

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILLS NOS. 55, 23 & 25

101ST GENERAL ASSEMBLY

1007S.02C

ADRIANE D. CROUSE, Secretary

## AN ACT

To repeal sections 160.400, 160.425, 161.022, and 161.670, RSMo, and to enact in lieu thereof nineteen new sections relating to elementary and secondary education, with penalty provisions.

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

Section A. Sections 160.400, 160.425, 161.022, and  
2 161.670, RSMo, are repealed and nineteen new sections enacted  
3 in lieu thereof, to be known as sections 135.712, 135.713,  
4 135.714, 135.716, 135.719, 160.400, 160.422, 160.425, 161.022,  
5 161.229, 161.670, 162.089, 166.700, 166.705, 166.710, 166.715,  
6 166.720, 166.725, and 167.790, to read as follows:

**135.712. 1. Sections 135.712 to 135.719 and sections  
2 166.700 to 166.725 establish the "Missouri Empowerment  
3 Scholarship Accounts Program" to provide options toward  
4 ensuring the education of students in this state.**

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

**7 (1) "District" or "school district", the same meaning  
8 as used in section 160.011;**

**9 (2) "Educational assistance organization", a  
10 charitable organization registered in this state that is  
11 exempt from federal taxation under the Internal Revenue Code  
12 of 1986, as amended, is certified by the state treasurer,  
13 and that allocates all of its annual revenue for educational**

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

14 assistance, except as provided in paragraph (c) of  
15 subdivision (4) of subsection 1 of section 135.714 and as  
16 provided for in sections 135.712 to 135.719, derived from  
17 contributions for which a credit is claimed under section  
18 135.713 and that does not discriminate on the basis of race,  
19 color, or national origin;

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

23 (4) "Program", the Missouri empowerment scholarship  
24 accounts program established under sections 135.712 to  
25 135.719 and sections 166.700 to 166.725;

26 (5) "Qualified student", the same meaning as used in  
27 section 166.700;

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

31 (7) "Scholarship account", a savings account created  
32 by the Missouri empowerment scholarship accounts program  
33 authorized by sections 166.700 to 166.725;

34 (8) "Taxpayer", an individual subject to the state  
35 income tax imposed in chapter 143; an individual, a firm, a  
36 partner in a firm, corporation, or a shareholder in an S  
37 corporation doing business in this state and subject to the  
38 state income tax imposed by chapter 143; or an express  
39 company that pays an annual tax on its gross receipts in  
40 this state under chapter 153, which files a Missouri income  
41 tax return and is not a dependent of any other taxpayer.

135.713. 1. For all fiscal years beginning on or  
2 after July 1, 2022, any taxpayer who makes a qualifying  
3 contribution to an educational assistance organization may  
4 claim a credit against the tax otherwise due under chapter

5 143, other than taxes withheld under sections 143.191 to  
6 143.265, and chapter 153, in an amount equal to the amount  
7 the taxpayer contributed during the tax year for which the  
8 credit is claimed. No taxpayer shall claim a credit under  
9 sections 135.712 to 135.719 for any contribution made by the  
10 taxpayer, or an agent of the taxpayer, on behalf of the  
11 taxpayer's dependent, or in the case of a business taxpayer,  
12 on behalf of the business's agent's dependent.

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

21 3. The cumulative amount of tax credits that may be  
22 allocated to all taxpayers contributing to the scholarship  
23 fund in the first year of the program shall not exceed one  
24 hundred million dollars. If the amount of tax credits  
25 claimed in the first tax year exceeds ninety percent of the  
26 tax credits available, the amount of tax credits available  
27 shall increase by ten percent in the subsequent years. The  
28 state treasurer shall establish a procedure by which the  
29 cumulative amount of tax credits shall be allocated to  
30 taxpayers on a first come, first served basis.

