FIRST REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 152

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOSKINS.

0849S.03P  ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 162.441, 162.720, 166.400, 166.410, 166.415, 166.420, 166.425, 166.435, 166.440, 166.456, 174.453, and 210.201, RSMo, and to enact in lieu thereof eighteen new sections relating to education with an emergency clause for certain sections.

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

Section A. Sections 162.441, 162.720, 166.400, 166.410, 166.415, 166.420, 166.425, 166.435, 166.440, 166.456, 174.453, and 210.201, RSMo, are repealed and eighteen new sections enacted in lieu thereof, to be known as sections 160.560, 161.229, 161.380, 161.385, 162.441, 162.720, 162.1255, 166.400, 166.410, 166.415, 166.420, 166.425, 166.435, 166.440, 166.456, 167.625, 174.453, and 210.201, to read as follows:

160.560. 1. The department of elementary and secondary education shall establish the "Show Me Success Diploma Program".

2. Under the show me success diploma program, the department of elementary and secondary education shall develop the "Show Me Success Diploma" as an alternative pathway to graduation for high school students that may be earned at any point between the end of a student's tenth

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.
grade year and the conclusion of the student's twelfth grade
year.

3. By July 1, 2022, the department of elementary and
secondary education shall develop detailed requirements for
students to become eligible for the show me success diploma
that include at least the following:

   (1) Demonstrated skills and knowledge in English,
   science, and mathematical literacy to be successful in
college level courses offered by the community colleges in
this state that count toward a degree or certificate without
taking remedial or developmental coursework; and

   (2) Satisfactory grades on approved examinations in
subjects determined to be necessary to prepare a student to
enter postsecondary education without remedial or
developmental coursework.

4. School districts and charter schools may offer a
course of study designed to meet the requirements to obtain
a show me success diploma to students entering the ninth
grade. Students who elect to pursue a show me success
diploma shall participate in a course of study designed by
the school district to meet the requirements established
pursuant to subsection 3 of this section. The show me
success diploma shall be available to any such student until
the end of that student's twelfth grade year.

5. Students who earn a show me success diploma may
remain in high school and participate in programs of study
available through the school district or charter school
until that pupil would otherwise have graduated at the end
of grade twelve. For purposes of calculation and
distribution of state aid, the school district or charter
school of a pupil having earned a show me success diploma
who remains enrolled in the school district or charter
school shall continue to include the pupil in the pupil enrollment of each such school district or charter school and shall continue to receive funding for a pupil who earns a show me success diploma until that pupil would otherwise have graduated at the end of grade twelve. Students who elect to remain in high school pursuant to this subsection shall be eligible to participate in extracurricular activities, including interscholastic sports, through the end of grade twelve.

6. Students who pursue but do not meet the eligibility requirements for a show me success diploma at the end of grade ten or eleven shall receive a customized program of assistance during the next school year that addresses areas in which the student demonstrated deficiencies in the course requirements. Students may choose to return to a traditional academic program without completing the show me success diploma.

7. The department of elementary and secondary education shall provide training, guidance, and assistance to teachers and administrators of the schools offering the show me success diploma and shall closely monitor the progress of the schools in the development of the program.

8. Pupils who earn a show me success diploma and do not remain enrolled in the district or charter school and instead enroll, or show proof that they will enroll, in a postsecondary educational institution eligible to participate in a student aid program administered by the U.S. Department of Education, shall be included in the district's or charter school's state aid calculation under section 163.031, until such time that the pupil would have completed their twelfth grade year had they not earned a show me success diploma. The funding assigned to a pupil
under this subsection shall be calculated as if the
student's attendance percentage equaled the district or
charter school's prior year average attendance percentage.
For a pupil who, as provided in this subsection, is included
in the district's or charter school's state aid calculation
but who is not enrolled in the district or charter school,
an amount equal to ninety percent of the pupil's
proportionate share of the state, local, and federal aid
that the district or charter school receives for said pupil
under this subsection, shall be deposited into an account
established under sections 166.400 to 166.455 that lists the
pupil as the beneficiary. The state treasurer shall provide
guidance and assist school districts, charter schools,
pupils, and pupil's parents or guardians with the creation,
maintenance, and use of an account that has been established
under sections 166.400 to 166.455.

