the state board of education for three
50 successive school years pursuant to the provisions of
51 subsection [3] 2 of this section, by August first following
52 the third such school year, the commissioner of education
53 shall present a plan to the superintendent of the school
54 district in which such school is located for the waiver of
55 rules and regulations to promote flexibility in the
56 operations of the school and to enhance and encourage
57 efficiency in the delivery of instructional services. The
58 provisions of other law to the contrary notwithstanding, the
59 plan presented to the superintendent shall provide a summary
60 waiver, with no conditions, for the pupil testing
61 requirements pursuant to section 160.257, in the school.
62 Further, the provisions of other law to the contrary
63 notwithstanding, the plan shall detail a means for the
64 waiver of requirements otherwise imposed on the school
65 related to the authority of the state board of education to
66 classify school districts pursuant to subdivision (9) of
67 subsection 2 of section 161.092 and such other rules and
68 regulations as determined by the commissioner of education,
69 excepting such waivers shall be confined to the school and
70 not other schools in the district unless such other schools
71 meet the criteria established by the state board of
72 education consistent with subsection [3] 2 of this section
73 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 to public secondary schools that demonstrate a commitment to ensure that:

- (1) All students be graduated from school;
- (2) All students complete a selection of high school studies that is challenging and for which there are identified learning expectations; and
- (3) All students:
 - (a) Earn credits toward any type of college degree while in high school; or
 - (b) Proceed from high school graduation to a college or postsecondary vocational or technical school or high-wage 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
38 representatives, with the plan then approved by the local
39 board of education. The plan shall specify a mechanism to
40 receive information on an annual basis from those who
41 developed the plan in addition to senior citizens, community
42 leaders, and teachers to update the plan in order to best
43 meet the goals of the program as provided in subsection 1 of
44 this section. Further, the plan shall detail the procedures
45 used in the school to identify students that may drop out of
46 school and the intervention services to be used to meet the
47 needs of such students. The plan shall outline counseling
48 and mentoring services provided to students who will enter
49 the work force upon graduation from high school, address

50 apprenticeship and intern programs, and shall contain
51 procedures for the recruitment of volunteers from the
52 community of the school to serve in schools receiving
53 program grants.

54 3. Any nonpublic school in this state may apply to the
55 state board of education for certification that it meets the
56 requirements of this section subject to the same criteria as
57 public high schools. Every nonpublic school that applies
58 and has met the requirements of this section shall have its
59 students eligible for reimbursement of postsecondary
60 education under subsection 8 of this section on an equal
61 basis to students who graduate from public schools that meet
62 the requirements of this section. Any nonpublic school that
63 applies shall not be eligible for any grants under this
64 section. Students of certified nonpublic schools shall be
65 eligible for reimbursement of postsecondary education under
66 subsection 8 of this section so long as they meet the other
67 requirements of such subsection. For purposes of
68 subdivision (5) of subsection 2 of this section, the
69 nonpublic school shall be included in the partnership plan
70 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

the district to receive a grant under the program. However, no school in any district shall receive a grant under the program unless the district designates a salaried employee to serve as the program coordinator, with the district assuming a minimum of one-half the cost of the salary and other benefits provided to the coordinator. Further, no school in any district shall receive a grant under the program unless the district makes available facilities and services for adult literacy training as specified by rule of the state board of education.

6. For any school that meets the requirements for the approval of the grants authorized by this section and specified in subsection 2 of this section for three successive school years, 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 in the school. 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, 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

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

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

158 9. The department of higher education and workforce
159 development shall, by rule, establish a procedure for the
160 reimbursement of the cost of tuition, and fees for any dual-
161 credit or dual-enrollment course offered to a student in
162 high school in association with an institution of higher
163 education or vocational or technical school, subject to the
164 requirements of subsection 11 of this section, for any
165 student who meets the requirements established in subsection
166 8 of this section immediately before taking the course for
167 which reimbursement is sought.

168 10. The commissioner of education shall develop a
169 procedure for evaluating the effectiveness of the program
170 described in this section. Such evaluation shall be
171 conducted annually with the results of the evaluation
172 provided to the governor, speaker of the house, and
173 president pro tempore of the senate.

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

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

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

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

190 (4) The reimbursements provided to any two-year
191 private vocational or technical school shall not violate the
192 provisions of Article IX, Section 8, or Article I, Section
193 7, of the Missouri Constitution or the first amendment of
194 the United States Constitution.

