

SECOND REGULAR SESSION

# SENATE BILL NO. 1071

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY SENATOR GREGORY (15).

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KRISTINA MARTIN, Secretary

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### AN ACT

To repeal sections 166.700, 166.705, and 166.720, RSMo, and to enact in lieu thereof three new sections relating to empowerment scholarship accounts.

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

Section A. Sections 166.700, 166.705, and 166.720, RSMo,  
2 are repealed and three new sections enacted in lieu thereof, to  
3 be known as sections 166.700, 166.705, and 166.720, to read as  
4 follows:

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

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

6 (2) "District", the same meaning as used in section  
7 160.011;

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

10 (4) "Illegal alien", any person who is not lawfully  
11 present in the United States or any person who gained  
12 illegal entry into the United States;

13 (5) "Parent", the same meaning as used in section  
14 135.712;

15 (6) "Private school", a school that is not a part of  
16 the public school system of the state of Missouri and that

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

17 charges tuition for the rendering of elementary or secondary  
18 educational services;

19 (7) "Program", the same meaning as used in section  
20 135.712;

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

25 (a) A charter school as defined in section 160.400;

26 (b) A private school;

27 (c) A public school as defined in section 160.011; or

28 (d) A public or private virtual school;

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

32 (a) Has an approved "individualized education plan"

33 (IEP) developed under the federal Individuals with

34 Disabilities Education Act (IDEA), 20 U.S.C. Section 1400 et  
35 seq., as amended; or

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

41 a. Attended a public school as a full-time student for  
42 at least one semester during the previous twelve months;

43 b. Is a child who is eligible to begin kindergarten or  
44 first grade under sections 160.051 to 160.055; or

45 c. Is a sibling of a qualified student who received a  
46 scholarship grant in the previous school year and will  
47 receive a scholarship grant in the current school year] is  
48 eligible to enroll in a public school in this state in any

49 **of grades kindergarten through grade twelve or to receive**  
50 **early childhood special education services pursuant to**  
51 **section 162.700.**

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

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

10 (2) Except for a qualified student who is in the  
11 custody of the state, the qualified student shall not be  
12 enrolled in a public school **or early childhood special**  
13 **education services** operated by, or a charter school located  
14 within, the qualified student's district of residence and  
15 shall release the district of residence from all obligations  
16 to educate the qualified student while the qualified student  
17 is enrolled in the program. This subdivision shall not be  
18 construed to relieve the student's district of residence  
19 from the obligation to conduct an evaluation for  
20 disabilities;

21 (3) The qualified student shall receive a grant, in  
22 the form of moneys deposited in accordance with section  
23 135.714, in the qualified student's Missouri empowerment  
24 scholarship account;

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

28 (a) Tuition or fees at a qualified school;  
29 (b) Textbooks required by a qualified school;

30 (c) Educational therapies or services from a licensed  
31 or accredited practitioner or provider including, but not  
32 limited to, licensed or accredited paraprofessionals or  
33 educational aides;

34 (d) Tutoring services;

35 (e) Curriculum;

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

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

41 (h) Fees for management of the Missouri empowerment  
42 scholarship account by firms selected by the educational  
43 assistance organization;

44 (i) Services provided by a public school including,  
45 but not limited to, individual classes and extracurricular  
46 programs;

47 (j) Computer hardware or other technological devices  
48 that are used to help meet the qualified student's  
49 educational needs and that are approved by an educational  
50 assistance organization. **For purposes of this paragraph,**  
51 "computer hardware or other technological devices" includes  
52 calculators, personal computers, laptops, tablet devices,  
53 microscopes, telescopes, and printers, but does not include  
54 entertainment and other primarily noneducational devices,  
55 such as televisions, telephones, video game consoles and  
56 accessories, and home theater and audio equipment;

57 (k) Fees for summer education programs and specialized  
58 after-school education programs;

59 (1) Transportation costs for mileage to and from a  
60 qualified school, or a commuter pass for the qualified

61 **student for transportation between the qualified student's**  
62 **residence and a qualified school; and**

63 (5) Moneys deposited in the qualified student's  
64 Missouri empowerment scholarship account shall not be used  
65 for the following:

66 (a) Consumable educational supplies including, but not  
67 limited to, paper, pens, pencils, or markers;

68 (b) Tuition at a private school located outside of the  
69 state of Missouri; and

70 (c) Payments or reimbursements to any person related  
71 within the third degree of consanguinity or affinity to a  
72 qualified student.