9. The department of elementary and secondary
education shall promulgate all necessary rules and
regulations for the administration 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.

10. The provisions of this section shall expire on
August 28, 2028.
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 in an accessible format.

2. The department shall maintain and publish on its website in an accessible format the full text of all state administrative rules and regulations related to elementary and secondary education and shall update such information within thirty days of the publication in the Missouri Register of any final order of rulemaking related to such rules and regulations.

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

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

161.380. 1. Subject to appropriations, the department of elementary and secondary education shall establish the "Competency-Based Education Grant Program".

2. (1) There is hereby created in the state treasury the "Competency-Based Education Grant Program Fund". The fund shall consist of any appropriations to such fund and any gifts, contributions, grants, or bequests received from private or other sources for the purpose of providing competency-based education programs. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements of public moneys in accordance with
distribution requirements and procedures developed by the
department of elementary and secondary education. The fund
shall be a dedicated fund and, upon appropriation, moneys in
the fund shall be used solely for the administration of this
section.

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

(3) The state treasurer shall invest moneys in the
fund in the same manner as other funds are invested. Any
interest and moneys earned on such investments shall be
credited to the fund.

3. The department of elementary and secondary
education shall award grants from the competency-based
education grant program fund to eligible school districts
for the purpose of providing competency based education
programs. A school district wishing to receive such a grant
shall submit an application to the department of elementary
and secondary education addressing:

(1) A core mission that competency-based education
courses shall help achieve;

(2) A plan that outlines competency-based education
courses and key metrics that will show success;

(3) Resources available to the school and in the
community that will assist in creating successful competency-
based outcomes; and

(4) Resources and support needed to help the school
succeed in implementing competency-based education courses.

4. The department of elementary and secondary
education shall facilitate the creation, sharing, and
development of course assessments, curriculum, training and
guidance for teachers, and best practices for the school
districts that offer competency-based education courses.

5. For purposes of this section, the term "competency-
based education program" means an educational program that:

(1) Affords students flexibility to progress and earn
    course credit upon demonstration of mastery, including
    through early high school graduation;

(2) Provides individual learning and assessment
    options, including through experiential and project-based
    learning, online or blended learning, additional remedial
    education time, and accelerated-pace curricula;

(3) Assesses student proficiency based on graduate
    profiles describing meaningful and critical knowledge and
    skills that students should have upon graduation; or

(4) Assesses student proficiency through tasks
    developed both locally and at the state level, performance
    of which demonstrate mastery.

6. The department of elementary and secondary
    education shall promulgate all necessary rules and
    regulations for the administration 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.
7. The provisions of this section shall expire on August 28, 2028.

161.385. 1. There is hereby established the "Competency-Based Education Task Force" to study and develop competency-based education programs in public schools. Task force members shall be chosen to represent the geographic diversity of the state. All task force members shall be appointed before October 31, 2021. The task force members shall be appointed as follows:

(1) Two members of the house of representatives appointed by the speaker of the house of representatives;

(2) Two members of the senate appointed by the president pro tempore of the senate;

(3) The commissioner of the department of elementary and secondary education or his or her designee; and

(4) Four members appointed by the governor. Two members shall each represent a separate school district that offers competency-based education courses.

2. The members of the task force established under subsection 1 of this section shall elect a chair from among the membership of the task force. The task force shall meet as needed to complete its consideration of its objectives as established in subsections 4 and 5 of this section. Any vacancy on the task force shall be filled in the same manner as the original appointment. Members of the task force shall serve without compensation, but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties.