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

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

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

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

4 2. The state board of education shall:

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

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

12 in the [public schools] attendance centers and school
13 districts;

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

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

27 (5) Require of county clerks or treasurers, boards of
28 education or other [school] attendance center or school
29 district officers, recorders and treasurers of cities, towns
30 and villages, copies of all records required to be made by
31 them and all other information in relation to the funds and
32 condition of [schools] attendance centers and school
33 districts and the management thereof that is deemed
34 necessary;

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

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

42 (8) Grant, without fee except as provided in section
43 168.021, certificates of qualification and licenses to teach
44 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, subject to the limitations provided in subdivision (14) of this subsection, to the state board to be classified as accredited with distinction;

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

(a) A statement of the number of [public schools] 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
132 to a public meeting upon notice in a newspaper of general
133 circulation in each of the three most populous cities in the
134 state and also a newspaper that is a certified minority
135 business enterprise or woman-owned business enterprise in
136 each of the two most populous cities in the state, and
137 notice to each attendance center and each school district
138 board of education, each superintendent of a school
139 district, and to the speaker of the house of
140 representatives, the president pro tem of the senate, and
141 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:

(a) For every unaccredited attendance center, the local education agency in partnership with independent school improvement experts shall produce a research-based improvement plan to achieve at least provisional accreditation in collaboration with parents and teachers. Such plan shall be presented to the school district board or the governing board no later than sixty days after the designation is received. Plans shall contain three-year goals for math and reading proficiency and three-year goals

for growth by subgroup and by grade level, and shall be approved by the school district board or governing board;

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

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

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

(a) For every provisionally accredited attendance center, the local education agency in partnership with independent school improvement experts shall produce a research-based improvement plan to achieve accreditation in collaboration with parents and teachers. Such plan shall be presented to the school district board or governing board no later than sixty days after the designation is received.

Plans shall contain three-year goals for math and reading proficiency and three-year goals for growth by subgroup and grade level, and shall be approved by the school district board or governing board;

(b) Local education agencies shall be encouraged to place provisionally accredited schools into an innovation zone governed by a nonprofit board and to partner with nonprofit organizations with expertise in school redesign 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
36 education with subject area certification in English,
37 special reading, and special education to include training
38 in:

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

42 (2) Oral and written language development;

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

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

49 5. Any rule or portion of a rule, as that term is
50 defined in section 536.010, that is created under the
51 authority delegated in this section shall become effective
52 only if it complies with and is subject to all of the
53 provisions of chapter 536 and, if applicable, section
54 536.028. This section and chapter 536 are nonseverable and
55 if any of the powers vested with the general assembly
56 pursuant to chapter 536 to review, to delay the effective
57 date, or to disapprove and annul a rule are subsequently
58 held unconstitutional, then the grant of rulemaking
59 authority and any rule proposed or adopted after August 28,
60 2014, shall be invalid and void.

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

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

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

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

162.720. 1. (1) This subdivision shall apply to all
school years ending on or before June 30, 2023. Where a
sufficient number of children are determined to be gifted
and their development requires programs or services beyond
the level of those ordinarily provided in regular public
school programs, districts may establish special programs
for such gifted children.

(2) For all school years beginning on or after July 1,
2023, if three percent or more of students enrolled in a
school district are determined to be gifted and their
development requires programs or services beyond the level
of those ordinarily provided in regular public school
programs, the district shall establish a state-approved
gifted program for gifted children.

2. For all school years beginning on or after July 1,
2023, any teacher providing gifted services to students in
districts with an average daily attendance of more than
three hundred fifty students shall be certificated in gifted
education. In districts with an average daily attendance of
three hundred fifty students or fewer, any teacher providing
gifted services shall not be required to be certificated to
teach gifted education but such teacher shall annually
participate in at least six clock hours of professional
development focused on gifted services.

3. The state board of education shall determine
standards for such gifted programs and gifted services.
Approval of [such] gifted programs shall be made by the
state department of elementary and secondary education based
upon project applications submitted [by July fifteenth of
each year] at a time and in a form determined by the
department of elementary and secondary education.

[3.] 4. No district shall make a determination as to
whether a child is gifted based on the child's participation

in an advanced placement course or international baccalaureate course. Districts shall determine a child is gifted only if the child meets the definition of gifted children as provided in section 162.675.

