

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 320

101ST GENERAL ASSEMBLY

0748S.05C

ADRIANE D. CROUSE, Secretary

## AN ACT

To repeal sections 161.670, 166.400, 166.410, 166.415, 166.420, 166.425, 166.435, 166.440, 166.456, 166.502, 170.018, 173.1003, and 209.610, RSMo, and to enact in lieu thereof twenty-one new sections relating to education.

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

Section A. Sections 161.670, 166.400, 166.410, 166.415,  
2 166.420, 166.425, 166.435, 166.440, 166.456, 166.502, 170.018,  
3 173.1003, and 209.610, RSMo, are repealed and twenty-one new  
4 sections enacted in lieu thereof, to be known as sections  
5 160.560, 161.380, 161.385, 161.670, 161.890, 162.1255, 166.400,  
6 166.410, 166.415, 166.420, 166.425, 166.435, 166.440, 166.456,  
7 166.502, 170.018, 170.036, 173.280, 173.1003, 178.935, and  
8 209.610, to read as follows:

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

**4 2. Under the show me success diploma program, the  
5 department of elementary and secondary education shall  
6 develop the "Show Me Success Diploma" as an alternative  
7 pathway to graduation for high school students that may be  
8 earned at any point between the end of a student's tenth  
9 grade year and the conclusion of the student's twelfth grade  
10 year.**

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

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

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

20           (2) Satisfactory grades on approved examinations in  
21 subjects determined to be necessary to prepare a student to  
22 enter postsecondary education without remedial or  
23 developmental course work.

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

33           5. Students who earn a show me success diploma may  
34 remain in high school and participate in programs of study  
35 available through the school district or charter school  
36 until that student would otherwise have graduated at the end  
37 of grade twelve. For purposes of calculation and  
38 distribution of state aid, the school district or charter  
39 school of a pupil having earned a show me success diploma  
40 who remains enrolled in the school district or charter  
41 school shall continue to include the pupil in the pupil  
42 enrollment of each such school district or charter school

43 and shall continue to receive funding for a pupil who earns  
44 a show me success diploma until that pupil would otherwise  
45 have graduated at the end of grade twelve. Students who  
46 elect to remain in high school under this subsection shall  
47 be eligible to participate in extracurricular activities,  
48 including interscholastic sports, through the end of grade  
49 twelve.

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

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

63 8. Pupils who earn a show me success diploma and do  
64 not remain enrolled in the district or charter school and  
65 instead enroll, or show proof that they will enroll, in a  
66 postsecondary educational institution eligible to  
67 participate in a student aid program administered by the  
68 U.S. Department of Education shall be included in the  
69 district's or charter school's state aid calculation under  
70 section 163.031, until such time that the pupil would have  
71 completed the pupil's twelfth grade year had the pupil not  
72 earned a show me success diploma. The funding assigned to a  
73 pupil under this subsection shall be calculated as if the  
74 pupil's attendance percentage equaled the district's or

75 charter school's prior year average attendance percentage.  
76 For a pupil who, as provided in this subsection, is included  
77 in the district's or charter school's state aid calculation  
78 but who is not enrolled in the district or charter school,  
79 an amount equal to ninety percent of the pupil's  
80 proportionate share of the state, local, and federal aid  
81 that the district or charter school receives for the pupil  
82 under this subsection shall be deposited by the school  
83 district or charter school into an account established under  
84 sections 166.400 to 166.455 that lists the pupil as the  
85 beneficiary. The state treasurer shall provide guidance and  
86 assist school districts, charter schools, pupils, and  
87 parents or guardians of pupils with the creation,  
88 maintenance, and use of an account that has been established  
89 under sections 166.400 to 166.455.

90 9. The department of elementary and secondary  
91 education shall promulgate all necessary rules and  
92 regulations for the administration of this section. Any  
93 rule or portion of a rule, as that term is defined in  
94 section 536.010, that is created under the authority  
95 delegated in this section shall become effective only if it  
96 complies with and is subject to all of the provisions of  
97 chapter 536 and, if applicable, section 536.028. This  
98 section and chapter 536 are nonseverable, and if any of the  
99 powers vested with the general assembly pursuant to chapter  
100 536 to review, to delay the effective date, or to disapprove  
101 and annul a rule are subsequently held unconstitutional,  
102 then the grant of rulemaking authority and any rule proposed  
103 or adopted after August 28, 2021, shall be invalid and void.

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

4           2. (1) There is hereby created in the state treasury  
5 the "Competency-Based Education Grant Program Fund". The  
6 fund shall consist of any appropriations to such fund and  
7 any gifts, contributions, grants, or bequests received from  
8 private or other sources for the purpose of providing  
9 competency-based education programs. The state treasurer  
10 shall be custodian of the fund. In accordance with sections  
11 30.170 and 30.180, the state treasurer may approve  
12 disbursements of public moneys in accordance with  
13 distribution requirements and procedures developed by the  
14 department of elementary and secondary education. The fund  
15 shall be a dedicated fund and, upon appropriation, moneys in  
16 the fund shall be used solely for the administration of this  
17 section.

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

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

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

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

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

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

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

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

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

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

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

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

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

62           6. The department of elementary and secondary  
63 education shall promulgate all necessary rules and  
64 regulations for the administration of this section. Any  
65 rule or portion of a rule, as that term is defined in  
66 section 536.010, that is created under the authority

67 delegated in this section shall become effective only if it  
68 complies with and is subject to all of the provisions of  
69 chapter 536 and, if applicable, section 536.028. This  
70 section and chapter 536 are nonseverable and if any of the  
71 powers vested with the general assembly pursuant to chapter  
72 536 to review, to delay the effective date, or to disapprove  
73 and annul a rule are subsequently held unconstitutional,  
74 then the grant of rulemaking authority and any rule proposed  
75 or adopted after August 28, 2021, shall be invalid and void.

161.385. 1. There is hereby established the  
2 "Competency-Based Education Task Force" to study and develop  
3 competency-based education programs in public schools. Task  
4 force members shall be chosen to represent the geographic  
5 diversity of the state. Task force members shall be  
6 appointed for a term of two years and may be reappointed.  
7 All task force members shall be appointed before October 31,  
8 2021, and every other year thereafter by December thirty-  
9 first of that year. The task force members shall be  
10 appointed as follows:

11 (1) Two members of the house of representatives  
12 appointed by the speaker of the house of representatives,  
13 with one such member from the majority party and one such  
14 member from the minority party;

15 (2) Two members of the senate appointed by the  
16 president pro tempore of the senate, with one such member  
17 from the majority party and one such member from the  
18 minority party;

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

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

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

34           3. The department of elementary and secondary  
35 education shall provide such legal, research, clerical, and  
36 technical services as the task force may require in the  
37 performance of official duties.