3. The department of elementary and secondary education shall provide such legal, research, clerical, and technical services as the task force may require in the performance of its duties.
4. The task force shall:

   (1) Work toward implementing competency-based education courses statewide and devising a plan for Missouri to lead the way in competency-based education courses;

   (2) Solicit input from individuals and organizations with information or expertise relevant to the task force's objective, including experts and educators with experience related to competency-based education programs;

   (3) Hold at least three public hearings to provide an opportunity to receive public testimony including, but not limited to, testimony from educators, local school boards, parents, representatives from business and industry, labor and community leaders, members of the general assembly, and the general public;

   (4) Identify promising competency-based education programs, including programs that:

       (a) Afford students flexibility to progress and earn course credit upon demonstration of mastery, including through early high school graduation;

       (b) Provide individual learning and assessment options, including through experiential and project-based learning, online or blended learning, additional remedial education time, and accelerated-pace curricula;

       (c) Assess student proficiency through tasks developed both locally and at the state level, performance of which demonstrate mastery;

   (5) Identify obstacles to implementing competency-based education programs in Missouri public schools;

   (6) Develop comprehensive graduate profiles which describe meaningful and critical knowledge skills that students should have upon graduation that can be implemented into a diploma designation;
(7) Develop findings and recommendations for implementing competency-based education models and practices in Missouri public schools, including recommending changes to existing legislation, rules, and regulations;

(8) Develop findings and recommendations for implementing a competency-based performance assessment that:

(a) Is consistent with the most effective competency-based education programs identified by the task force pursuant to subdivision (3) of this subsection;

(b) Assesses students based on both locally-developed and common statewide performance tasks tied to grade and course competencies aligned with state content standards; and

(c) Complies with all applicable federal law, including 20 U.S.C. Section 6311(b)(1)(B). To the extent that implementing a competency-based performance assessment would require the department of elementary and secondary education to obtain innovative assessment and accountability demonstration authority under 20 U.S.C. Section 6364, the task force shall develop findings and recommendations for obtaining such authority.

5. The task force shall present its findings and recommendations to the speaker of the house of representatives, the president pro tempore of the senate, the joint committee on education, and the state board of education by December first annually.

6. The provisions of this section shall expire on August 28, 2028.

162.441. 1. If any school district desires to be attached to a community college district organized under sections 178.770 to 178.890 or to one or more adjacent seven-director school districts for school purposes, upon the receipt of a petition setting forth such fact, signed either
by voters of the district equal in number to ten percent of those voting in the last school election at which school board members were elected or by a majority of the voters of the district, whichever is the lesser, the school board of the district desiring to be so attached shall submit the question to the voters.

2. As an alternative to the procedure in subsection 1 of this section, a seven-director district may, by a majority vote of its board of education, propose a plan to the voters of the district to attach the district to one or more adjacent seven-director districts and call an election upon the question of such plan.

3. As an alternative to the procedures in subsection 1 or 2 of this section, a community college district organized under sections 178.770 to 178.890 may, by a majority vote of its board of trustees, propose a plan to the voters of the school district to attach the school district to the community college district, levy the tax rate applicable to the community college district at the time of the vote of the board of trustees, and call an election upon the question of such plan. The tax rate applicable to the community college district shall not be levied as to the school district until the proposal by the board of trustees of the community college district has been approved by a majority vote of the voters of the school district at the election called for that purpose. The community college district shall be responsible for the costs associated with the election.

4. A plat of the proposed changes to all affected districts shall be published and posted with the notice of election.
5. The question shall be approved by the county commission in which the school district is located and the ballot language shall include the tax rate and assessed valuation of the school district prior to and after approval of the question. [submitted in substantially the following form:

Shall the _____ school district be annexed to the _____ school districts effective the _____ day of _____, _____?

6. If a majority of the votes cast in the district proposing annexation favor annexation, the secretary shall certify the fact, with a copy of the record, to the board of the district and to the boards of the districts to which annexation is proposed; whereupon the boards of the seven-director districts to which annexation is proposed shall meet to consider the advisability of receiving the district or a portion thereof, and if a majority of all the members of each board favor annexation, the boundary lines of the seven-director school districts from the effective date shall be changed to include the district, and the board shall immediately notify the secretary of the district which has been annexed of its action.