[4.] 5. Any district with a gifted education program approved under subsection [2] 3 of this section shall have a policy, approved by the board of education of the district, that establishes a process that outlines the procedures and conditions under which parents or guardians may request a review of the decision that determined that their child did not qualify to receive services through the district's gifted education program.

[5.] 6. School districts and school district employees shall be immune from liability for any and all acts or omissions relating to the decision that a child did not qualify to receive services through the district's gifted education program.

7. The department of elementary and secondary education may promulgate rules to implement the provisions of this section and may develop a process to certify teachers in gifted education. 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.

163.011. As used in this chapter unless the context
2 requires otherwise:

3 (1) "Adjusted operating levy", the sum of tax rates
4 for the current year for teachers' and incidental funds for
5 a school district as reported to the proper officer of each
6 county pursuant to section 164.011;

7 (2) "Average daily attendance", the quotient or the
8 sum of the quotients obtained by dividing the total number
9 of hours attended in a term by resident pupils between the
10 ages of five and twenty-one by the actual number of hours
11 school was in session in that term. To the average daily
12 attendance of the following school term shall be added the
13 full-time equivalent average daily attendance of summer
14 school students. "Full-time equivalent average daily
15 attendance of summer school students" shall be computed by
16 dividing the total number of hours, except for physical
17 education hours that do not count as credit toward
18 graduation for students in grades nine, ten, eleven, and
19 twelve, attended by all summer school pupils by the number
20 of hours required in section 160.011 in the school term.
21 For purposes of determining average daily attendance under
22 this subdivision, the term "resident pupil" shall include
23 all children between the ages of five and twenty-one who are
24 residents of the school district and who are attending
25 kindergarten through grade twelve in such district. If a
26 child is attending school in a district other than the
27 district of residence and the child's parent is teaching in
28 the school district or is a regular employee of the school
29 district which the child is attending, then such child shall
30 be considered a resident pupil of the school district which
31 the child is attending for such period of time when the
32 district of residence is not otherwise liable for tuition.
33 Average daily attendance for students below the age of five

years for which a school district may receive state aid based on such attendance shall be computed as regular school term attendance unless otherwise provided by law;

(3) "Current operating expenditures":

(a) For the fiscal year 2007 calculation, "current operating expenditures" shall be calculated using data from fiscal year 2004 and shall be calculated as all expenditures for instruction and support services except capital outlay and debt service expenditures minus the revenue from federal categorical sources; food service; student activities; categorical payments for transportation costs pursuant to section 163.161; state reimbursements for early childhood special education; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515; the vocational education entitlement for the district, as provided for in section 167.332; and payments from other districts;

(b) In every fiscal year subsequent to fiscal year 2007, current operating expenditures shall be the amount in paragraph (a) of this subdivision plus any increases in state funding pursuant to sections 163.031 and 163.043 subsequent to fiscal year 2005, not to exceed five percent, per recalculation, of the state revenue received by a district in the 2004-05 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments for any district from the first preceding calculation of the state adequacy target;

(4) "District's tax rate ceiling", the highest tax rate ceiling in effect subsequent to the 1980 tax year or any subsequent year. Such tax rate ceiling shall not contain any tax levy for debt service;

(5) "Dollar-value modifier", an index of the relative purchasing power of a dollar, calculated as one plus fifteen percent of the difference of the regional wage ratio minus one, provided that the dollar value modifier shall not be applied at a rate less than 1.0:

(a) "County wage per job", the total county wage and salary disbursements divided by the total county wage and salary employment for each county and the City of St. Louis as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year;

(b) "Regional wage per job":

a. The total Missouri wage and salary disbursements of the metropolitan area as defined by the Office of Management and Budget divided by the total Missouri metropolitan wage and salary employment for the metropolitan area for the county signified in the school district number or the City of St. Louis, as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year and recalculated upon every decennial census to incorporate counties that are newly added to the description of metropolitan areas; or if no such metropolitan area is established, then:

b. The total Missouri wage and salary disbursements of the micropolitan area as defined by the Office of Management and Budget divided by the total Missouri micropolitan wage and salary employment for the micropolitan area for the county signified in the school district number, as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year, if a micropolitan area for such county has been established and recalculated upon every decennial

census to incorporate counties that are newly added to the description of micropolitan areas; or

c. If a county is not part of a metropolitan or micropolitan area as established by the Office of Management and Budget, then the county wage per job, as defined in paragraph (a) of this subdivision, shall be used for the school district, as signified by the school district number;