38           4. The task force shall:

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

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

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

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



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

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

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

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

66           (6) Develop comprehensive graduate profiles that  
67 describe meaningful and critical knowledge skills that  
68 students should have upon graduation that can be implemented  
69 into a diploma designation;

70           (7) Develop findings and recommendations for  
71 implementing competency-based education models and practices  
72 in Missouri public schools, including recommending changes  
73 to existing legislation, rules, and regulations; and

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

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

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

82           (c) Complies with all applicable federal law,  
83 including 20 U.S.C. Section 6311(b)(1)(B), as amended. To  
84 the extent that implementing a competency-based performance  
85 assessment would require the department of elementary and

86 secondary education to obtain innovative assessment and  
87 accountability demonstration authority under 20 U.S.C.  
88 Section 6364, as amended, the task force shall develop  
89 findings and recommendations for obtaining such authority.

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

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 shall be included in the  
15 student enrollment of the school district in which the  
16 student physically is enrolled under subsection 3 of this  
17 section. The Missouri course access and virtual school  
18 program shall report to the district of residence the  
19 following information about each student served by the  
20 Missouri course access and virtual school program: name,  
21 address, eligibility for free or reduced-price lunch,  
22 limited English proficiency status, special education needs,  
23 and the number of courses in which the student is enrolled.

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

56 **name of the district or charter school, the amount due, and**  
57 **how quickly the department made full payment to the provider**  
58 **after receiving the request.** Nothing in this section shall  
59 prohibit students from enrolling in additional courses under  
60 a separate agreement that includes terms for paying tuition  
61 or course fees. **A full-time virtual school program serving**  
62 **full-time equivalent students shall participate in the**  
63 **statewide assessment system as defined in section 160.518.**  
64 **The academic performance of students enrolled in a full-time**  
65 **virtual school program will be assigned to the designated**  
66 **attendance center of the full-time virtual school program,**  
67 **and such academic performance shall not be attributable to**  
68 **the local education authority.**

69 3. (1) A school district or charter school shall  
70 allow any [eligible] student who **is eligible to enroll in a**  
71 **Missouri public school and who** resides in such district to  
72 enroll in Missouri course access and virtual school program  
73 courses of [his or her] **the student's** choice as a part of  
74 the student's annual course load each school year or a full-  
75 time virtual school option[, with any costs associated with  
76 such course or courses to be paid by the school district or  
77 charter school if:

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

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

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

94 (2) [Each school district or charter school] **For**  
95 **students not enrolled in a full-time virtual school, the**  
96 **department of elementary and secondary education** shall adopt  
97 a policy that:

98 (a) Delineates the process by which a student may  
99 enroll in courses provided by the Missouri course access and  
100 virtual school program that is substantially similar to the  
101 typical process by which a district student would enroll in  
102 courses offered by the school district and a charter school  
103 student would enroll in courses offered by the charter  
104 school[. The policy];

105 (b) **Delineates the process by which a student may**  
106 **enroll in a full-time program that is substantially similar**  
107 **to the typical process by which a district or charter school**  
108 **would enroll a new resident student;**

109 (c) **Allows for continuous enrollment throughout the**  
110 **school year;**

111 (d) May include consultation with the school's  
112 counselor and may include parental notification or  
113 authorization[. School counselors shall not be required to  
114 approve or disapprove a student's enrollment in the Missouri  
115 course access and virtual school program.];

116 (e) **Provides that** if the school district or charter  
117 school [disapproves] **believes** a student's request to enroll  
118 in a course or courses provided by the Missouri course

119 access and virtual school program, including full-time  
120 enrollment in courses provided by the Missouri course access  
121 and virtual school program, **is not in the best educational**  
122 **interest of the student,** the reason shall be provided in  
123 writing [and it shall be for good cause. Good cause  
124 justification to disapprove a student's request for  
125 enrollment in a course shall be a determination that doing  
126 so is not in the best educational interest of the student.  
127 In cases of denial by the school district or charter school,  
128 local education agencies shall inform the student and the  
129 student's family of their right to appeal any enrollment  
130 denial in the Missouri course access and virtual school  
131 program to the local school district board or charter school  
132 governing body where the family shall be given an  
133 opportunity to present their reasons for their child or  
134 children to enroll in the Missouri course access and virtual  
135 school program in an official school board meeting. In  
136 addition, the school district or charter school  
137 administration shall provide its good cause justification  
138 for denial at a school board meeting or governing body  
139 meeting. Both the family and school administration shall  
140 also provide their reasons in writing to the members of the  
141 school board or governing body and the documents shall be  
142 entered into the official board minutes. The members of the  
143 board or governing body shall issue their decision in  
144 writing within thirty calendar days, and then an appeal may  
145 be made to the department of elementary and secondary  
146 education, which shall provide a final enrollment decision  
147 within seven calendar days] **to the student's parent or**  
148 **guardian who shall have final decision-making authority.**  
149 **The resident school district or charter school shall not**  
150 **base any recommendation upon financial considerations or the**

151 **offering of virtual courses or programming by the resident**  
152 **school district or charter school or a preferred provider.**

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

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

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

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

203           (7) [School districts and charter schools] **Virtual**  
204 **school providers shall report on a monthly basis individual**  
205 **student academic and participation data to the resident**  
206 **school district of students participating in the Missouri**  
207 **course access and virtual school program, and shall monitor**  
208 **individual student progress and success[, and course or full-**  
209 **time virtual school quality, and annually provide feedback**  
210 **to the department of elementary and secondary education**  
211 **regarding course quality].**

212           (8) Pursuant to rules to be promulgated by the  
213 department of elementary and secondary education, when a  
214 student transfers into a school district or charter school,



215 credits previously gained through successful passage of  
216 approved courses under the Missouri course access and  
217 virtual school program shall be accepted by the school  
218 district or charter school.

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

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

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

237 (12) The authorization process shall provide for  
238 continuous monitoring of approved providers and courses.  
239 The department shall revoke or suspend or take other  
240 corrective action regarding the authorization of any course  
241 or provider no longer meeting the requirements of the  
242 program. Unless immediate action is necessary, prior to  
243 revocation or suspension, the department shall notify the  
244 provider and give the provider a reasonable time period to  
245 take corrective action to avoid revocation or suspension.

246 The process shall provide for periodic renewal of  
247 authorization no less frequently than once every three years.

248 (13) Courses approved as of August 28, 2018, by the  
249 department to participate in the Missouri virtual  
250 instruction program shall be automatically approved to  
251 participate in the Missouri course access and virtual school  
252 program, but shall be subject to periodic renewal.

253 (14) Any online course or virtual program offered by a  
254 school district or charter school, including those offered  
255 prior to August 28, 2018, which meets the requirements of  
256 section 162.1250 shall be automatically approved to  
257 participate in the Missouri course access and virtual school  
258 program. Such course or program shall be subject to  
259 periodic renewal. A school district or charter school  
260 offering such a course or virtual school program shall be  
261 deemed an approved provider.

262 4. School districts or charter schools shall inform  
263 parents of their child's right to participate in the  
264 program. Availability of the program shall be made clear  
265 in the parent handbook, registration documents, and featured  
266 on the home page of the school district or charter school's  
267 website.

268 5. The department shall:

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

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

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

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

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

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

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

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

298 8. If the department determines that there are  
299 insufficient funds available for evaluating and authorizing  
300 course or full-time virtual school providers, the department  
301 may charge applicant course or full-time virtual school  
302 providers a fee up to, but no greater than, the amount of  
303 the costs in order to ensure that evaluation occurs. The  
304 department shall establish and publish a fee schedule for  
305 purposes of this subsection.

