

SENATE BILL NO. 1071

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GREGORY (15).

4861S.011

KRISTINA MARTIN, Secretary

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.

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2 are repealed and three new sections enacted in lieu thereof, to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.

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] 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; 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] is

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 (l) 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.

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

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

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

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

(1) Require a qualified student to withdraw from a school district or charter school before applying for a Missouri empowerment scholarship account if the qualified student withdraws from the school district or charter school before receiving any moneys in the qualified student's 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.

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