(c) "Regional wage ratio", the ratio of the regional wage per job divided by the state median wage per job;

(d) "State median wage per job", the fifty-eighth highest county wage per job;

(6) "Free and reduced price lunch pupil count", for school districts not eligible for and those that do not choose the USDA Community Eligibility Option, the number of pupils eligible for free and reduced price lunch on the last Wednesday in January for the preceding school year who were enrolled as students of the district, as approved by the department in accordance with applicable federal regulations. For eligible school districts that choose the USDA Community Eligibility Option, the free and reduced price lunch pupil count shall be the percentage of free and reduced price lunch students calculated as eligible on the last Wednesday in January of the most recent school year that included household applications to determine free and reduced price lunch count multiplied by the district's average daily attendance figure;

(7) "Free and reduced price lunch threshold" shall be calculated by dividing the total free and reduced price lunch pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total

131 average daily attendance of all included performance
132 districts;

133 (8) "Limited English proficiency pupil count", the
134 number in the preceding school year of pupils aged three
135 through twenty-one enrolled or preparing to enroll in an
136 elementary school or secondary school who were not born in
137 the United States or whose native language is a language
138 other than English or are Native American or Alaskan native,
139 or a native resident of the outlying areas, and come from an
140 environment where a language other than English has had a
141 significant impact on such individuals' level of English
142 language proficiency, or are migratory, whose native
143 language is a language other than English, and who come from
144 an environment where a language other than English is
145 dominant; and have difficulties in speaking, reading,
146 writing, or understanding the English language sufficient to
147 deny such individuals the ability to meet the state's
148 proficient level of achievement on state assessments
149 described in Public Law [107-10] 107-110, the ability to
150 achieve successfully in classrooms where the language of
151 instruction is English, or the opportunity to participate
152 fully in society;

153 (9) "Limited English proficiency threshold" shall be
154 calculated by dividing the total limited English proficiency
155 pupil count of every performance district that falls
156 entirely above the bottom five percent and entirely below
157 the top five percent of average daily attendance, when such
158 districts are rank-ordered based on their current operating
159 expenditures per average daily attendance, by the total
160 average daily attendance of all included performance
161 districts;

162 (10) "Local effort":

163 (a) For the fiscal year 2007 calculation, "local
164 effort" shall be computed as the equalized assessed
165 valuation of the property of a school district in calendar
166 year 2004 divided by one hundred and multiplied by the
167 performance levy less the percentage retained by the county
168 assessor and collector plus one hundred percent of the
169 amount received in fiscal year 2005 for school purposes from
170 intangible taxes, fines, escheats, payments in lieu of taxes
171 and receipts from state-assessed railroad and utility tax,
172 one hundred percent of the amount received for school
173 purposes pursuant to the merchants' and manufacturers' taxes
174 under sections 150.010 to 150.370, one hundred percent of
175 the amounts received for school purposes from federal
176 properties under sections 12.070 and 12.080 except when such
177 amounts are used in the calculation of federal impact aid
178 pursuant to P.L. 81-874, fifty percent of Proposition C
179 revenues received for school purposes from the school
180 district trust fund under section 163.087, and one hundred
181 percent of any local earnings or income taxes received by
182 the district for school purposes. Under this paragraph, for
183 a special district established under sections 162.815 to
184 162.940 in a county with a charter form of government and
185 with more than one million inhabitants, a tax levy of zero
186 shall be utilized in lieu of the performance levy for the
187 special school district;

188 (b) In every year subsequent to fiscal year 2007,
189 "local effort" shall be the amount calculated under
190 paragraph (a) of this subdivision plus any increase in the
191 amount received for school purposes from fines. If a
192 district's assessed valuation has decreased subsequent to
193 the calculation outlined in paragraph (a) of this
194 subdivision, the district's local effort shall be calculated
195 using the district's current assessed valuation in lieu of

the assessed valuation utilized in the calculation outlined in paragraph (a) of this subdivision. When a change in a school district's boundary lines occurs because of a boundary line change, annexation, attachment, consolidation, reorganization, or dissolution under section 162.071, 162.081, sections 162.171 to 162.201, section 162.221, 162.223, 162.431, 162.441, or 162.451, or in the event that a school district assumes any territory from a district that ceases to exist for any reason, the department of elementary and secondary education shall make a proper adjustment to each affected district's local effort, so that each district's local effort figure conforms to the new boundary lines of the district. The department shall compute the local effort figure by applying the calendar year 2004 assessed valuation data to the new land areas resulting from the boundary line change, annexation, attachment, consolidation, reorganization, or dissolution and otherwise follow the procedures described in this subdivision;