306 9. Except as specified in this section and as may be  
307 specified by rule of the state board of education, the  
308 Missouri course access and virtual school program shall

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

313 10. The department shall submit and publicly publish  
314 an annual report on the Missouri course access and virtual  
315 school program and the participation of entities to the  
316 governor, the chair and ranking member of the senate  
317 education committee, and the chair and ranking member of the  
318 house of representatives elementary and secondary education  
319 committee. The report shall at a minimum include the  
320 following information:

321 (1) The annual number of unique students participating  
322 in courses authorized under this section and the total  
323 number of courses in which students are enrolled in;

324 (2) The number of authorized providers;

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

327 (4) The number of courses available by subject and  
328 grade level;

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

331 (6) Student outcome data, including completion rates,  
332 student learning gains, student performance on state or  
333 nationally accepted assessments, by subject and grade level  
334 per provider. This outcome data shall be published in a  
335 manner that protects student privacy;

336 (7) The costs per course;

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

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

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

362           13. Any rule or portion of a rule, as that term is  
363 defined in section 536.010, that is created under the  
364 authority delegated in this section shall become effective  
365 only if it complies with and is subject to all of the  
366 provisions of chapter 536 and, if applicable, section  
367 536.028. This section and chapter 536 are nonseverable and  
368 if any of the powers vested with the general assembly  
369 pursuant to chapter 536 to review, to delay the effective  
370 date, or to disapprove and annul a rule are subsequently  
371 held unconstitutional, then the grant of rulemaking

372 authority and any rule proposed or adopted after August 28,  
373 2006, shall be invalid and void.

374       14. Notwithstanding the provisions of this section to  
375 the contrary, the maximum total enrollment in all full-time  
376 virtual programs under this section shall be two percent of  
377 the total public school pupil enrollment in the state.

378       (1) Each full-time virtual school program shall report  
379 current full-time enrollment on a weekly basis to the  
380 department. If the total reported full-time enrollment  
381 exceeds two percent of the total public school pupil  
382 enrollment in the state, the department shall notify all  
383 full-time virtual programs to cease new enrollment, provided  
384 that no student enrolled prior to such notice shall be  
385 disenrolled. Notwithstanding the provisions of this  
386 subsection to the contrary, any sibling of a student  
387 currently enrolled in a full-time virtual program, and any  
388 student who has previously participated in such a program,  
389 shall continue to be allowed to enroll.

390       (2) After the total reported full-time enrollment  
391 exceeds two percent of the total public school pupil  
392 enrollment in the state, the department shall monitor  
393 enrollment weekly. If the total enrollment in all full-time  
394 virtual programs reported pursuant to this subsection  
395 subsequently falls below two percent of the total public  
396 school pupil enrollment in the state, the department shall  
397 assign new enrollment slots to full-time virtual programs  
398 that have a waiting list in proportion to such program's  
399 percentage of total full-time virtual program enrollment.

400       (3) After being notified to cease new enrollment  
401 pursuant to subdivision (1) of this subsection, a full-time  
402 virtual program may create a waiting list for enrollment.  
403 For each new enrollment slot assigned pursuant to

404 subdivision (2) of this subsection, a full-time virtual  
405 program may enroll students from such program's waiting list  
406 in the order enrollment requests or applications were  
407 received.

161.890. 1. There is hereby established the "School  
2 Accountability Board". Board members shall be appointed as  
3 follows:

4 (1) The commissioner of education shall choose two  
5 members from among no more than three individuals from each  
6 of the following organizations:

7 (a) The Missouri association of school administrators;

8 (b) The Missouri chapter of the national education  
9 association;

10 (c) The Missouri chapter of the Missouri state  
11 teachers association; and

12 (d) The Missouri school board association;

13 (2) The commissioner shall choose one member from  
14 among no more than four individuals nominated by the  
15 Missouri public charter school commission;

16 (3) The president pro tempore of the senate shall  
17 choose four members at large with demonstrated expertise in  
18 education policy and school improvement, none of whom shall  
19 be employees of a public school district or the immediate  
20 family members thereof, and two of whom shall be researchers  
21 with expertise on the impact of education and economic  
22 development;

23 (4) The speaker of the house of representatives shall  
24 choose:

25 (a) Two members from business and industry with  
26 demonstrated commitment to education; and

27 (b) Two members at large with demonstrated expertise in  
28 education policy and school improvement, none of whom shall

29 be employees of a public school district or the immediate  
30 family members thereof.

31 Members appointed under subdivisions (1) and (2) of this  
32 subsection shall serve at the pleasure of the commissioner  
33 of education. Members appointed under subdivision (3) of  
34 this subsection shall serve at the pleasure of the president  
35 pro tempore of the senate. Members appointed under  
36 subdivision (4) of this subsection shall serve at the  
37 pleasure of the speaker of the house of representatives.

38 2. The accountability board shall advise the state  
39 board of education and department of elementary and  
40 secondary education on matters pertaining to the development  
41 and implementation of the state's school improvement program  
42 by:

43 (1) Working with department and state board of  
44 education staff to develop all rules and regulations related  
45 to school and district accountability and improvement prior  
46 to adoption;

47 (2) Advising the department and state board of  
48 education on policies and practices related to school and  
49 district accountability and improvement;

50 (3) Developing and reviewing the results of an annual,  
51 department-administered survey of schools and districts  
52 receiving technical assistance related to accountability and  
53 improvement; and

54 (4) Presenting findings and recommendations pertaining  
55 to school and district accountability and improvement to the  
56 state board of education at least two times annually.

162.1255. 1. For purposes of this section, the  
2 following terms shall mean:



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

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

12           2. School districts and charter schools shall receive  
13 state school funding under sections 163.031, 163.043,  
14 163.044, and 163.087 for resident pupils enrolled in the  
15 school district or charter school and taking competency-  
16 based courses offered by the school district.

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

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

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

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

- 8           (2) "Benefits", the payment of qualified education  
9 expenses on behalf of a beneficiary from a savings account  
10 during the beneficiary's attendance at an eligible  
11 educational institution;
- 12           (3) "Board", the Missouri education [savings] program  
13 board established in section 166.415;
- 14           (4) "Eligible educational institution", an  
15 [institution of postsecondary education] **eligible**  
16 **educational institution** as defined in Section [529(e)(5)]  
17 **529** of the Internal Revenue Code, [and institutions of  
18 elementary and secondary education as provided in Sections  
19 529(c)(7) and 529(e)(3) of the Internal Revenue Code,] as  
20 amended;
- 21           (5) "Financial institution", a bank, insurance company  
22 or registered investment company;
- 23           (6) "Internal Revenue Code", the Internal Revenue Code  
24 of 1986, as amended;
- 25           (7) "Missouri education [savings] program" or  
26 "[savings] program", the program created pursuant to  
27 sections 166.400 to 166.455;
- 28           (8) "Participant", a person who has entered into a  
29 participation agreement pursuant to sections 166.400 to  
30 166.455 for the advance payment of qualified education  
31 expenses on behalf of a beneficiary;
- 32           (9) "Participation agreement", an agreement between a  
33 participant and the board pursuant to and conforming with  
34 the requirements of sections 166.400 to 166.455; and
- 35           (10) "Qualified higher education expenses" or  
36 "qualified education expenses", the qualified costs of  
37 tuition and fees and other expenses for attendance at an  
38 eligible educational institution, as defined in Section  
39 [529(e)(3)] **529** of the Internal Revenue Code, as amended.

