

# SENATE BILL NO. 998

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR HUDSON.

4362S.02I

KRISTINA MARTIN, Secretary

## 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  
2 repealed and three new sections enacted in lieu thereof, to be  
3 known as sections 166.700, 166.719, 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]** **"Legal resident", any**  
13 **person who is lawfully present in the United States,**  
14 **according to the terms of 8 U.S.C. Section 1101, et seq.;**

15 (5) "Parent", the same meaning as used in section  
16 135.712;

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

17           (6) "Private school", a school that is not a part of  
18 the public school system of the state of Missouri and that  
19 charges tuition for the rendering of elementary or secondary  
20 educational services;

21           (7) "Program", the same meaning as used in section  
22 135.712;

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

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

28           (b) A private school;

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

30           (d) A public or private virtual school;

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

34           (a) Has an approved "individualized education plan"  
35 (IEP) developed under the federal Individuals with  
36 Disabilities Education Act (IDEA), 20 U.S.C. Section 1400 et  
37 seq., as amended, **in accordance with rules of the state**  
38 **board of education or with the applicable rules of another**  
39 **state, or who has received a diagnosis of a disability from**  
40 **a physician who is licensed under the provisions of chapter**  
41 **332, a psychologist who is licensed under the provisions of**  
42 **chapter 337, or a mental health professional as defined in**  
43 **section 632.005, while acting within their scope of**  
44 **practice, or a physician who holds an active license issued**  
45 **by another state or territory of the United States, the**  
46 **District of Columbia, or the Commonwealth of Puerto Rico; or**

47           (b) Is a member of a household whose total annual  
48 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.**

6           2. A qualified school, other than a qualified school  
7 that is a public school, that accepts a payment from a  
8 parent under sections 166.700 to 166.720 shall not be  
9 considered an agent of the state or federal government due  
10 to its acceptance of the payment.

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

16           4. (1) **Except as specifically provided in state law,**  
17 **a qualified school shall not be required to be accredited by**  
18 **any entity in order to participate in the program by**  
19 **enrolling qualified students and receiving funds remitted**  
20 **from such students' empowerment scholarship accounts. This**  
21 **subdivision applies to accreditation by entities that may**  
22 **include, but shall not be limited to, the department of**  
23 **elementary and secondary education or a nationally**  
24 **recognized education accrediting association.**

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

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

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

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

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

44           5. (1) Any qualified student receiving a Missouri  
45 empowerment scholarship who leaves a public school or  
46 charter school, as such terms are defined in chapter 160, in  
47 the qualified student's resident school district to enroll  
48 in a qualified school that is not the qualified student's  
49 resident school district shall continue to be counted in the  
50 resident public school or charter school's weighted average  
51 daily attendance as a resident student for the purposes of  
52 determining state and federal aid for the qualified  
53 student's resident school district or charter school.

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

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

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

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

64           (d) Until the qualified student graduates.

65           (3) The educational assistance organization and the  
66 state treasurer shall provide the necessary information to  
67 the department of elementary and secondary education to  
68 allow the federal and state aid to continue to the public

69 school or charter school in the qualified student's resident  
70 school district previously attended by the qualified student.

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

73 [5.] 6. In any legal proceeding challenging the  
74 application of sections 166.700 to 166.720 to a qualified  
75 school, the state shall bear the burden of establishing that  
76 the law is necessary and does not impose any undue burden on  
77 qualified schools.

78 [6.] 7. The provisions of section 23.253 of the  
79 Missouri sunset act shall not apply to sections 166.700 to  
80 166.720.

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