(11) "Membership" shall be the average of:

(a) The number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in September of the previous year and who were in attendance one day or more during the preceding ten school days; and

(b) The number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in January of the previous year and who were in attendance one day or more during the preceding ten school days, plus the full-time equivalent number of summer school pupils. "Full-time equivalent number of part-time students" is determined by dividing the total number of hours for

which all part-time students are enrolled by the number of hours in the school term. "Full-time equivalent number of summer school pupils" is determined by dividing the total number of hours for which all summer school pupils were enrolled by the number of hours required pursuant to section 160.011 in the school term. Only students eligible to be counted for average daily attendance shall be counted for membership;

(12) "Operating levy for school purposes", the sum of tax rates levied for teachers' and incidental funds plus the operating levy or sales tax equivalent pursuant to section 162.1100 of any transitional school district containing the school district, in the payment year, not including any equalized operating levy for school purposes levied by a special school district in which the district is located;

(13) "Performance district", any district that has met performance standards and indicators as established by the department of elementary and secondary education for purposes of accreditation under section 161.092 and as reported on the final annual performance report for that district each year; for calculations to be utilized for payments in fiscal years subsequent to fiscal year 2018, the number of performance districts shall not exceed twenty-five percent of all public school districts;

(14) "Performance levy", three dollars and forty-three cents;

(15) "School purposes" pertains to teachers' and incidental funds;

(16) "Special education pupil count", the number of public school students with a current individualized education program or services plan and receiving services from the resident district as of December first of the preceding school year, except for special education services

provided through a school district established under sections 162.815 to 162.940 in a county with a charter form of government and with more than one million inhabitants, in which case the sum of the students in each district within the county exceeding the special education threshold of each respective district within the county shall be counted within the special district and not in the district of residence for purposes of distributing the state aid derived from the special education pupil count;

(17) "Special education threshold" shall be calculated by dividing the total special education pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(18) "State adequacy target", the sum of the current operating expenditures of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, divided by the total average daily attendance of all included performance districts. The department of elementary and secondary education shall first calculate the state adequacy target for fiscal year 2007 and recalculate the state adequacy target every two years using the most current available data. The recalculation shall never result in a decrease from the state adequacy target as calculated for fiscal years 2017 and 2018 and any state adequacy target figure calculated subsequent to fiscal year 2018. Should a recalculation result in an increase in the state adequacy

target amount, fifty percent of that increase shall be included in the state adequacy target amount in the year of recalculation, and fifty percent of that increase shall be included in the state adequacy target amount in the subsequent year. The state adequacy target may be adjusted to accommodate available appropriations as provided in subsection 7 of section 163.031;

(19) "Teacher", any teacher, teacher-secretary, substitute teacher, supervisor, principal, supervising principal, superintendent or assistant superintendent, school nurse, social worker, counselor or librarian who shall, regularly, teach or be employed for no higher than grade twelve more than one-half time in the public schools and who is certified under the laws governing the certification of teachers in Missouri;

(20) "Weighted average daily attendance", the average daily attendance plus the product of [twenty-five hundredths] two hundred seventy-five thousandths multiplied by the free and reduced price lunch pupil count that exceeds the free and reduced price lunch threshold, plus the product of seventy-five hundredths multiplied by the number of special education pupil count that exceeds the special education threshold, plus the product of six-tenths multiplied by the number of limited English proficiency pupil count that exceeds the limited English proficiency threshold. For special districts established under sections 162.815 to 162.940 in a county with a charter form of government and with more than one million inhabitants, weighted average daily attendance shall be the average daily attendance plus the product of [twenty-five hundredths] two hundred seventy-five thousandths multiplied by the free and reduced price lunch pupil count that exceeds the free and reduced price lunch threshold, plus the product of seventy-

328 five hundredths multiplied by the sum of the special
329 education pupil count that exceeds the threshold for each
330 county district, plus the product of six-tenths multiplied
331 by the limited English proficiency pupil count that exceeds
332 the limited English proficiency threshold. None of the
333 districts comprising a special district established under
334 sections 162.815 to 162.940 in a county with a charter form
335 of government and with more than one million inhabitants[,]
336 shall use any special education pupil count in calculating
337 their weighted average daily attendance.