166.415. 1. There is hereby created the "Missouri  
2 Education [Savings] Program". The program shall be  
3 administered by the Missouri education [savings] program  
4 board which shall consist of the Missouri state treasurer  
5 who shall serve as chairman, the commissioner of the  
6 department of higher education and workforce development,  
7 the commissioner of education, the commissioner of the  
8 office of administration, the director of the department of  
9 economic development, two persons having demonstrable  
10 experience and knowledge in the areas of finance or the  
11 investment and management of public funds, one of whom is  
12 selected by the president pro tem of the senate and one of  
13 whom is selected by the speaker of the house of  
14 representatives, and one person having demonstrable  
15 experience and knowledge in the area of banking or deposit  
16 rate determination and placement of depository certificates  
17 of deposit or other deposit investments. Such member shall  
18 be appointed by the governor with the advice and consent of  
19 the senate. The three appointed members shall be appointed  
20 to serve for terms of four years from the date of  
21 appointment, or until their successors shall have been  
22 appointed and shall have qualified. The members of the  
23 board shall be subject to the conflict of interest  
24 provisions of section 105.452. Any member who violates the  
25 conflict of interest provisions shall be removed from the  
26 board. In order to establish and administer the [savings]  
27 program, the board, in addition to its other powers and  
28 authority, shall have the power and authority to:

29 (1) Develop and implement the Missouri education  
30 [savings] program and, notwithstanding any provision of  
31 sections 166.400 to 166.455 to the contrary, the [savings]

32 programs and services consistent with the purposes and  
33 objectives of sections 166.400 to 166.455;

34 (2) Promulgate reasonable rules and regulations and  
35 establish policies and procedures to implement sections  
36 166.400 to 166.455, to permit the [savings] program to  
37 qualify as a "qualified state tuition program" pursuant to  
38 Section 529 of the Internal Revenue Code and to ensure the  
39 [savings] program's compliance with all applicable laws;

40 (3) Develop and implement educational programs and  
41 related informational materials for participants, either  
42 directly or through a contractual arrangement with a  
43 financial institution for investment services, and their  
44 families, including special programs and materials to inform  
45 families with young children regarding methods for financing  
46 education and training;

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

51 (5) Enter into participation agreements with  
52 participants;

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

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

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

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

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

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

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

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

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

90           4. The board shall meet within the state of Missouri  
91 at the time set at a previously scheduled meeting or by the  
92 request of any four members of the board. Notice of the  
93 meeting shall be delivered to all other trustees in person  
94 or by depositing notice in a United States post office in a  
95 properly stamped and addressed envelope not less than six

96 days prior to the date fixed for the meeting. The board may  
97 meet at any time by unanimous mutual consent. There shall  
98 be at least one meeting in each quarter.

99 5. The funds shall be invested only in those  
100 investments which a prudent person acting in a like capacity  
101 and familiar with these matters would use in the conduct of  
102 an enterprise of a like character and with like aims, as  
103 provided in section 105.688. For new contracts entered into  
104 after August 28, 2012, board members shall study investment  
105 plans of other states and contract with or negotiate to  
106 provide benefit options the same as or similar to other  
107 states' qualified plans for the purpose of offering  
108 additional options for members of the plan. The board may  
109 delegate to duly appointed investment counselors authority  
110 to act in place of the board in the investment and  
111 reinvestment of all or part of the moneys and may also  
112 delegate to such counselors the authority to act in place of  
113 the board in the holding, purchasing, selling, assigning,  
114 transferring or disposing of any or all of the securities  
115 and investments in which such moneys shall have been  
116 invested, as well as the proceeds of such investments and  
117 such moneys. Such investment counselors shall be registered  
118 as investment advisors with the United States Securities and  
119 Exchange Commission. In exercising or delegating its  
120 investment powers and authority, members of the board shall  
121 exercise ordinary business care and prudence under the facts  
122 and circumstances prevailing at the time of the action or  
123 decision. No member of the board shall be liable for any  
124 action taken or omitted with respect to the exercise of, or  
125 delegation of, these powers and authority if such member  
126 shall have discharged the duties of [his or her] **the**  
127 **member's** position in good faith and with that degree of

128 diligence, care and skill which a prudent person acting in a  
129 like capacity and familiar with these matters would use in  
130 the conduct of an enterprise of a like character and with  
131 like aims.

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

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

146 **8. The state treasurer may delegate any duties**  
147 **assigned to the state treasurer under sections 135.712 to**  
148 **135.719 and 166.700 to 166.720 to the Missouri education**  
149 **program board established under this section.**

166.420. 1. The board may enter into [savings]  
2 program participation agreements with participants on behalf  
3 of beneficiaries pursuant to the provisions of sections  
4 166.400 to 166.455, including the following terms and  
5 conditions:

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

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

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

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

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

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

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

31           3. The board shall establish a total contribution  
32 limit for savings accounts established under the **[savings]**  
33 program with respect to a beneficiary to permit the  
34 **[savings]** program to qualify as a "qualified state tuition  
35 program" pursuant to Section 529 of the Internal Revenue  
36 Code. No contribution may be made to a savings account for  
37 a beneficiary if it would cause the balance of all savings  
38 accounts of the beneficiary to exceed the total contribution  
39 limit established by the board. The board may establish  
40 other requirements that it deems appropriate to provide



41 adequate safeguards to prevent contributions on behalf of a  
42 beneficiary from exceeding what is necessary to provide for  
43 the qualified education expenses of the beneficiary.

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

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

166.435. 1. Notwithstanding any law to the contrary,  
2 the assets of the [savings] program held by the board, the  
3 assets of any deposit program authorized in section 166.500,  
4 and the assets of any qualified tuition [savings] program  
5 established pursuant to Section 529 of the Internal Revenue  
6 Code and any income therefrom shall be exempt from all  
7 taxation by the state or any of its political subdivisions.  
8 Income earned or received from the [savings] program,  
9 deposit, or other qualified tuition [savings] programs  
10 established under Section 529 of the Internal Revenue Code,  
11 or refunds of qualified education expenses received by a  
12 beneficiary from an eligible educational institution in

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

36 2. If any deductible contributions to or earnings from  
37 any such program referred to in this section are distributed  
38 and not used to pay qualified education expenses, not  
39 transferred as allowed by 26 U.S.C. Section 529(c) (3) (C) (i),  
40 as amended, and any Internal Revenue Service regulations or  
41 guidance issued in relation thereto, or are not held for the  
42 minimum length of time established by the appropriate  
43 Missouri board, then the amount so distributed shall be  
44 included in the Missouri adjusted gross income of the

45 participant, or, if the participant is not living, the  
46 beneficiary.