135.714. 1. Each educational assistance organization  
2 shall:

3 (1) Notify the state treasurer of its intent to  
4 provide scholarship accounts to qualified students;

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

8           (3) Provide a state treasurer-approved receipt to  
9 taxpayers for contributions made to the organization;

10          (4) Ensure that:

11           (a) One hundred percent of its revenues from interest  
12 or investments is spent on scholarship accounts;

13           (b) At least ninety percent of its revenues from  
14 qualifying contributions is spent on scholarship accounts;  
15 and

16           (c) Marketing and administrative expenses shall not  
17 exceed the following limits of its remaining revenue from  
18 contributions: ten percent for the first two hundred fifty  
19 thousand dollars, eight percent for the next five hundred  
20 thousand dollars, and three percent thereafter;

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

29          (6) Carry forward no more than twenty-five percent of  
30 revenue from contributions from the state fiscal year in  
31 which they were received to the following state fiscal year;

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

37           (8) Annually administer either the state achievement  
38 tests or nationally norm-referenced tests that measure  
39 learning gains in math and English language arts, and  
40 provide for value-added assessment, to all participating  
41 students in grades that require testing under the statewide  
42 assessment system set forth in section 160.518;

43           (9) Allow costs of the testing requirements to be  
44 covered by the scholarships distributed by the educational  
45 assistance organization;

46           (10) Provide the parents of each student who was  
47 tested with a copy of the results of the tests on an annual  
48 basis, beginning with the first year of testing;

49           (11) Provide the test results to the state treasurer  
50 on an annual basis, beginning with the first year of testing;

51           (12) Report student information that would allow the  
52 state treasurer to aggregate data by grade level, gender,  
53 family income level, and race;

54           (13) Provide rates of high school graduation, college  
55 attendance, and college graduation for participating  
56 students to the state treasurer in a manner consistent with  
57 nationally recognized standards; and

58           (14) Provide to the state treasurer the results from  
59 an annual parental satisfaction survey, including  
60 information about the number of years that the parent's  
61 child has participated in the scholarship program. The  
62 annual satisfaction survey shall ask parents of scholarship  
63 students to express:

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

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

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

73 (d) Their opinions on other topics, items, or issues  
74 that the state treasurer finds would elicit information  
75 about the effectiveness of the scholarship program.

76 (15) Demonstrate its financial accountability by:

77 (a) Submitting to the state treasurer annual audit  
78 financial statements by a certified public accountant within  
79 six months of the end of the educational assistance  
80 organization's fiscal year which shall include:

81 a. The name and address of the educational assistance  
82 organization;

83 b. The total number and total dollar amount of  
84 contributions received during the previous calendar year; and

85 c. The total number and total dollar amount of  
86 scholarship accounts opened during the previous calendar  
87 year; and

88 (b) Having an auditor certify that the report is free  
89 of material misstatements;

90 (16) Demonstrate its financial viability, if it is to  
91 receive donations of fifty thousand dollars or more during  
92 the school year, by filing with the state treasurer before  
93 the start of the school year a surety bond or insurance  
94 policy payable to the state in an amount equal to the  
95 aggregate amount of contributions expected to be received  
96 during the school year or other financial information that  
97 demonstrates the financial viability of the educational  
98 assistance organization.

99 2. The state treasurer shall:

- 100           (1) Ensure compliance with all student privacy laws  
101 for data in the state treasurer's possession;
- 102           (2) Collect all test results;
- 103           (3) Provide the test results and associated learning  
104 gains to the public via a state website after the third year  
105 of test and test-related data collection. The findings  
106 shall be aggregated by the students' grade level, gender,  
107 family income level, number of years of participation in the  
108 scholarship program, and race; and
- 109           (4) Provide graduation rates to the public via a state  
110 website after the third year of test and test-related data  
111 collection.

112           3. An educational assistance organization may contract  
113 with a private financial management firm to manage  
114 scholarship accounts with the supervision of the state.

135.716. 1. The state treasurer shall provide a  
2 standardized format for a receipt to be issued by an  
3 educational assistance organization to a taxpayer to  
4 indicate the value of a contribution received. The state  
5 treasurer shall require a taxpayer to provide a copy of this  
6 receipt if claiming the tax credit authorized by the program.

7           2. The state treasurer shall provide a standardized  
8 format for educational assistance organizations to report  
9 the information required in subsection 1 of this section.

10           3. The state treasurer or state auditor may conduct an  
11 investigation if the state treasurer possesses evidence of  
12 fraud committed by the organization.