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.

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

3 (1) "Board", the Missouri empowerment scholarship
4 board established in section 135.712;

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

8 (3) "Department", the department of elementary and
9 secondary education;

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

12 (5) "Parent", the same meaning as used in section
13 135.712;

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

18 (7) "Program", the Missouri empowerment scholarship
19 accounts program;

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

31 (9) "Qualified student", a resident of this state who:

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

34 (b) Previously participated in the Missouri
35 empowerment scholarship accounts program;

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

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

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

40 or

41 (f) Attended a public school as a full-time student
42 for any period of time during the 2019-2020 or 2020-2021
43 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 board
5 to administer the qualified student's scholarship account.
6 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 board or the educational

42 assistance organization designated to administer the
43 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 boardarship account;

49 (k) Fees for summer education programs and specialized
50 after-school education programs; and

51 (l) Other expenses related to home school instruction;

52 (5) Moneys deposited in the qualified student's
53 account shall not be used for the following:

54 (a) Consumable educational supplies including, but not
55 limited to, paper, pens, pencils, or markers; and

56 (b) Tuition at a private school located outside of the
57 state of Missouri.

58 2. Missouri empowerment scholarship accounts are
59 renewable on an annual basis upon request of the parent of a
60 qualified student. Notwithstanding any changes to the
61 qualified student's multidisciplinary evaluation team plan,
62 a student who has previously qualified for a Missouri
63 empowerment scholarship account shall remain eligible to
64 apply for renewal until the student completes high school
65 and submits scores from a nationally standardized norm-
66 referenced achievement test, advanced placement examination,
67 international baccalaureate examination, or any exam related
68 to college or university admission purchased with Missouri
69 empowerment scholarship account funds to the board or to the
70 educational assistance organization assigned to administer
71 the student's scholarship account.

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

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

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

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

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

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

9 2. A parent or qualified student or vendor may be
10 disqualified from program participation if the board finds

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

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

23 4. The board shall promulgate the following rules to
24 implement and administer the Missouri empowerment
25 scholarship accounts program:

26 (1) Rules for conducting examinations of use of
27 account funds;

28 (2) Rules for conducting random, quarterly, and annual
29 reviews of accounts;

30 (3) Creating an online anonymous fraud reporting
31 service; and

32 (4) Creating an anonymous telephone hotline for fraud
33 reporting.

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

44 authority and any rule proposed or adopted after August 28,
45 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 board unless the information provided is
8 false and the financial institution providing the false
9 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.

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

grades kindergarten through three and in no other grades. School districts shall not apply for or assign teacher assistants employed pursuant to this section in classrooms designated as special education or compensatory education classrooms.

3. The state board of education shall promulgate rules and regulations for the implementation of this section. Such rules shall include identifying minimum qualifications for teacher assistants which may include teacher education students, determining the minimum number of pupils per classroom to be eligible for a teacher assistant, establishing application procedures for school districts, and determining a method of awarding state financial supplements in the event that the number of applications exceeds the amounts appropriated therefor. No rule or 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

16 identification may include but need not be limited to the
17 scores of the pupil obtained through any established
18 standardized testing program currently administered by the
19 district or charter school, observations of classroom
20 teachers, and documented classroom performance. The local
21 policy shall be aligned with the guidelines developed by the
22 department of elementary and secondary education for reading
23 success plans.