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

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

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

166.502. As used in sections 166.500 to 166.529,  
2 except where the context clearly requires another  
3 interpretation, the following terms mean:

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

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

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

14 (4) "Eligible educational institution", an institution  
15 of postsecondary education as defined in Section 529(e)(5)  
16 of the Internal Revenue Code;

17 (5) "Financial institution", a depository institution  
18 and any intermediary that brokers certificates of deposits;

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

21 (7) "Missouri higher education deposit program" or  
22 "deposit program", the program created pursuant to sections  
23 166.500 to 166.529;

24 (8) "Participant", a person who has entered into a  
25 participation agreement pursuant to sections 166.500 to  
26 166.529 for the advance payment of qualified higher  
27 education expenses on behalf of a beneficiary;

28 (9) "Participation agreement", an agreement between a  
29 participant and the board pursuant to and conforming with  
30 the requirements of sections 166.500 to 166.529;

31 (10) "Qualified higher education expenses", the  
32 qualified costs of tuition and fees and other expenses for  
33 attendance at an eligible educational institution, as  
34 defined in Section 529(e)(3) of the Internal Revenue Code of  
35 1986, as amended.

170.018. 1. (1) For purposes of this section,  
2 "computer science course" means a course in which students  
3 study computers and algorithmic processes, including their  
4 principles, hardware and software designs, implementation,  
5 and impact on society. **The term shall include, but not be**  
6 **limited to, a stand-alone course at any elementary, middle,**  
7 **or high school or a course at any elementary or middle**  
8 **school that embeds computer science content within other**  
9 **subjects.**

10           (2) The department of elementary and secondary  
11 education shall, before July 1, 2019, develop a high school  
12 graduation policy that allows a student to fulfill one unit  
13 of academic credit with a district-approved computer science  
14 course meeting the standards of subsection 2 of this section  
15 for any mathematics, science, or practical arts unit  
16 required for high school graduation. The policy shall  
17 require that all students have either taken all courses that  
18 require end-of-course examinations for math and science or  
19 are on track to take all courses that require end-of-course  
20 examinations for math and science under the Missouri school  
21 improvement program in order to receive credit toward high  
22 school graduation under this subsection.

23           (3) A school district shall communicate to students  
24 electing to use a computer science course for a mathematics  
25 unit that some institutions of higher education may require  
26 four units of academic credit in mathematics for college  
27 admission. The parent, guardian, or legal custodian of each  
28 student who chooses to take a computer science course to  
29 fulfill a unit of academic credit in mathematics shall sign  
30 and submit to the school district a document containing a  
31 statement acknowledging that taking a computer science  
32 course to fulfill a unit of academic credit in mathematics  
33 may have an adverse effect on college admission decisions.

34           (4) The department of elementary and secondary  
35 education and the department of higher education and  
36 workforce development shall cooperate in developing and  
37 implementing academic requirements for computer science  
38 courses offered in any grade or grades not lower than the  
39 ninth nor higher than the twelfth grade.

40           2. (1) The department of elementary and secondary  
41 education shall convene a work group to develop and

42 recommend rigorous academic performance standards relating  
43 to computer science for students in kindergarten and in each  
44 grade not higher than the twelfth grade. The work group  
45 shall include, but not be limited to, educators providing  
46 instruction in kindergarten or in any grade not higher than  
47 the twelfth grade and representatives from the department of  
48 elementary and secondary education, the department of higher  
49 education and workforce development, business and industry,  
50 and institutions of higher education. The department of  
51 elementary and secondary education shall develop written  
52 curriculum frameworks relating to computer science that may  
53 be used by school districts. The requirements of section  
54 160.514 shall not apply to this section.

55 (2) The state board of education shall adopt and  
56 implement academic performance standards relating to  
57 computer science beginning in the 2019-20 school year.

58 3. Before July 1, 2019, the department of elementary  
59 and secondary education shall develop a procedure by which  
60 any teacher who holds a certificate of license to teach  
61 under section 168.021 and demonstrates sufficient content  
62 knowledge of computer science shall receive a special  
63 endorsement on [his or her] **the teacher's** license signifying  
64 [his or her] **the teacher's** specialized knowledge in computer  
65 science.

66 4. (1) For purposes of this subsection, "eligible  
67 entity" means:

68 (a) A local educational agency, or a consortium of  
69 local educational agencies, in the state, including charter  
70 schools that have declared themselves local educational  
71 agencies;

72 (b) An institution of higher education in the state; or

73           (c) A nonprofit or private provider of nationally  
74 recognized and high-quality computer science professional  
75 development, as determined by the department of elementary  
76 and secondary education.

77           (2) There is hereby created in the state treasury the  
78 "Computer Science Education Fund". The fund shall consist  
79 of all moneys that may be appropriated to it by the general  
80 assembly and any gifts, contributions, grants, or bequests  
81 received from private or other sources for the purpose of  
82 providing teacher professional development programs relating  
83 to computer science. The state treasurer shall be custodian  
84 of the fund. In accordance with sections 30.170 and 30.180,  
85 the state treasurer may approve disbursements. The fund  
86 shall be a dedicated fund and, upon appropriation, moneys in  
87 the fund shall be used solely for the administration of  
88 grants to eligible entities as described in this section.  
89 Notwithstanding the provisions of section 33.080 to the  
90 contrary, any moneys remaining in the fund at the end of the  
91 biennium shall not revert to the credit of the general  
92 revenue fund. The state treasurer shall invest moneys in  
93 the fund in the same manner as other funds are invested.  
94 Any interest and moneys earned on such investments shall be  
95 credited to the fund.

96           (3) The state board of education shall award grants  
97 from the computer science education fund to eligible  
98 entities for the purpose of providing teacher professional  
99 development programs relating to computer science. An  
100 eligible entity wishing to receive such a grant shall submit  
101 an application to the department of elementary and secondary  
102 education addressing how the entity plans to:

103           (a) Reach new and existing teachers with little  
104 computer science background;

105 (b) Use effective practices for professional  
106 development;

107 (c) Focus the training on the conceptual foundations  
108 of computer science;

109 (d) Reach and support historically underrepresented  
110 students in computer science;

111 (e) Provide teachers with concrete experience with  
112 hands-on, inquiry-based practices; and

113 (f) Accommodate the particular needs of students and  
114 teachers in each district and school.

