

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 998

AN ACT

To repeal sections 166.700 and 166.720, RSMo, and to enact in lieu thereof three new sections relating to empowerment scholarship accounts.

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

Section A. Sections 166.700 and 166.720, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 166.700, 166.719, and 166.720, to read as follows:

166.700. As used in sections 166.700 to 166.720, the following terms mean:

- (1) "Curriculum", a complete course of study for a particular content area or grade level, including any supplemental materials;
- (2) "District", the same meaning as used in section 160.011;
- (3) "Educational assistance organization", the same meaning as used in section 135.712;
- (4) ["Illegal alien", any person who is not lawfully present in the United States or any person who gained illegal entry into the United States] "Legal resident", any person who is lawfully present in the United States, according to the terms of 8 U.S.C. Section 1101, et seq.;
- (5) "Parent", the same meaning as used in section 135.712;
- (6) "Private school", a school that is not a part of the public school system of the state of Missouri and that charges tuition for the rendering of elementary or secondary educational services;

(7) "Program", the same meaning as used in section 135.712;

(8) "Qualified school", an FPE school or any of the following entities that is incorporated in Missouri and that does not discriminate on the basis of race, color, or national origin:

- (a) A charter school as defined in section 160.400;
- (b) A private school;
- (c) A public school as defined in section 160.011; or
- (d) A public or private virtual school;

(9) "Qualified student", any elementary or secondary school student who is a legal resident of this state[, who is not an illegal alien,] and who:

(a) Has an approved "individualized education plan" (IEP) developed under the federal Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Section 1400 et seq., as amended, in accordance with rules of the state board of education or with the applicable rules of another state, or who has been diagnosed with dyslexia, as the term "dyslexia" is defined in section 633.420, or who has received a diagnosis of a disability from a physician who is licensed under the provisions of chapter 332, a psychologist who is licensed under the provisions of chapter 337, or a mental health professional as defined in section 632.005, while acting within their scope of practice, or a physician who holds an active license issued by another state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico; or

(b) Is a member of a household whose total annual income does not exceed an amount equal to three hundred percent of the income standard used to qualify for free and reduced price lunches[, and that meets at least one of the following qualifications:]

- a. Attended a public school as a full-time student for at least one semester during the previous twelve months;
- b. Is a child who is eligible to begin kindergarten or first grade under sections 160.051 to 160.055; or
- c. Is a sibling of a qualified student who received a scholarship grant in the previous school year and will receive a scholarship grant in the current school year].

166.719. 1. For purposes of this section, "parents" includes only those parents, as the term "parent" is defined in section 166.700, whose children are qualified students who participate in or have applied to participate in the program.

2. An organization may intervene on behalf of a group of parents as a defendant in any action in which any of the following is at issue:

- (1) Any provision of the Constitution of Missouri involving the program;
- (2) Any Missouri statute involving the program; or
- (3) Any Missouri regulation involving the program.

3. An organization that intervenes on behalf of a group of parents under this section shall represent the rights of such parents in such proceeding and shall have the right to file such pleading necessary on behalf of such parents.

166.720. 1. Sections 166.700 to 166.720 shall not be construed to permit any governmental agency to exercise control or supervision over any qualified school in which a qualified student enrolls other than a qualified school that is a public school.

2. A qualified school, other than a qualified school that is a public school, that accepts a payment from a parent under sections 166.700 to 166.720 shall not be

considered an agent of the state or federal government due to its acceptance of the payment.

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

4. (1) Except as specifically provided in state law, a qualified school shall not be required to be accredited by any entity in order to participate in the program by enrolling qualified students and receiving funds remitted from such students' empowerment scholarship accounts. This subdivision applies to accreditation by entities that may include, but shall not be limited to, the department of elementary and secondary education or a nationally recognized education accrediting association.

(2) Except as specifically provided in state law, a qualified school shall not be required to comply with any rule, regulation, or other criteria or requirement in order to participate in the program by enrolling qualified students and receiving funds remitted from such students' empowerment scholarship accounts.

(3) Neither the state treasurer nor the Missouri empowerment scholarship accounts board shall establish or enforce any rule, regulation, or other criteria or requirement that conditions a qualified school's eligibility to participate in the program on:

(a) Accreditation in violation of subdivision (1) of this subsection; or

(b) Compliance with any rule, regulation, or other criteria or requirement in violation of subdivision (2) of this subsection.

(4) Any rule, regulation, or other criteria or requirement that violates any provision of this subsection is void and shall have no force or effect.

5. (1) Any qualified student receiving a Missouri empowerment scholarship who leaves a public school or charter school, as such terms are defined in chapter 160, in the qualified student's resident school district to enroll in a qualified school that is not the qualified student's resident school district shall continue to be counted in the resident public school or charter school's weighted average daily attendance as a resident student for the purposes of determining state and federal aid for the qualified student's resident school district or charter school.

(2) The qualified student will continue to be counted for such purpose as provided:

(a) For five years after the qualified student no longer attends school in the qualified student's resident school district;

(b) Until any calendar year that the qualified student no longer receives grant money in their scholarship account;

(c) Until the qualified student is counted in the weighted average daily attendance for a public school or charter that they are a resident student in; or

(d) Until the qualified student graduates.

(3) The educational assistance organization and the state treasurer shall provide the necessary information to the department of elementary and secondary education to allow the federal and state aid to continue to the public school or charter school in the qualified student's resident school district previously attended by the qualified student.

(4) The provisions of this subsection shall terminate five years after August 28, 2021.

[5.] 6. In any legal proceeding challenging the application of sections 166.700 to 166.720 to a qualified school, the state shall bear the burden of establishing that the law is necessary and does not impose any undue burden on qualified schools.

[6.] 7. The provisions of section 23.253 of the Missouri sunset act shall not apply to sections 166.700 to 166.720.