24 [2.] 3. The [state board of] department of elementary
25 and secondary education shall develop guidelines to assist
26 districts and charter schools in formulating policies for
27 reading [intervention] success plans. Such guidelines may
28 include, but are not limited to, measures of reading
29 proficiency, strategies for addressing reading deficiencies
30 and disorders, timelines for measuring pupil improvement in
31 reading[,] and information on screening for and treatment of
32 [auditory] dyslexia[, and information on the Lindamood
33 Auditory Conceptualization Test and the Auditory
34 Discrimination in Depth Program] and other reading
35 deficiencies. In addition, any guidelines for instruction
36 shall meet the needs of the students by ensuring that
37 instruction is explicit, systematic, and diagnostic and
38 based on phonological awareness, phonics, fluency,
39 vocabulary, comprehension, morphology, syntax, and
40 semantics. Such guidelines may also identify performance
41 levels for pupils identified as handicapped or severely
42 handicapped and conditions under which such pupils [are] may
43 be exempt from the provisions of this section.

44 [3.] 4. Each local school district [enrolling a pupil
45 identified as reading below grade level shall develop an
46 individual plan of reading intervention for such pupil. The
47 individual pupil's plan may include individual or group
48 reading development activities. The plan may be developed

49 after consultation with the pupil's parent or legal
50 guardian] and charter school shall provide supplemental
51 reading instruction under a reading success plan created
52 pursuant to section 167.645 to any enrolled student who
53 exhibits a reading deficiency.

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

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

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

9 (a) Objective data that any evaluator would identify
10 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]

that do not give a grade-level result may be used in combination with other assessments to reach a grade-level determination. Districts and charter schools are encouraged but not required to select assessment methods identified pursuant to section 167.346. Districts and charter schools are [also] encouraged to use multiple methods of assessment;

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

(5) "Summer school", for reading instruction purposes, a minimum of forty hours of reading instruction and 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 required for students who enter a school district or charter school in grades four, five, or six unless such student has been determined in the current school year to be reading at grade level or above.

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

(1) School districts and charter schools shall offer a reading success plan to each student in grades kindergarten through four who exhibits a reading deficiency, has been identified as being at risk for dyslexia in the statewide dyslexia screening requirement, or has a formal diagnosis of dyslexia to ensure students can read at or above grade level by the end of the fourth grade. The reading success plan

shall be provided in addition to core reading instruction that is provided to all students in the general education classroom. The reading success plan shall:

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

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

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

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

(e) Be implemented during regular school hours.

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

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

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

(b) Frequent monitoring of the student's reading 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
173 shall not be promoted to fifth grade. No student shall be
174 denied promotion more than once solely for inability to meet
175 the reading standards set out in this section.

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

189 [6. The mandatory process of additional reading
190 instruction pursuant to this section shall cease at the end
191 of the sixth grade. The permanent record of students who
192 are determined to be reading below the fifth-grade level at
193 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].

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

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

10. The state board of education shall not incorporate information about the number of students receiving additional instruction pursuant to this section into any element of any standard of the Missouri school improvement program or its successor accreditation program; provided, however, each district or charter school shall make available, upon the request of any parent, patron, advocacy group, or media outlet [within the district], the number and percentage of students receiving remediation pursuant to this section. The information shall be presented in a way

that does not permit personal identification of any student or educational personnel.

11. Each school district and charter school shall make a systematic effort to inform parents of the methods and materials used to teach reading in kindergarten through ~~[fourth]~~ fifth grade, in terms understandable to a layperson [and shall similarly inform parents of students for whom a reading improvement plan is required pursuant to this section]. The parent or legal guardian of any student in kindergarten through the fifth grade who exhibits a deficiency in reading or has screened positive for the characteristics of dyslexia at any time during the school year, as determined by the school, shall be notified in writing that the child has a reading deficiency or has screened positive for the characteristics of dyslexia no later than thirty calendar days after the identification of the reading deficiency as determined by the school district or charter school. Such written notification shall include the following:

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

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

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

(4) A statement that the parent or legal guardian shall be informed in writing of the student's progress

toward grade-level reading on a quarterly basis, at a minimum; and

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

12. The department of elementary and secondary education may promulgate rules to implement the provisions 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.

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

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

(2) Requires a student who is receiving instruction at a home school as defined in section 167.031 to attend the 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.

170.341. 1. Any school district may offer students:

2 (1) An elective social studies course on the Hebrew
3 Scriptures, the Old Testament of the Bible;

4 (2) An elective social studies course on the New
5 Testament of the Bible; or

6 (3) An elective social studies course on the Hebrew
7 Scriptures and the New Testament of the Bible.

