

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1540
100TH GENERAL ASSEMBLY

Reported from the Committee on Education, May 11, 2020, with recommendation that the Senate Committee Substitute do pass.

3348S.07C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 115.646, 160.263, 160.400, 160.410, 160.415, 162.720, 162.974, 163.024, 166.400, 166.410, 166.415, 166.420, 166.425, 166.435, 166.440, 166.456, 167.171, 167.263, 167.268, 167.645, 168.205, and 174.453, RSMo, and to enact in lieu thereof twenty-eight new sections relating to education, with penalty provisions.

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

Section A. Sections 115.646, 160.263, 160.400, 160.410, 160.415, 162.720, 2 162.974, 163.024, 166.400, 166.410, 166.415, 166.420, 166.425, 166.435, 166.440, 3 166.456, 167.171, 167.263, 167.268, 167.645, 168.205, and 174.453, RSMo, are 4 repealed and twenty-eight new sections enacted in lieu thereof, to be known as 5 sections 115.646, 160.263, 160.400, 160.410, 160.415, 162.686, 162.720, 162.974, 6 162.1255, 163.024, 166.400, 166.410, 166.415, 166.420, 166.425, 166.435, 166.440, 7 166.456, 167.171, 167.263, 167.268, 167.645, 167.730, 167.790, 168.205, 174.281, 8 174.290, and 174.453, to read as follows:

115.646. No contribution or expenditure of public funds shall be made 2 directly by any officer, employee or agent of any political subdivision, **including** 3 **school districts and charter schools**, to advocate, support, or oppose **the** 4 **passage or defeat of** any ballot measure or **the nomination or election of** 5 **a candidate for public office, or to direct any public funds to, or pay any** 6 **debts or obligations of, any committee supporting or opposing such** 7 **ballot measures or candidates.** This section shall not be construed to prohibit 8 any public official of a political subdivision, **including school districts and** 9 **charter schools**, from making public appearances or from issuing press releases

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

10 concerning any such ballot measure. Any purposeful violation of this
11 section shall be punished as a class four election offense.

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

2 (1) "Mechanical restraint", the use of any device or equipment to
3 restrict a student's freedom of movement. "Mechanical restraint" shall
4 not include devices implemented by trained personnel or used by a
5 student with a prescription for such devices from an appropriate
6 medical or related services professional and that are used for specific
7 and approved purposes for which such devices were designed, such as
8 the following:

9 (a) Adaptive devices or mechanical supports used to achieve
10 proper body position, balance, or alignment to allow greater freedom
11 of mobility than would be possible without the use of such devices or
12 mechanical supports;

13 (b) Vehicle safety restraints when used as intended during the
14 transport of a student in a moving vehicle;

15 (c) Restraints for medical immobilization; or

16 (d) Orthopedically prescribed devices that permit a student to
17 participate in activities without risk;

18 (2) "Physical restraint", a personal restriction such as person-to-
19 person physical contact that immobilizes, reduces, or restricts the
20 ability of a student to move the student's torso, arms, legs, or head
21 freely. "Physical restraint" shall not include:

22 (a) A physical escort, which is a temporary touching or holding
23 of the hand, wrist, arm, shoulder, or back for the purpose of inducing
24 a student to walk to a safe location;

25 (b) Comforting or calming a student;

26 (c) Holding a student's hand to transport the student for safety
27 purposes;

28 (d) Intervening in a fight; or

29 (e) Using an assistive or protective device prescribed by an
30 appropriately trained professional or professional team;

31 (3) "Restraint" includes, but is not limited to, mechanical
32 restraint or physical restraint;

33 (4) "Seclusion", the involuntary confinement of a student alone
34 in a room or area that the student is physically prevented from leaving
35 and that complies with the building code in effect in the school

36 **district. "Seclusion" shall not include the following:**

37 **(a) A timeout, which is a behavior management technique that**
38 **is part of an approved program, involves the monitored separation of**
39 **the student in a nonlocked setting, and is implemented for the purpose**
40 **of calming;**

41 **(b) In-school suspension;**

42 **(c) Detention; or**

43 **(d) Other appropriate disciplinary measures.**

44 **2. The school discipline policy under section 160.261 shall [prohibit]**
45 **reserve confining a student in [an unattended, locked space except] seclusion**
46 **for [an emergency situation while awaiting the arrival of law enforcement**
47 **personnel] situations or conditions in which there is imminent danger**
48 **of physical harm to self or others.**