13           4. The state treasurer may bar an educational  
14 assistance organization from participating in the program if  
15 the state treasurer establishes that the educational  
16 assistance organization has intentionally and substantially  
17 failed to comply with the requirements in section 135.714.

18 If the state treasurer bars an educational assistance  
19 organization from the program under this subsection, it  
20 shall notify affected qualified students and their parents  
21 of the decision as soon as possible after the determination  
22 is made.

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

27 (1) Information regarding the finances of the  
28 educational assistance organizations; and

29 (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  
21 161.520 to 161.529, or on financial hardship as defined by  
22 rule of the state board of education, shall be decided by a  
23 vote of the state board of education during the third  
24 consecutive school year after the designation of provisional  
25 accreditation; and

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

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

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

35 (7) In a school district that has been accredited  
36 without provisions, sponsored only by the local school

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

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

51 (1) The school board of the district in any district  
52 which is sponsoring a charter school as of August 27, 2012,  
53 as permitted under subdivision (1) or (2) of subsection 2 of  
54 this section, the special administrative board of a  
55 metropolitan school district during any time in which powers  
56 granted to the district's board of education are vested in a  
57 special administrative board, or if the state board of  
58 education appoints a special administrative board to retain  
59 the authority granted to the board of education of an urban  
60 school district containing most or all of a city with a  
61 population greater than three hundred fifty thousand  
62 inhabitants, the special administrative board of such school  
63 district;

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

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

69           (4) Any private four-year college or university with  
70 an enrollment of at least one thousand students, with its  
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  
119 parents are employed in a business district, as defined in  
120 the charter, which is located in the city.

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

125 [7.] 5. The charter school shall be organized as a  
126 Missouri nonprofit corporation incorporated pursuant to  
127 chapter 355. The charter provided for herein shall  
128 constitute a contract between the sponsor and the charter  
129 school.

130           [8.] 6. As a nonprofit corporation incorporated  
131 pursuant to chapter 355, the charter school shall select the  
132 method for election of officers pursuant to section 355.326  
133 based on the class of corporation selected. Meetings of the  
134 governing board of the charter school shall be subject to  
135 the provisions of sections 610.010 to 610.030.

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

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

155           [11.] 9. The expenses associated with sponsorship of  
156 charter schools shall be defrayed by the department of  
157 elementary and secondary education retaining one and five-  
158 tenths percent of the amount of state and local funding  
159 allocated to the charter school under section 160.415, not  
160 to exceed one hundred twenty-five thousand dollars, adjusted  
161 for inflation. The department of elementary and secondary

162 education shall remit the retained funds for each charter  
163 school to the school's sponsor, provided the sponsor remains  
164 in good standing by fulfilling its sponsorship obligations  
165 under sections 160.400 to 160.425 and 167.349 with regard to  
166 each charter school it sponsors, including appropriate  
167 demonstration of the following:

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

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

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

183       (4) Conducts contract oversight that evaluates  
184 performance, monitors compliance, informs intervention and  
185 renewal decisions, and ensures autonomy provided under  
186 applicable law; and

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

190       **[12.] 10.** Sponsors receiving funds under subsection  
191 **[11] 9** of this section shall be required to submit annual  
192 reports to the joint committee on education demonstrating

193 they are in compliance with subsection [17] **15** of this  
194 section.

195 [13.] **11.** No university, college or community college  
196 shall grant a charter to a nonprofit corporation if an  
197 employee of the university, college or community college is  
198 a member of the corporation's board of directors.

199 [14.] **12.** No sponsor shall grant a charter under  
200 sections 160.400 to 160.425 and 167.349 without ensuring  
201 that a criminal background check and family care safety  
202 registry check are conducted for all members of the  
203 governing board of the charter schools or the incorporators  
204 of the charter school if initial directors are not named in  
205 the articles of incorporation, nor shall a sponsor renew a  
206 charter without ensuring a criminal background check and  
207 family care safety registry check are conducted for each  
208 member of the governing board of the charter school.