115 5. (1) **For all school years beginning on or after**  
116 **July 1, 2022, each:**

117 (a) **Public high school and charter high school shall**  
118 **offer at least one computer science course;**

119 (b) **Public middle school or charter middle school**  
120 **shall offer instruction in exploratory computer science; and**

121 (c) **Public elementary school or charter elementary**  
122 **school shall offer instruction in the basics of computer**  
123 **science and computational thinking.**

124 (2) **Any computer science course or instruction offered**  
125 **under this subsection shall:**

126 (a) **Be of high quality as defined by the state board**  
127 **of education;**

128 (b) **Meet or exceed the computer science performance**  
129 **standards developed and adopted by the department of**  
130 **elementary and secondary education under this section; and**

131 (c) **For any computer science course offered by a**  
132 **public high school or charter high school, offer the course**  
133 **in an in-person setting or as a virtual or distance course**  
134 **option only if a traditional classroom setting is not**  
135 **feasible.**



136           (3) On or before June thirtieth of each school year,  
137 each school district shall submit to the department of  
138 elementary and secondary education a report for the current  
139 school year which shall include, but not be limited to:

140           (a) The names and course codes of computer science  
141 courses offered in each school in the district with a course  
142 description and which computer science performance standards  
143 are covered, to the extent such information is available;

144           (b) The number and percentage of students who enrolled  
145 in each computer science course, listed by the categories in  
146 subparagraphs a. to f. of this paragraph. If a category  
147 contains one to five students or contains a quantity of  
148 students that would allow the quantity of another category  
149 that contains five or fewer to be deduced, the number shall  
150 be replaced with a symbol:

151           a. Sex;

152           b. Race and ethnicity;

153           c. Special education status including, but not limited  
154 to, students receiving services under the federal  
155 Individuals with Disabilities Education Act (IDEA) (20  
156 U.S.C. Section 1400 et seq., as amended) or Section 504 of  
157 the federal Rehabilitation Act of 1973 (29 U.S.C. Section  
158 794), as amended;

159           d. English language learner status;

160           e. Eligibility for free or reduced price meals; and

161           f. Grade level; and

162           (c) The number of computer science instructors at each  
163 school, listed by the following categories:

164           a. Applicable certifications;

165           b. Sex;

166           c. Race and ethnicity; and

167           d. Highest academic degree.

168           (4) On or before June thirtieth of each school year,  
169 the department of elementary and secondary education shall  
170 post the following on the department's website:

171           (a) Data received under paragraphs (a) and (b) of  
172 subdivision (3) of this subsection, disaggregated by school  
173 and aggregated statewide; and

174           (b) Data received under paragraph (c) of subdivision  
175 (3) of this subsection, aggregated statewide.

176           (5) On or before June thirtieth of each school year,  
177 the department of elementary and secondary education shall  
178 publish a list of computer science course codes and names  
179 with a course description and an indication of which courses  
180 meet or exceed the department of elementary and secondary  
181 education's computer science performance standards.

182           6. The department of elementary and secondary  
183 education shall appoint a computer science supervisor. The  
184 computer science supervisor shall be responsible for  
185 implementing the provisions of this section.

186           7. For all school years beginning on or after July 1,  
187 2022, a computer science course successfully completed and  
188 counted toward state graduation requirements shall be  
189 equivalent to one science course or one practical arts  
190 credit for the purpose of satisfying any admission  
191 requirements of any public institution of higher education  
192 in this state.

193           8. The department of elementary and secondary  
194 education shall promulgate rules to implement the provisions  
195 of this section. Any rule or portion of a rule, as that  
196 term is defined in section 536.010, that is created under  
197 the authority delegated in this section shall become  
198 effective only if it complies with and is subject to all of  
199 the provisions of chapter 536 and, if applicable, section

200 536.028. This section and chapter 536 are nonseverable, and  
201 if any of the powers vested with the general assembly  
202 pursuant to chapter 536 to review, to delay the effective  
203 date, or to disapprove and annul a rule are subsequently  
204 held unconstitutional, then the grant of rulemaking  
205 authority and any rule proposed or adopted after December  
206 18, 2018, shall be invalid and void.

170.036. 1. There is hereby established the "Computer  
2 Science Education Task Force" within the department of  
3 elementary and secondary education.

4 2. The task force shall consist of the following  
5 members:

6 (1) Two members of the house of representatives, with  
7 one member to be appointed by the speaker of the house of  
8 representatives and one member to be appointed by the  
9 minority leader of the house of representatives;

10 (2) Two members of the senate, with one member to be  
11 appointed by the president pro tempore of the senate and one  
12 member to be appointed by the minority leader of the senate;

13 (3) The governor or the governor's designee;

14 (4) The commissioner of education or the  
15 commissioner's designee;

16 (5) The commissioner of higher education or the  
17 commissioner's designee; and

18 (6) Six members who represent the interests of each of  
19 the following groups, to be appointed by the commissioner of  
20 education:

21 (a) The state board of education;

22 (b) Private industry in this state with interest in  
23 computer science;

24 (c) Nonprofit organizations;

25 (d) An association of school superintendents;

26           (e) A statewide association representing computer  
27 science teachers; and

28           (f) A secondary teacher leader from career and  
29 technical education representing computer science teachers.

30           3. The mission of the computer science education task  
31 force shall be to develop a state strategic plan for  
32 expanding a statewide computer science education program,  
33 including the following:

34           (1) A statement of purpose that describes the  
35 objectives or goals the state board of education will  
36 accomplish by implementing a computer science education  
37 program, the strategies by which those goals will be  
38 achieved, and a timeline for achieving those goals;

39           (2) A summary of the current state landscape for K-12  
40 computer science education, including demographic reporting  
41 of students taking these courses;

42           (3) A plan for expanding computer science education  
43 opportunities to every school in the state within five years  
44 and increasing the representation of students from  
45 traditionally underserved groups, in computer science  
46 including female students, students from historically  
47 underrepresented racial and ethnic groups, students with  
48 disabilities, English-language learner students, students  
49 who qualify for free and reduced-price meals, and rural  
50 students;

51           (4) A plan for the development of rigorous standards  
52 and curriculum guidelines for K-12 computer science,  
53 including ways to incorporate computer science into existing  
54 standards at the elementary level, as appropriate;

55           (5) A plan for ensuring teachers are well-prepared to  
56 begin teaching computer science, including defining high-

57 quality professional learning for in-service teachers and  
58 strategies for pre-service teacher preparation;

59 (6) An ongoing evaluation process that is overseen by  
60 the state board of education;

61 (7) Proposed rules that incorporate the principles of  
62 the master plan into the state's public education system as  
63 a whole; and

64 (8) A plan to ensure long-term sustainability for  
65 computer science education.

66 4. The speaker of the house of representatives shall  
67 designate the chair of the task force, and the president pro  
68 tempore of the senate shall designate the vice chair of the  
69 task force.

70 5. Members of the task force shall serve without  
71 compensation, but the members and any staff assigned to the  
72 task force shall receive reimbursement for actual and  
73 necessary expenses incurred in attending meetings of the  
74 task force or any subcommittee thereof. All task force  
75 members shall be subject to the same conflict of interest  
76 provisions in chapter 105 that are enforced by the Missouri  
77 ethics commission in the same manner that elected or  
78 appointed officials and employees are subject to such  
79 provisions.

80 6. The task force shall hold its first meeting within  
81 one month from the effective date of this section.

82 7. The department of elementary and secondary  
83 education shall provide technical and administrative support  
84 as required by the task force to fulfill its duties.

85 8. Before June 30, 2022, the task force shall present  
86 a summary of its activities and any recommendations for  
87 legislation to the general assembly.

88           9. The computer science education task force shall  
89 dissolve on June 30, 2023.