7. Upon the effective date of the annexation, all indebtedness, property and money on hand belonging thereto shall immediately pass to the seven-director school district. If the district is annexed to more than one district, the provisions of sections 162.031 and 162.041 shall apply.

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

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

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

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

[3.] 4. No district shall make a determination as to
whether a child is gifted based on the child's participation
in an advanced placement course or international
baccalaureate course. Districts shall determine a child is
gifted only if the child meets the definition of gifted
children as provided in section 162.675.

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

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

7. The department of elementary and secondary
education may promulgate rules to implement the provisions
of this section and may develop a process to certify
teachers in gifted education. Any rule or portion of a
rule, as that term is defined in section 536.010, that is
created under the authority delegated in this section shall
become effective only if it complies with and is subject to
all of the provisions of chapter 536 and, if applicable,
section 536.028. This section and chapter 536 are
nonseverable and if any of the powers vested with the
general assembly pursuant to chapter 536 to review, to delay
the effective date, or to disapprove and annul a rule are
subsequently held unconstitutional, then the grant of
rulemaking authority and any rule proposed or adopted after
August 28, 2021, shall be invalid and void.
162.1255. 1. For purposes of this section, the following terms shall mean:

(1) "Competency-based credit", credit awarded by school districts and charter schools to high school students upon demonstration of competency as determined by a school district. Such credit shall be awarded upon receipt of "proficient" or "advanced" on an end-of-course assessment;

(2) "Prior year average attendance percentage", the quotient of the district or charter school's prior year average daily attendance divided by the district or charter school's prior year average yearly enrollment.

2. School districts and charter schools shall receive state school funding under sections 163.031, 163.043, 163.044, and 163.087 for resident pupils enrolled in the school district or charter school and taking competency-based courses offered by the school district.

3. For purposes of calculation and distribution of state aid under section 163.031, attendance of a student enrolled in a district's or charter school's competency-based courses shall equal, upon course completion, the product of the district or charter school's prior year average attendance percentage multiplied by the total number of attendance hours normally allocable to a noncompetency-based course of equal credit value.

4. The provisions of this section shall expire on August 28, 2028.

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

166.410. [Definitions.] As used in sections 166.400 to [166.455] 166.456, except where the context clearly requires another interpretation, the following terms mean:
(1) "Beneficiary", any individual designated by a participation agreement to benefit from payments for qualified education expenses at an eligible educational institution;

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

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

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

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

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

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

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

(9) "Participation agreement", an agreement between a participant and the board pursuant to and conforming with the requirements of sections 166.400 to [166.455] 166.456;
(10) "Qualified higher education expenses" or "qualified education expenses", the qualified costs of tuition and fees and other expenses for attendance at an eligible educational institution, as defined in Section [529(e)(3)] 529 of the Internal Revenue Code, as amended. 166.415. 1. There is hereby created the "Missouri Education [Savings] Program". The program shall be administered by the Missouri education [savings] program board which shall consist of the Missouri state treasurer who shall serve as chairman, the commissioner of the department of higher education and workforce development, the commissioner of education, the commissioner of the office of administration, the director of the department of economic development, two persons having demonstrable experience and knowledge in the areas of finance or the investment and management of public funds, one of whom is selected by the president pro tem of the senate and one of 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.

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

3. Four members of the board shall constitute a quorum. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the board. No action shall be taken by the board except upon the affirmative vote of a majority of the members present.
4. The board shall meet within the state of Missouri at the time set at a previously scheduled meeting or by the request of any four members of the board. Notice of the meeting shall be delivered to all other trustees in person or by depositing notice in a United States post office in a properly stamped and addressed envelope not less than six days prior to the date fixed for the meeting. The board may meet at any time by unanimous mutual consent. There shall be at least one meeting in each quarter.