73 2. Missouri empowerment scholarship accounts are  
74 renewable on an annual basis upon request of the parent of a  
75 qualified student. Notwithstanding any changes to the  
76 qualified student's multidisciplinary evaluation team plan,  
77 a student who has previously qualified for a Missouri  
78 empowerment scholarship account shall remain eligible to  
79 apply for renewal until the student completes high school  
80 and submits scores to the state treasurer from a nationally  
81 standardized norm-referenced achievement test, advanced  
82 placement examination, international baccalaureate  
83 examination, or any examination related to college or  
84 university admission purchased with Missouri empowerment  
85 scholarship account funds.

86 3. A signed agreement under this section shall satisfy  
87 the compulsory school attendance requirements of section  
88 167.031.

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

93       5. If a qualified student withdraws from the program  
94 by enrolling in a school other than a qualified school or is  
95 disqualified from the program under the provisions of  
96 section 166.710, the qualified student's Missouri  
97 empowerment scholarship account shall be closed and any  
98 remaining funds shall be returned to the educational  
99 assistance organization for redistribution to other  
100 qualified students. Under such circumstances, the  
101 obligation to provide an education for such student shall  
102 transfer back to the student's district of residence.

103       6. Any funds remaining in a qualified student's  
104 Missouri empowerment scholarship account at the end of a  
105 school year shall remain in the account and shall not be  
106 returned to the educational assistance organization. Any  
107 funds remaining in a qualified student's Missouri  
108 empowerment scholarship account upon graduation from a  
109 qualified school shall be returned to the educational  
110 assistance organization for redistribution to other  
111 qualified students.

112       7. Moneys received under sections 166.700 to 166.720  
113 shall not constitute Missouri taxable income to the parent  
114 of the qualified student.

115       **8. The provisions of this section shall not be  
116 construed to:**

117       **(1) Require a qualified student to withdraw from a  
118 school district or charter school before applying for a  
119 Missouri empowerment scholarship account if the qualified  
120 student withdraws from the school district or charter school  
121 before receiving any moneys in the qualified student's  
122 empowerment scholarship account; or**

123                   **(2) Prevent a qualified student from applying in**  
124                   **advance for a Missouri empowerment scholarship account to be**  
125                   **funded beginning in the following school year.**

166.720. 1. Sections 166.700 to 166.720 shall not be  
2 construed to:

3                   **(1) Permit any governmental agency to exercise control**  
4                   **or supervision over any qualified school in which a**  
5                   **qualified student enrolls other than a qualified school that**  
6                   **is a public school; or**

7                   **(2) Expand the regulatory authority of this state, its**  
8                   **officers, or any school district, with respect to the**  
9                   **imposition of any additional requirements or restrictions on**  
10                   **qualified schools, beyond those necessary to enforce the**  
11                   **requirements of the Missouri empowerment scholarship**  
12                   **accounts program.**

13                   2. A qualified school, other than a qualified school  
14                   that is a public school, that accepts a payment from a  
15                   parent under sections 166.700 to 166.720 shall not be  
16                   considered an agent of the state or federal government due  
17                   to its acceptance of the payment.

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

23                   4. (1) Any qualified student receiving a Missouri  
24                   empowerment scholarship who leaves a public school or  
25                   charter school, as such terms are defined in chapter 160, in  
26                   the qualified student's resident school district to enroll  
27                   in a qualified school that is not the qualified student's  
28                   resident school district shall continue to be counted in the  
29                   resident public school or charter school's weighted average

30 daily attendance as a resident student for the purposes of  
31 determining state and federal aid for the qualified  
32 student's resident school district or charter school.

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

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

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

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

43 (d) Until the qualified student graduates.

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

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

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

57 6. The provisions of section 23.253 of the Missouri  
58 sunset act shall not apply to sections 166.700 to 166.720.