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

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

223 (1) The review of a charter school proposal including  
224 an application that provides sufficient information for

225 rigorous evaluation of the proposed charter and provides  
226 clear documentation that the education program and academic  
227 program are aligned with the state standards and grade-level  
228 expectations, and provides clear documentation of effective  
229 governance and management structures, and a sustainable  
230 operational plan;

231 (2) The granting of a charter;

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

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

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

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

249 The department shall provide guidance to sponsors in  
250 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.

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

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

17 date of this section that prohibits or does not permit  
18 property previously used for any educational purpose from  
19 being used for any future educational purpose is void.

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

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

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

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

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

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

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

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

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

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

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

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

39 5. The commission shall annually elect a chairperson  
40 and vice chairperson, who shall act as chairperson in his or  
41 her absence. The commission shall meet at the call of the  
42 chairperson. The chairperson may call meetings at such  
43 times as he or she deems advisable and shall call a meeting  
44 when requested to do so by three or more members of the

45 commission. Members of the commission are not eligible to  
46 receive compensation.

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

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

51 (2) Exercise sponsorship over charters approved by the  
52 commission under sections 160.400 to 160.425, including  
53 receipt of sponsorship funding under subsection [11] 9 of  
54 section 160.400.

55 7. Charter schools sponsored by the commission shall  
56 comply with all of the requirements applicable to charter  
57 schools under sections 160.400 to 160.425.

58 8. The commission shall conduct its business in  
59 accordance with chapter 610.

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

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

161.022. 1. The state board of education consists of  
2 eight lay members appointed by the governor, by and with the  
3 advice and consent of the senate, after an open committee  
4 hearing. The term of office of each member is eight years,  
5 **and no member shall serve more than one full term.** At the  
6 expiration of the term of each member, the governor, by and

7 with the advice and consent of the senate, shall appoint a  
8 successor. If the general assembly is not in session at the  
9 time for making an appointment, the governor shall make a  
10 temporary appointment as in the case of a vacancy.

11 2. No member may be removed by the governor except  
12 after written notice and hearing on charges of malfeasance,  
13 misfeasance, or nonfeasance in office.

14 3. Each member of the board shall receive as  
15 compensation for his services twenty-five dollars for each  
16 day actually spent in attendance at board meetings, and in  
17 addition shall be reimbursed for all necessary expenses  
18 incurred in the performance of his duties as a member of the  
19 board.

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

6 2. The department shall maintain and publish on its  
7 website the full text of all state administrative rules and  
8 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  
5 Missouri course access and virtual school program shall  
6 offer instruction in a virtual setting using technology,  
7 intranet, and/or internet methods of communication. Any  
8 student under the age of twenty-one in grades kindergarten  
9 through twelve who resides in this state shall be eligible  
10 to enroll in the Missouri course access and virtual school  
11 program pursuant to subsection 3 of this section.

12 2. For purposes of calculation and distribution of  
13 state school aid, students enrolled in the Missouri course  
14 access and virtual school program **who are not full-time**  
15 **equivalent students** shall be included in the student  
16 enrollment of the school district in which the student  
17 physically is enrolled under subsection 3 of this section.  
18 The Missouri course access and virtual school program shall  
19 report to the district of residence the following  
20 information about each student served by the Missouri course  
21 access and virtual school program: name, address,  
22 eligibility for free or reduced-price lunch, limited English  
23 proficiency status, special education needs, and the number  
24 of courses in which the student is enrolled. The Missouri  
25 course access and virtual school program shall promptly  
26 notify the resident district when a student discontinues  
27 enrollment. A "full-time equivalent student" is a student  
28 who successfully has completed the instructional equivalent  
29 of six credits per regular term. Each Missouri course  
30 access and virtual school program course shall count as one  
31 class and shall generate that portion of a full-time  
32 equivalent that a comparable course offered by the school

33 district would generate. **Full-time equivalent students**  
34 **shall not be included in the student enrollment of the**  
35 **school district in which such student resides.** In no case  
36 shall more than the full-time equivalency of a regular term  
37 of attendance for a single student be used to claim state  
38 aid. Full-time equivalent student credit completed shall be  
39 reported to the department of elementary and secondary  
40 education in the manner prescribed by the department. **The**  
41 **department shall pay any Missouri course access and virtual**  
42 **school program provider an amount equal to the average daily**  
43 **attendance for the student's district of residence for each**  
44 **full-time equivalent student.** Nothing in this section shall  
45 prohibit students from enrolling in additional courses under  
46 a separate agreement that includes terms for paying tuition  
47 or course fees. **A virtual school program provider serving**  
48 **full-time equivalent students shall be considered an**  
49 **attendance center as defined in section 167.895.**

