

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

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

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

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166.410, 166.415, 166.420, 166.425, 166.435, 166.440, 166.456, 167.263, 167.268, 167.645, and 171.033, RSMo, are repealed and forty new sections enacted in lieu thereof, to be known as sections 135.712, 135.713, 135.714, 135.715, 135.716, 135.719, 160.400, 160.415, 160.422,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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

satisfaction survey shall ask parents of scholarship students to express:

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

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

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

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

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

3. Each educational assistance organization shall:

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

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

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

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

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

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

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

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

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

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

94       4. The department shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Educational outcomes of qualified students.

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



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

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

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

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

- 5 (1) In a metropolitan school district;
- 6 (2) In an urban school district containing most or all  
7 of a city with a population greater than three hundred fifty  
8 thousand inhabitants;
- 9 (3) In a school district that has been classified as  
10 unaccredited by the state board of education;
- 11 (4) In a school district that has been classified as  
12 provisionally accredited by the state board of education and  
13 has received scores on its annual performance report  
14 consistent with a classification of provisionally accredited  
15 or unaccredited for three consecutive school years beginning  
16 with the 2012-13 accreditation year under the following  
17 conditions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The granting of a charter;

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

201 15. (1) As used in this subsection, the following  
202 terms mean:

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

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

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

209 (i) Property taxes and delinquent taxes;



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

7 (1) All students be graduated from school;

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

11 (3) All students:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. The state board of education shall:

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

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

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

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

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

districts and the management thereof that is deemed necessary;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

(2) Oral and written language development;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[5.] 6. The department shall:

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

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

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

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

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

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

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

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

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

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

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

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

378            (2) The number of authorized providers;

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

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

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

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

(7) The costs per course;

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48       c. Moral turpitude;

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

50       e. Abuse of power or authority;

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

53       g. Conviction of a felony;

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

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

59       j. Breach of public trust;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

171 (a) The next general election day;

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) Enter into participation agreements with participants;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 or

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

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

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

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

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

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

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

28        (b) Textbooks required by a qualified school;

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

113 (e) Be implemented during regular school hours.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

65 (2) If school is closed due to exceptional or  
66 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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