8 2. The purpose of a course under this section is to:

9 (1) Teach students knowledge of biblical content,
10 characters, poetry, and narratives that are prerequisites to

understanding contemporary society and culture, including
literature, art, music, mores, oratory, and public policy;
and

(2) Familiarize students with, as applicable:

(a) The contents of the Hebrew Scriptures or New
Testament;

(b) The history of the Hebrew Scriptures or New
Testament;

(c) The literary style and structure of the Hebrew
Scriptures or New Testament; and

(d) The influence of the Hebrew Scriptures or New
Testament on law, history, government, literature, art,
music, customs, morals, values, and culture.

3. A student shall not be required to use a specific
translation as the sole text of the Hebrew Scriptures or New
Testament and may use as the basic textbook a different
translation of the Hebrew Scriptures or New Testament from
that chosen by the school district.

4. A course offered under this section shall follow
applicable law and all federal and state guidelines in
maintaining religious neutrality and accommodating the
diverse religious views, traditions, and perspectives of
students in the school. A course offered under this section
shall not endorse, favor, or promote, or disfavor or show
hostility toward, any particular religion or nonreligious
faith or religious perspective.

5. School districts, in complying with this section,
shall not violate any provision of the Constitution of the
United States or federal law, the Constitution of Missouri
or any state law, or any administrative regulations of the
department of elementary and secondary education or the
United States Department of Education.

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

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

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

3. (1) In the 2009-10 school year and subsequent years, a school district may be exempt from the requirement to make up days of school lost or cancelled due to inclement weather in the school district when the school district has made up the six days required under subsection 2 of this section and half the number of additional lost or cancelled days up to eight days, resulting in no more than ten total make-up days required by this section.

(2) In school year 2019-20 and subsequent years, a school district may be exempt from the requirement to make up school lost or cancelled due to inclement weather in the school district when the school district has made up the

thirty-six hours required under subsection 2 of this section and half the number of additional lost or cancelled hours up to forty-eight, resulting in no more than sixty total make-up hours required by this section.

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

5. (1) Except as otherwise provided in this subsection, in school year 2020-21 and subsequent years, a district shall not be required to make up any hours of school lost or cancelled due to exceptional or emergency circumstances during a school year if the district has an 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

67 alternative methods of instruction plan, the district shall
68 notify students and parents on each day of the closure
69 whether the alternative methods of instruction plan is to be
70 implemented for that day. If the plan is to be implemented
71 on any day of the closure, the district shall ensure that
72 each student receives assignments for that day in hard copy
73 form or receives instruction through virtual learning or
74 another method of instruction.

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

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

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

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

98 (b) The process the district intends to use to
99 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.

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

7. Notwithstanding the provisions of this section or section 171.031 to the contrary, in school year 2021-2022 and subsequent years, no school district shall be granted a waiver of or exemption from any requirement for such district or any attendance center in such district to 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;

(3) One public school district superintendent;
(4) One elementary or secondary school principal;
(5) Two teachers with expertise in reading
instruction, each of whom has been certified by the Center
for Effective Reading Instruction or has completed all
levels of the Language Essentials for Teachers of Reading
and Spelling training program;
(6) One special education teacher;
(7) One parent of an elementary or secondary school
student who has been diagnosed with dyslexia;
(8) One representative from Decoding Dyslexia Missouri;
(9) One representative from an institution of
postsecondary education which offers approved teacher
preparation programs;
(10) One representative from an independent private
provider or nonprofit organization serving individuals with
dyslexia;
(11) One representative from the Missouri branch of
the International Dyslexia Association;
(12) One certified academic language therapist
recommended by the Academic Language Therapy Association who
is a resident of this state;
(13) One professional with experience diagnosing
dyslexia, such as a school psychologist or
neuropsychologist, who is licensed under chapter 337; and
(14) One dyslexia specialist from the department of
elementary and secondary education.

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

3. The advisory council shall periodically provide
recommendations to the commissioner and the state board of
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.

Section B. The enactment of sections 135.712, 135.713,
2 135.714, 135.715, 135.716, 135.719, 166.700, 166.705,
3 166.710, 166.715, 166.720, and 166.725 of section A of this
4 act shall only become effective when the amount appropriated
5 and expended for pupil transportation under section 163.161
6 equals or exceeds forty percent of the allowable costs of
7 providing pupil transportation as provided in said section
8 and shall remain effective in all school years thereafter,
9 irrespective of the amount appropriated under section
10 163.161 in any succeeding year.