          173.280. 1. As used in this section, the following  
2 terms mean:

3           (1) "Postsecondary educational institution", any  
4 campus of a public or private institution of higher  
5 education in this state that is subject to the coordinating  
6 board for higher education under section 173.005;

7           (2) "Student athlete", an individual who participates  
8 or has participated in an intercollegiate sport for a  
9 postsecondary educational institution. "Student athlete"  
10 shall not be construed to apply to an individual's  
11 participation in a college intramural sport or in a  
12 professional sport outside of intercollegiate athletics;

13           (3) "Third party", any individual or entity, including  
14 any athlete agent, other than a postsecondary educational  
15 institution, athletic conference, or athletic association.

16           2. (1) No postsecondary educational institution shall  
17 uphold any rule, requirement, standard, or other limitation  
18 that prevents a student of that institution from fully  
19 participating in intercollegiate athletics without penalty  
20 and earning compensation as a result of the use of the  
21 student's name, image, likeness rights, or athletic  
22 reputation. A student athlete earning compensation from the  
23 use of a student's name, image, likeness rights, or athletic  
24 reputation shall not affect such student athlete's grant-in-  
25 aid or stipend eligibility, amount, duration, or renewal.

26           (2) No postsecondary educational institution shall  
27 interfere with or prevent a student from fully participating  
28 in intercollegiate athletics or obtaining professional  
29 representation in relation to contracts or legal matters,  
30 including, but not limited to, representation provided by

31 athlete agents, financial advisors, or legal representation  
32 provided by attorneys.

33         3. A grant-in-aid or stipend from the postsecondary  
34 educational institution in which a student is enrolled shall  
35 not be construed to be compensation for use of the student's  
36 name, image, likeness rights, or athletic reputation for  
37 purposes of this section, and no grant-in-aid or stipend  
38 shall be revoked or reduced as a result of a student earning  
39 compensation under this section.

40         4. (1) No student athlete shall enter into an  
41 apparel, equipment, or beverage contract providing  
42 compensation to the athlete for use of the athlete's name,  
43 image, likeness rights, or athletic reputation if the  
44 contract requires the athlete to display a sponsor's  
45 apparel, equipment, or beverage, or otherwise advertise for  
46 the sponsor during official team activities if such  
47 provisions are in conflict with a provision of the  
48 postsecondary institution's current licenses or contracts.

49         (2) Except with the prior written consent of the  
50 student athlete's postsecondary educational institution, a  
51 student athlete shall not enter into a contract for  
52 compensation for the use of such student athlete's name,  
53 image, likeness rights, or athletic reputation, if such  
54 institution determines that a term of the contract conflicts  
55 with a term of a contract to which such institution is a  
56 party.

57         (3) Before any contract for compensation for the use  
58 of a student athlete's name, image, likeness rights, or  
59 athletic reputation, is executed, and before any  
60 compensation is provided to the student athlete in advance  
61 of a contract, the student athlete shall disclose that

62 contract to his or her postsecondary educational institution  
63 in a manner prescribed by such institution.

64 (4) A postsecondary educational institution or any  
65 officer, director, or employee of such institution or entity  
66 shall not compensate or cause compensation to be directed to  
67 a student athlete, prospective student athlete, or the  
68 family of such individuals for the use of such student  
69 athlete or prospective student athlete's name, image,  
70 likeness rights, or athletic reputation.

71 5. No contract of a postsecondary educational  
72 institution's athletic program shall prevent a student  
73 athlete from receiving compensation for using the student  
74 athlete's name, image, likeness rights, or athletic  
75 reputation for a commercial purpose when the athlete is not  
76 engaged in official mandatory team activities that are  
77 recorded in writing and can be made publicly available upon  
78 request.

79 6. (1) Postsecondary educational institutions that  
80 enter into commercial agreements that directly or indirectly  
81 require the use of a student athlete's name, image,  
82 likeness, or athletic reputation shall conduct a financial  
83 development program once per year for their athletes.

84 (2) The financial development program shall not  
85 include any marketing, advertising, referral, or  
86 solicitation by providers of financial products or services.

87 (3) Postsecondary educational institutions shall help  
88 distribute informational materials for such programs as  
89 needed.

90 (4) Postsecondary educational institutions shall  
91 inform their athletes of such program meetings and provide  
92 appropriate meeting space.



93           7. Student athlete representation shall be by  
94 attorneys or agents licensed by this state.

95           8. (1) Any student athlete may bring a civil action  
96 against third parties that violate this section for  
97 appropriate injunctive relief or actual damages, or both.  
98 Such action shall be brought in the county where the  
99 violation occurred, or is about to occur, and the court  
100 shall award damages and court costs to a prevailing  
101 plaintiff.

102           (2) Student athletes bringing an action under this  
103 section shall not be deprived of any protections provided  
104 under law with respect to a controversy that arises and  
105 shall have the right to adjudicate claims that arise under  
106 this section.

107           9. No legal settlement shall conflict with the  
108 provisions of this section.

109           10. This section shall apply only to agreements or  
110 contracts entered into, modified, or renewed on or after  
111 August 28, 2021. Such agreements or contracts include, but  
112 are not limited to, the national letter of intent, an  
113 athlete's financial aid agreement, commercial contracts in  
114 the athlete group licensing market, and athletic conference  
115 or athletic association rules or bylaws.

173.1003. 1. Beginning with the 2008-09 academic  
2 year, each approved public institution, as such term is  
3 defined in section 173.1102, shall submit its percentage  
4 change in the amount of tuition from the current academic  
5 year compared to the upcoming academic year to the  
6 coordinating board for higher education by July first  
7 preceding such academic year.

8           2. For institutions whose tuition is greater than the  
9 average tuition, the percentage change in tuition shall not

10 exceed the percentage change of the consumer price index  
11 plus a percentage of not more than five percent that would  
12 produce an increase in net tuition revenue no greater than  
13 the dollar amount by which the state operating support was  
14 reduced for the prior fiscal year, if applicable.

15 3. For institutions whose tuition is less than the  
16 average tuition, the dollar increase in tuition shall not  
17 exceed the product of the percentage change of the consumer  
18 price index times the average tuition, plus a percentage of  
19 not more than five percent that would produce an increase in  
20 net tuition revenue no greater than the dollar amount by  
21 which the state operating support was reduced for the prior  
22 fiscal year, if applicable.

23 4. If a tuition increase exceeds the limits set forth  
24 in subsection 2 or 3 of this section, then the institution  
25 shall be subject to the provisions of subsection 5 of this  
26 section.

27 5. Any institution that exceeds the limits set forth  
28 in subsection 2 or 3 of this section shall remit to the  
29 board an amount equal to five percent of its current year  
30 state operating support amount which shall be deposited into  
31 the general revenue fund unless the institution appeals,  
32 within thirty days of such notice, to the commissioner of  
33 higher education for a waiver of this provision. The  
34 commissioner, after meeting with appropriate representatives  
35 of the institution, shall determine whether the  
36 institution's waiver request is sufficiently warranted, in  
37 which case no fund remission shall occur. In making this  
38 determination, the factors considered by the commissioner  
39 shall include but not be limited to the relationship between  
40 state appropriations and the consumer price index and any  
41 extraordinary circumstances. If the commissioner determines

42 that an institution's tuition percent increase is not  
43 sufficiently warranted and declines the waiver request, the  
44 commissioner shall recommend to the full coordinating board  
45 that the institution shall remit an amount up to five  
46 percent of its current year state operating appropriation to  
47 the board, which shall deposit the amount into the general  
48 revenue fund. The coordinating board shall have the  
49 authority to make a binding and final decision, by means of  
50 a majority vote, regarding the matter.