5. The funds shall be invested only in those investments which a prudent person acting in a like capacity and familiar with these matters would use in the conduct of an enterprise of a like character and with like aims, as provided in section 105.688. For new contracts entered into after August 28, 2012, board members shall study investment plans of other states and contract with or negotiate to provide benefit options the same as or similar to other states' qualified plans for the purpose of offering additional options for members of the plan. The board may delegate to duly appointed investment counselors authority to act in place of the board in the investment and reinvestment of all or part of the moneys and may also delegate to such counselors the authority to act in place of the board in the holding, purchasing, selling, assigning, transferring or disposing of any or all of the securities and investments in which such moneys shall have been invested, as well as the proceeds of such investments and such moneys. Such investment counselors shall be registered as investment advisors with the United States Securities and Exchange Commission. In exercising or delegating its investment powers and authority, members of the board shall exercise ordinary business care and prudence under the facts
and circumstances prevailing at the time of the action or
decision. No member of the board shall be liable for any
action taken or omitted with respect to the exercise of, or
delegation of, these powers and authority if such member
shall have discharged the duties of his or her position in
good faith and with that degree of diligence, care and skill
which a prudent person acting in a like capacity and
familiar with these matters would use in the conduct of an
enterprise of a like character and with like aims.

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

7. No trustee or employee of the [savings] program
shall receive any gain or profit from any funds or
transaction of the [savings] program. Any trustee, employee
or agent of the [savings] program accepting any gratuity or
compensation for the purpose of influencing such trustee's,
employee's or agent's action with respect to the investment
or management of the funds of the [savings] program shall
thereby forfeit the office and in addition thereto be
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;
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 [savings] program to qualify as a "qualified state tuition program" pursuant to Section 529 of the Internal Revenue Code. No contribution may be made to a savings account for a beneficiary if it would cause the balance of all savings accounts of the beneficiary to exceed the total contribution limit established by the board. The board may establish other requirements that it deems appropriate to provide
adequate safeguards to prevent contributions on behalf of a beneficiary from exceeding what is necessary to provide for the qualified education expenses of the beneficiary.

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

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

166.435. 1. Notwithstanding any law to the contrary, the assets of the savings program held by the board, the assets of any deposit program authorized in section 166.500, and the assets of any qualified tuition savings program established pursuant to Section 529 of the Internal Revenue Code and any income therefrom shall be exempt from all taxation by the state or any of its political subdivisions. Income earned or received from the savings program, deposit, or other qualified tuition savings programs established under Section 529 of the Internal Revenue Code, or refunds of qualified education expenses received by a beneficiary from an eligible educational institution in
connection with withdrawal from enrollment at such institution which are contributed within sixty days of withdrawal to a qualified tuition [savings] program of which such individual is a beneficiary shall not be subject to state income tax imposed pursuant to chapter 143 and shall be eligible for any benefits provided in accordance with Section 529 of the Internal Revenue Code. The exemption from taxation pursuant to this section shall apply only to assets and income maintained, accrued, or expended pursuant to the requirements of the [savings] program established pursuant to sections 166.400 to [166.455] 166.456, the deposit program established pursuant to sections 166.500 to 166.529, and other qualified tuition [savings] programs established under Section 529 of the Internal Revenue Code, and no exemption shall apply to assets and income expended for any other purposes. Annual contributions made to the [savings] program held by the board, the deposit program, and any qualified tuition [savings] program established under Section 529 of the Internal Revenue Code up to and including eight thousand dollars per [participating] taxpayer, and up to sixteen thousand dollars for married individuals filing a joint tax return, shall be subtracted in determining Missouri adjusted gross income pursuant to section 143.121.

2. If any deductible contributions to or earnings from any such program referred to in this section are distributed 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

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.

167.625. 1. This section shall be known and may be
cited as "Will's Law".