50 3. (1) A school district or charter school shall  
51 allow any eligible student who resides in such district to  
52 enroll in Missouri course access and virtual school program  
53 courses of his or her choice as a part of the student's  
54 annual course load each school year or a full-time virtual  
55 school option, with any costs associated with such course or  
56 courses to be paid by the school district or charter school  
57 if[:

58 (a)] the student is enrolled full-time in and has  
59 attended, for at least one semester immediately prior to  
60 enrolling in the Missouri course access and virtual school  
61 program, a public school, including any charter school;  
62 except that, no student seeking to enroll in Missouri course  
63 access and virtual school program courses under this  
64 subdivision shall be required to have attended a public

65 school during the previous semester if the student has a  
66 documented medical or psychological diagnosis or condition  
67 that prevented the student from attending a school in the  
68 community during the previous semester[; and

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

74 (2) [Each school district or charter school] **The**  
75 **department** shall adopt a policy that delineates the process  
76 by which a student may enroll in courses provided by the  
77 Missouri course access and virtual school program that is  
78 substantially similar to the typical process by which a  
79 district student would enroll in courses offered by the  
80 school district and a charter school student would enroll in  
81 courses offered by the charter school. The policy may  
82 include consultation with the school's counselor and may  
83 include parental notification or authorization. [School  
84 counselors shall not be required to approve or disapprove a  
85 student's enrollment in the Missouri course access and  
86 virtual school program.] If the school district or charter  
87 school [disapproves] **believes** a student's request to enroll  
88 in a course or courses provided by the Missouri course  
89 access and virtual school program, including full-time  
90 enrollment in courses provided by the Missouri course access  
91 and virtual school program, **is not in the best educational**  
92 **interest of the student**, the reason shall be provided in  
93 writing [and it shall be for good cause. Good cause  
94 justification to disapprove a student's request for  
95 enrollment in a course shall be a determination that doing  
96 so is not in the best educational interest of the student.

97 In cases of denial by the school district or charter school,  
98 local education agencies shall inform the student and the  
99 student's family of their right to appeal any enrollment  
100 denial in the Missouri course access and virtual school  
101 program to the local school district board or charter school  
102 governing body where the family shall be given an  
103 opportunity to present their reasons for their child or  
104 children to enroll in the Missouri course access and virtual  
105 school program in an official school board meeting. In  
106 addition, the school district or charter school  
107 administration shall provide its good cause justification  
108 for denial at a school board meeting or governing body  
109 meeting. Both the family and school administration shall  
110 also provide their reasons in writing to the members of the  
111 school board or governing body and the documents shall be  
112 entered into the official board minutes. The members of the  
113 board or governing body shall issue their decision in  
114 writing within thirty calendar days, and then an appeal may  
115 be made to the department of elementary and secondary  
116 education, which shall provide a final enrollment decision  
117 within seven calendar days] **to the student's parent or**  
118 **guardian who shall have final decision-making authority.**

119 (3) For students enrolled in any Missouri course  
120 access and virtual school program course in which costs  
121 associated with such course are to be paid [by the school  
122 district or charter school] as described under subdivision  
123 (1) of this subsection, the school district [or], charter  
124 school, **or the department** shall pay the content provider  
125 directly on a pro rata [monthly] basis **once per semester**  
126 based on a student's completion of assignments and  
127 assessments. If a student discontinues enrollment, the  
128 district [or], charter school, **or the department** may stop

129 making [monthly] payments to the content provider. No  
130 school district or charter school shall pay, for any one  
131 course for a student, more than the market necessary costs  
132 but in no case shall pay more than fourteen percent of the  
133 state adequacy target, as defined under section 163.011, as  
134 calculated at the end of the most recent school year for any  
135 single, year-long course and no more than seven percent of  
136 the state adequacy target as described above for any single  
137 semester equivalent course. [Payment for a full-time  
138 virtual school student shall not exceed the state adequacy  
139 target, unless the student receives additional federal or  
140 state aid.] Nothing in this subdivision shall prohibit a  
141 school district [or], charter school, **or the department** from  
142 negotiating lower costs directly with course or full-time  
143 virtual school providers, particularly in cases where  
144 several students enroll in a single course or full-time  
145 virtual school.