51 6. The provisions of subsections 2 to 5 of this  
52 section shall not apply to any community college unless any  
53 such community college's tuition for any Missouri resident  
54 is greater than or equal to the average tuition. If the  
55 provisions of subsections 2 to 5 of this section apply to a  
56 community college, subsections 2 to 5 of this section shall  
57 only apply to out-of-district Missouri resident tuition.

58 7. For purposes of this section, the term "average  
59 tuition" shall be the sum of the tuition amounts for the  
60 previous academic year for each approved public institution  
61 that is not excluded under subsection 6 of this section,  
62 divided by the number of such institutions. The term  
63 "consumer price index" shall mean the Consumer Price Index  
64 for All Urban Consumers (CPI-U), 1982-1984 = 100, not  
65 seasonally adjusted, as defined and officially recorded by  
66 the United States Department of Labor, or its successor  
67 agency, from January first of the current year compared to  
68 January first of the preceding year. The term "state  
69 appropriation" shall mean the state operating appropriation  
70 for the prior year per full-time equivalent student for the  
71 prior year compared to state operating appropriation for the  
72 current year per full-time equivalent student for the prior  
73 year. The term "tuition" shall mean the amount of tuition

74 and required fees, excluding any fee established by the  
75 student body of the institution, charged to a Missouri  
76 resident undergraduate enrolled in fifteen credit hours at  
77 the institution. The term "state operating support" shall  
78 mean the funding actually disbursed from state operating  
79 appropriations to approved public institutions and shall not  
80 include appropriations or disbursement for special  
81 initiatives or specific program additions or expansions.  
82 The term "net tuition revenue" shall mean the net amount of  
83 resident undergraduate tuition and required fees reduced by  
84 institutional aid only. "Institutional aid" includes all  
85 aid awarded to the student by the student's institution of  
86 higher education only from such institution's funds.  
87 Institutional aid does not include the following: Pell  
88 Grants; state awards such as the Missouri higher education  
89 academic scholarship program, the A+ schools program, and  
90 the access Missouri financial aid program; foundation  
91 scholarships; third-party scholarships; employee and  
92 dependent fee waivers; and student loans.

93 8. Nothing in this section shall be construed to usurp  
94 or preclude the ability of the governing board of an  
95 institution of higher education to establish tuition or  
96 required fee rates.

97 **9. Subsections 2 to 6 shall not apply to any approved**  
98 **public institution, as such term is defined in section**  
99 **173.1102, or to any community college in any academic year**  
100 **beginning on or after July 1, 2022.**

101 **10. When an approved public institution, as such term**  
102 **is defined in section 173.1102, utilizes differentiated**  
103 **tuition, the public institution shall notify the department**  
104 **of higher education and workforce development of the**  
105 **institution's decision and shall, at the point of**

106 implementation, no longer utilize required course fees.  
107 Course fees may still be utilized by any public institution  
108 until such decision is formally announced to the department  
109 and implemented.

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

3 (1) "Certificate", authorization issued to employers  
4 by the department to pay special wages to workers who have  
5 disabilities for the work being performed;

6 (2) "Commensurate Wage", a wage paid to a disabled  
7 person when his or her disability impairs his or her  
8 productive and earning capacities for the work being  
9 performed. The wage shall be commensurate with the worker's  
10 productivity as compared to the wage and productivity of an  
11 experienced worker who is not disabled.

12 2. Notwithstanding any provision of law to the  
13 contrary, the department, to the extent necessary to prevent  
14 the curtailment of opportunities for employment, shall  
15 provide for the employment, under special certificates, of  
16 disabled persons at sheltered workshops, at wages which are:

17 (1) Lower than the wage rate applicable under sections  
18 290.500 to 290.530;

19 (2) Commensurate with those paid to nondisabled  
20 workers, employed in the vicinity in which the persons under  
21 the certificates are employed, for essentially the same  
22 type, quality, and quantity of work; and

23 (3) Related to the person's productivity.

24 3. The department shall not issue a certificate under  
25 subsection 2 of this section unless the sheltered workshop  
26 provides written assurances to the department of the  
27 following:

28           (1) In the case of persons paid on an hourly rate  
29 basis, wages paid in accordance with subsection 2 of this  
30 section shall be reviewed by the sheltered workshop at  
31 periodic intervals at least once every six months; and

32           (2) Wages paid in accordance with subsection 2 of this  
33 section shall be adjusted by the sheltered workshop at  
34 periodic intervals, at least once each year, to reflect  
35 changes in the prevailing wage paid to experienced  
36 nondisabled persons employed in the locality for essentially  
37 the same type of work.

38           4. Notwithstanding the provisions of subsection 2 of  
39 this section, no sheltered workshop shall be permitted to  
40 reduce the hourly wage rate prescribed by certificate under  
41 this section of any disabled worker for a period of two  
42 years from such date without prior authorization from the  
43 department.

209.610. 1. The board may enter into ABLE program  
2 participation agreements with participants on behalf of  
3 designated beneficiaries pursuant to the provisions of  
4 sections 209.600 to 209.645, including the following terms  
5 and conditions:

6           (1) A participation agreement shall stipulate the  
7 terms and conditions of the ABLE program in which the  
8 participant makes contributions;

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

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

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

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

22           2. The board shall establish the maximum amount of  
23 contributions which may be made annually to an ABLE account,  
24 which shall be the same as the amount allowed by 26 U.S.C.  
25 Section 529A of the Internal Revenue Code of 1986, as  
26 amended.

27           3. The board shall establish a total contribution  
28 limit for savings accounts established under the ABLE  
29 program with respect to a designated beneficiary which shall  
30 in no event be less than the amount established as the  
31 contribution limit by the Missouri education [savings]  
32 program board for qualified tuition [savings] programs  
33 established under sections 166.400 to 166.450. No  
34 contribution shall be made to an ABLE account for a  
35 designated beneficiary if it would cause the balance of the  
36 ABLE account of the designated beneficiary to exceed the  
37 total contribution limit established by the board. The  
38 board may establish other requirements that it deems  
39 appropriate to provide adequate safeguards to prevent  
40 contributions on behalf of a designated beneficiary from  
41 exceeding what is necessary to provide for the qualified  
42 disability expenses of the designated beneficiary.

43           4. The board shall establish the minimum length of  
44 time that contributions and earnings must be held by the  
45 ABLE program to qualify as tax exempt pursuant to section  
46 209.625. Any contributions or earnings that are withdrawn

47 or distributed from an ABLE account prior to the expiration  
48 of the minimum length of time, as established by the board,  
49 shall be subject to a penalty pursuant to section 209.620.

✓