2. As used in this section, the following terms mean:
   (1) "Individualized emergency health care plan", a
document developed by a school nurse, in consultation with a
student's parent and other appropriate medical
professionals, that is consistent with the recommendations
of the student's health care providers, that describes
procedural guidelines that provide specific directions about
what to do in a particular emergency situation, and that is
signed by the parent and the school nurse or the school
3. (1) The parent of a student who seeks epilepsy or seizure disorder care while at school shall inform the school nurse or the school administrator or the administrator's designee in the absence of the school nurse. The school nurse shall develop an individualized health care plan and an individualized emergency health care plan for the student. The parent of the student shall annually provide to the school written authorization for the provision of epilepsy or seizure disorder care as described in the individualized plans.

(2) The individualized plans developed under subdivision (1) of this subsection shall be updated by the school nurse before the beginning of each school year and as
necessary if there is a change in the health status of the
student.

(3) Each individualized health care plan shall, and
each individualized emergency health care plan may, include
but not be limited to the following information:

(a) A notice about the student's condition for all
school employees who interact with the student;

(b) Written orders from the student's physician or
advanced practice nurse describing the epilepsy or seizure
disorder care;

(c) The symptoms of the epilepsy or seizure disorder
for that particular student and recommended care;

(d) Whether the student may fully participate in
exercise and sports, and any contraindications to exercise
or accommodations that shall be made for that particular
student;

(e) Accommodations for school trips, after-school
activities, class parties, and other school-related
activities;

(f) Information for such school employees about how to
recognize and provide care for epilepsy and seizure
disorders, epilepsy and seizure disorder first aid training,
when to call for assistance, emergency contact information,
and parent contact information;

(g) Medical and treatment issues that may affect the
educational process of the student;

(h) The student's ability to manage, and the student's
level of understanding of, the student's epilepsy or seizure
disorder; and

(i) How to maintain communication with the student,
the student's parent and health care team, the school nurse
or the school administrator or the administrator's designee in the absence of the school nurse, and the school employees.

4. (1) The school nurse assigned to a particular school or the school administrator or the administrator's designee in the absence of the school nurse shall coordinate the provision of epilepsy and seizure disorder care at that school and ensure that all school employees are trained every two years in the care of students with epilepsy and seizure disorders including, but not limited to, school employees working with school-sponsored programs outside of the regular school day, as provided in the student's individualized plans.

(2) The training required under subdivision (1) of this subsection shall include an online or in-person course of instruction approved by the department of health and senior services that is provided by a reputable, local, Missouri-based health care or nonprofit organization that supports the welfare of individuals with epilepsy and seizure disorders.

5. The school nurse or the school administrator or the administrator's designee in the absence of the school nurse shall obtain a release from a student's parent to authorize the sharing of medical information between the student's physician or advanced practice nurse and other health care providers. The release shall also authorize the school nurse or the school administrator or the administrator's designee in the absence of the school nurse to share medical information with other school employees in the school district as necessary. No sharing of information under this subsection shall be construed to be a violation of the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) (Pub. L. 104-191), as amended, if a
student's parent has provided a release under this subsection.

6. No school employee including, but not limited to, a school nurse, a school bus driver, a school bus aide, or any other officer or agent of a school shall be held liable for any good faith act or omission consistent with the provisions of this section, nor shall an action before the state board of nursing lie against a school nurse for any such action taken by a school employee trained in good faith by the school nurse under this section. "Good faith" shall not be construed to include willful misconduct, gross negligence, or recklessness.

174.453. 1. Except as provided in section 174.450, the board of governors shall be appointed as follows:

   (1) Five voting members shall be selected from the counties comprising the institution's historic statutory service region as described in section 174.010, except that no more than two members shall be appointed from any one county with a population of less than two hundred thousand inhabitants;

   (2) Two voting members shall be selected from any of the counties in the state which are outside of the institution's historic service region; and

   (3) One nonvoting member who is a student shall be selected in the same manner as prescribed in section 174.055.

2. The term of service of the governors shall be as follows:

   (1) The voting members shall be appointed for terms of six years; and

   (2) The nonvoting student member shall serve a two-year term.
3. Members of any board of governors selected pursuant to this section and in office on May 13, 1999, shall serve the remainder of their unexpired terms.