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

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

156 (6) The department shall monitor student success and  
157 engagement of students enrolled in their program and report  
158 the information to the [school district or charter school]  
159 **parent or guardian of the student**. Providers and the  
160 department may make recommendations to the [school district

161 or charter school] **parent or guardian** regarding the  
162 student's continued enrollment in the program. The [school  
163 district or charter school shall] **parent or guardian may**  
164 consider the recommendations and evaluate the progress and  
165 success of enrolled students that are enrolled in any course  
166 [or full-time virtual school] offered under this section and  
167 may [terminate or alter the course offering] **withdraw the**  
168 **student** if it is found the course [or full-time virtual  
169 school] is not meeting the educational needs of the  
170 [students] **student** enrolled in the course.

171 (7) [School districts and charter schools] **Virtual**  
172 **school providers** shall monitor student progress and success,  
173 and [course or full-time virtual school quality, and  
174 annually provide feedback to the department of elementary  
175 and secondary education regarding course quality] **may remove**  
176 **a student if the provider believes it to be in the best**  
177 **educational interest of the student.**

178 (8) Pursuant to rules to be promulgated by the  
179 department of elementary and secondary education, when a  
180 student transfers into a school district or charter school,  
181 credits previously gained through successful passage of  
182 approved courses under the Missouri course access and  
183 virtual school program shall be accepted by the school  
184 district or charter school.

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

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

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

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

214           (13) Courses approved as of August 28, 2018, by the  
215 department to participate in the Missouri virtual  
216 instruction program shall be automatically approved to  
217 participate in the Missouri course access and virtual school  
218 program, but shall be subject to periodic renewal.

219           (14) Any online course or virtual program offered by a  
220 school district or charter school, including those offered  
221 prior to August 28, 2018, which meets the requirements of  
222 section 162.1250 shall be automatically approved to  
223 participate in the Missouri course access and virtual school

224 program. Such course or program shall be subject to  
225 periodic renewal. A school district or charter school  
226 offering such a course or virtual school program shall be  
227 deemed an approved provider.

228 4. (1) For purposes of this subsection, the term  
229 "instructional activities" shall mean the following  
230 classroom-based or non-classroom-based activities that a  
231 student shall be expected to complete, participate in, or  
232 attend during any given school day:

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

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

246 (3) Each full-time virtual school shall develop,  
247 adopt, and post on the school's website a policy setting  
248 forth the consequences for a student who fails to attend  
249 school and complete the required instructional activities.  
250 Such policy shall state, at a minimum, that if a student  
251 fails to complete the instructional activities after  
252 receiving a notification pursuant to subdivision (2) of this  
253 subsection, and after reasonable intervention strategies  
254 have been implemented, that the student shall be subject to

255 certain consequences, which may include disenrollment from  
256 the school.

257 (4) If a full-time virtual school disenrolls a student  
258 pursuant to subdivision (3) of this subsection, the school  
259 shall immediately provide written notification to such  
260 student's district of residence. The student's district of  
261 residence shall then provide to the parents or guardian of  
262 the student a written list of available educational  
263 options. Any student disenrolled from a full-time virtual  
264 school shall be prohibited from re-enrolling in the same  
265 virtual school for the remainder of the school year.

266 5. School districts or charter schools shall inform  
267 parents of their child's right to participate in the  
268 program. Availability of the program shall be made clear in  
269 the parent handbook, registration documents, and featured on  
270 the home page of the school district or charter school's  
271 website. Any school district or charter school that fails  
272 to notify parents of his or her child's right to participate  
273 in the program shall be subject to civil penalties in an  
274 amount equal to one hundred dollars for each day the school  
275 district or charter school is not in compliance with this  
276 subsection, including reasonable attorney's fees.

277 [5.] 6. The department shall:

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

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

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

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

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

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

299 [6.] 7. If a course or full-time virtual school  
300 provider is denied authorization, the course provider may  
301 reapply at any point in the future.

302 [7.] 8. The department shall publish the process  
303 established under this section, including any deadlines and  
304 any guidelines applicable to the submission and  
305 authorization process for course or full-time virtual school  
306 providers on its website.

307 [8.] 9. If the department determines that there are  
308 insufficient funds available for evaluating and authorizing  
309 course or full-time virtual school providers, the department  
310 may charge applicant course or full-time virtual school  
311 providers a fee up to, but no greater than, the amount of  
312 the costs in order to ensure that evaluation occurs. The  
313 department shall establish and publish a fee schedule for  
314 purposes of this subsection.

315 [9.] 10. Except as specified in this section and as  
316 may be specified by rule of the state board of education,  
317 the Missouri course access and virtual school program shall

318 comply with all state laws and regulations applicable to  
319 school districts, including but not limited to the Missouri  
320 school improvement program (MSIP), annual performance report  
321 (APR), teacher certification, and curriculum standards.

322 [10.] 11. The department shall submit and publicly  
323 publish an annual report on the Missouri course access and  
324 virtual school program and the participation of entities to  
325 the governor, the chair and ranking member of the senate  
326 education committee, and the chair and ranking member of the  
327 house of representatives elementary and secondary education  
328 committee. The report shall at a minimum include the  
329 following information:

330 (1) The annual number of unique students participating  
331 in courses authorized under this section and the total  
332 number of courses in which students are enrolled in;

333 (2) The number of authorized providers;

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

336 (4) The number of courses available by subject and  
337 grade level;

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

340 (6) Student outcome data, including completion rates,  
341 student learning gains, student performance on state or  
342 nationally accepted assessments, by subject and grade level  
343 per provider. This outcome data shall be published in a  
344 manner that protects student privacy;

345 (7) The costs per course;

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

349           [11.] 12. The department shall be responsible for  
350 creating the Missouri course access and virtual school  
351 program catalog providing a listing of all courses  
352 authorized and available to students in the state, detailed  
353 information, including costs per course, about the courses  
354 to inform student enrollment decisions, and the ability for  
355 students to submit their course enrollments.

356           [12.] 13. The state board of education through the  
357 rulemaking process and the department of elementary and  
358 secondary education in its policies and procedures shall  
359 ensure that multiple content providers and learning  
360 management systems are allowed, ensure digital content  
361 conforms to accessibility requirements, provide an easily  
362 accessible link for providers to submit courses or full-time  
363 virtual schools on the Missouri course access and virtual  
364 school program website, and allow any person, organization,  
365 or entity to submit courses or full-time virtual schools for  
366 approval. No content provider shall be allowed that is  
367 unwilling to accept payments in the amount and manner as  
368 described under subdivision (3) of subsection 3 of this  
369 section or does not meet performance or quality standards  
370 adopted by the state board of education.

371           [13.] 14. Any rule or portion of a rule, as that term  
372 is defined in section 536.010, that is created under the  
373 authority delegated in this section shall become effective  
374 only if it complies with and is subject to all of the  
375 provisions of chapter 536 and, if applicable, section  
376 536.028. This section and chapter 536 are nonseverable and  
377 if any of the powers vested with the general assembly  
378 pursuant to chapter 536 to review, to delay the effective  
379 date, or to disapprove and annul a rule are subsequently  
380 held unconstitutional, then the grant of rulemaking

381 authority and any rule proposed or adopted after August 28,  
382 2006, shall be invalid and void.

162.089. 1. (1) Each member of any school board of  
2 any public school district shall be subject to recall from  
3 office by the registered voters of the school district such  
4 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  
22 section. The notice shall be filed with the election  
23 authority having jurisdiction over the school district under  
24 this 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           1. 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.

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) "Educational assistance organization", the same meaning as used in section 135.712;

(3) "Parent", the same meaning as used in section 135.712;

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

(5) "Program", the Missouri empowerment scholarship accounts program;

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

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

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

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

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

34 (d) Is attending school for the first time; or

35 (e) A child of a parent in active military service.