4. Notwithstanding the provisions of subsection 1 of this section, the board of governors of Missouri Southern State University shall be appointed as follows:
   (1) Six voting members shall be selected from any of the following counties: Barton, Jasper, Newton, McDonald, Dade, Lawrence, and Barry provided that no more than three of these six members shall be appointed from any one county;
   (2) Two voting members shall be selected from any of the counties in the state which are outside of the counties articulated in subdivision (1) of this subsection;
   (3) One nonvoting member who is a student shall be selected in the same manner as prescribed in section 174.055; and
   (4) The provisions of subdivisions (1) and (2) of this subsection shall only apply to board members first appointed after August 28, 2004.

5. Notwithstanding the provisions of subsection 1 of this section, the board of governors of Missouri Western State University shall be composed of eight members appointed as follows:
   (1) Five voting members shall be selected from any of the following counties: Buchanan, Platte, Clinton, Andrew, and DeKalb [provided that no more than three of these five members shall be appointed from any one county];
   (2) [Two voting members shall be selected from any of the counties in the state which are outside of the counties articulated in subdivision (1) of this subsection;]
(3) One nonvoting member who is a student shall be
selected in the same manner as prescribed in section
174.055; and

[(4)] (3) The provisions of subdivisions (1) and (2)
of this subsection shall only apply to board members first
appointed after August 28, 2005.

210.201. As used in sections 210.201 to 210.257, the
following terms mean:
(1) "Child", an individual who is under the age of
seventeen;
(2) "Child care", care of a child away from his or her
home for any part of the twenty-four-hour day for
compensation or otherwise. "Child care" is a voluntary
supplement to parental responsibility for the child's
protection, development, and supervision;
(3) "Child-care facility" or "child care facility", a
house or other place conducted or maintained by any person
who advertises or holds himself or herself out as providing
child care for any part of the twenty-four-hour day for
compensation or otherwise if providing child care to more
than:
   (a) Six children; or
   (b) Three children under two years of age;
(4) "Child care provider" or "provider", the person or
persons licensed or required to be licensed under section
210.221 to establish, conduct, or maintain a child care
facility;
(5) "Montessori school", a child care program that
[subscribes to Maria Montessori's educational philosophy and
that is accredited by the American Montessori Society or the
Association Montessori Internationale] is either accredited
by, actively seeking accreditation by, or maintains an
active school membership with the American Montessori Society, the Association Montessori Internationale, the International Montessori Counsel, or the Montessori Educational Programs International;

(6) "Neighborhood youth development program", as described in section 210.278;

(7) "Nursery school", a program operated by a person or an organization with the primary function of providing an educational program for preschool-age children for no more than four hours per day per child;

(8) "Person", any individual, firm, corporation, partnership, association, agency, or an incorporated or unincorporated organization regardless of the name used;

(9) "Religious organization", a church, synagogue or mosque; an entity that has or would qualify for federal tax-exempt status as a nonprofit religious organization under Section 501(c) of the Internal Revenue Code; or an entity whose real estate on which the child-care facility is located is exempt from taxation because it is used for religious purposes;

(10) "School system", a program established primarily for education and that meets the following criteria:

(a) Provides education in at least the first to the sixth grade; and

(b) Provides evidence that the school system's records will be accepted by a public or private school for the transfer of any student;

(11) "Summer camp", a program operated from May to September by a person or organization with the primary function of providing a summer recreational program for children five years of age or older and providing no child
care for children under five years of age in the same building or in the same outdoor play area.

Section B. Because immediate action is necessary to provide individualized care plans for students with epilepsy or seizure disorders who attend public schools and because of the need to preserve safe and adequate access to educational opportunities for Missouri children, the enactment of section 167.625 and the repeal and reenactment of section 210.201 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 167.625 and the repeal and reenactment of section 210.201 of this act shall be in full force and effect upon its passage and approval.