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. The agreement shall  
5 provide that:

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

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

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

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

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

27 (b) Textbooks required by a qualified school;

28           (c) Educational therapies or services for the  
29 qualified student from a licensed or accredited practitioner  
30 or provider, including licensed or accredited  
31 paraprofessionals or educational aides;

32           (d) Tutoring services;

33           (e) Curriculum;

34           (f) Tuition or fees for a private virtual school;

35           (g) Fees for a nationally standardized norm-referenced  
36 achievement test, advanced placement examinations,  
37 international baccalaureate examinations, or any exams  
38 related to college or university admission;

39           (h) Fees for management of the empowerment scholarship  
40 account by firms selected by the educational assistance  
41 organization;

42           (i) Services provided by a public school, including  
43 individual classes and extracurricular programs;

44           (j) Computer hardware or other technological devices  
45 that are used to help meet a qualified student's educational  
46 needs and that are approved by an educational assistance  
47 organization;

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

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

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

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

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

57           2. Missouri empowerment scholarship accounts are  
58 renewable on an annual basis upon request of the parent of a  
59 qualified student. Notwithstanding any changes to the

60 qualified student's multidisciplinary evaluation team plan,  
61 a student who has previously qualified for a Missouri  
62 empowerment scholarship account shall remain eligible to  
63 apply for renewal until the student completes high school  
64 and submits scores from a nationally standardized norm-  
65 referenced achievement test, advanced placement examination,  
66 international baccalaureate examination, or any exam related  
67 to college or university admission purchased with Missouri  
68 empowerment scholarship account funds to the state treasurer.

69 3. A signed agreement under this section shall satisfy  
70 the compulsory school attendance requirements of section  
71 167.031.

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

76 5. If a qualified student withdraws from the program  
77 by enrolling in a school other than a qualified school, or  
78 is disqualified from the program under the provisions of  
79 section 166.710, the qualified student's Missouri  
80 empowerment scholarship account shall be closed and any  
81 remaining funds shall be returned to the educational  
82 assistance organization for redistribution to other  
83 qualified students. Under such circumstances, the  
84 obligation to provide an education for such student shall  
85 transfer back to the student's district of residence.

86 6. Any funds remaining in a qualified student's  
87 scholarship account at the end of a school year shall remain  
88 in the account and shall not be returned to the educational  
89 assistance organization. Any funds remaining in a qualified  
90 student's scholarship account upon graduation from a  
91 qualified school shall be returned to the educational

92 assistance organization for redistribution to other  
93 qualified students.

94 7. Moneys received under sections 166.700 to 166.725  
95 shall not constitute Missouri taxable income to the parent  
96 of the qualified student.

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

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

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

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

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

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

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

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

37           5. Any rule or portion of a rule, as that term is  
38 defined in section 536.010, that is created under the  
39 authority delegated in this section shall become effective  
40 only if it complies with and is subject to all of the  
41 provisions of chapter 536 and, if applicable, section  
42 536.028. This section and chapter 536 are nonseverable and  
43 if any of the powers vested with the general assembly  
44 pursuant to chapter 536 to review, to delay the effective  
45 date, or to disapprove and annul a rule are subsequently  
46 held unconstitutional, then the grant of rulemaking  
47 authority and any rule proposed or adopted after August 28,  
48 2021, shall be invalid and void.

          166.715. 1. A person commits a class A misdemeanor if  
2 they are found to have knowingly used moneys granted under  
3 section 135.714 for purposes other than those provided for  
4 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.

167.790. 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 2. The department of elementary and secondary  
22 education shall withhold payments under section 163.031 for  
23 any district in violation of this section. The department  
24 shall release any withheld funds under this section upon the  
25 district providing satisfactory proof to the state board of  
26 education that the school district has ceased membership in  
27 the association and has ceased remission of any funds to  
28 said association.

29 3. A statewide activities association shall not  
30 prohibit or restrict any school district which is a member  
31 of such association from participating in any events  
32 sanctioned, authorized, or regulated by such association  
33 with any school that is not a member of the association.

✓