49 **[2.] 3. (1) By July 1, 2011, the local board of education of each school**
50 **district shall adopt a written policy that comprehensively addresses the use of**
51 **restrictive behavioral interventions as a form of discipline or behavior**
52 **management technique. The policy shall be consistent with professionally**
53 **accepted practices and standards of student discipline, behavior management,**
54 **health and safety, including the safe schools act. The policy shall include but not**
55 **be limited to:**

56 **[(1)] (a) Definitions of restraint, seclusion, and time-out and any other**
57 **terminology necessary to describe the continuum of restrictive behavioral**
58 **interventions available for use or prohibited in the district, consistent with the**
59 **provisions of this section;**

60 **[(2)] (b) Description of circumstances under which a restrictive**
61 **behavioral intervention is allowed and prohibited, consistent with the**
62 **provisions of this section, and any unique application requirements for**
63 **specific groups of students such as differences based on age, disability, or**
64 **environment in which the educational services are provided;**

65 **[(3)] (c) Specific implementation requirements associated with a**
66 **restrictive behavioral intervention such as time limits, facility specifications,**
67 **training requirements or supervision requirements; and**

68 **[(4)] (d) Documentation, notice and permission requirements associated**
69 **with use of a restrictive behavioral intervention.**

70 **(2) Before July 1, 2021, each written policy adopted under this**
71 **subsection shall be updated to state that the school district, charter**

72 school, or publicly contracted private provider will reserve restraint or
73 seclusion for situations or conditions in which there is imminent
74 danger of physical harm to self or others.

75 4. Before July 1, 2021, each school district, charter school, and
76 publicly contracted private provider shall ensure that the policy
77 adopted under subsection 3 of this section requires the following:

78 (1) Any student placed in seclusion or restraint shall be removed
79 from such seclusion or restraint as soon as the school district, charter
80 school, or publicly contracted private provider determines that the
81 student is no longer an imminent danger of physical harm to self or
82 others;

83 (2) All school district, charter school, and publicly contracted
84 private provider personnel shall annually review the policy and
85 procedures involving the use of seclusion and restraint. Personnel who
86 use seclusion or restraint shall annually complete mandatory training
87 in the specific seclusion and restraint techniques the school district,
88 charter school, or publicly contracted private provider uses under this
89 section;

90 (3) (a) Each time seclusion or restraint is used for a student, the
91 incident shall be monitored by a member of the school district, charter
92 school, or publicly contracted private provider personnel, and a report
93 shall be completed by the school district, charter school, or publicly
94 contracted private provider that contains, at a minimum, the following:

95 a. The date, time of day, location, duration, and description of
96 the incident and interventions;

97 b. Any event leading to the incident and the reason for using
98 seclusion or restraint;

99 c. A description of the methods of seclusion or restraint used;

100 d. The nature and extent of any injury to the student;

101 e. The names, roles, and certifications of each employee involved
102 in the use of seclusion or restraint;

103 f. The name, role, and signature of the person who prepared the
104 report;

105 g. The name of an employee whom the parent or guardian can
106 contact regarding the incident and use of seclusion and restraint;

107 h. The name of an employee to contact if the parent or guardian
108 wishes to file a complaint; and

109 i. A statement directing parents and legal guardians to a
110 sociological, emotional, or behavioral support organization and a
111 hotline number to report child abuse and neglect.

112 (b) The school district, charter school, or publicly contracted
113 private provider shall maintain the report as an education record of
114 the student, provide a copy to the parent or legal guardian within five
115 school days, and a copy of each incident report shall be given to the
116 department of elementary and secondary education within thirty days
117 of the incident;

118 (4) The school district, charter school, or publicly contracted
119 private provider shall attempt to notify the parents or legal guardians
120 as soon as possible but no later than one hour after the end of the
121 school day on which the use of seclusion or restraint
122 occurred. Notification shall be oral or electronic and shall include a
123 statement indicating that the school district, charter school, or publicly
124 contracted private provider will provide the parents or legal guardians
125 a copy of the report described in subdivision (3) of this subsection
126 within five school days;

127 (5) An officer, administrator, or employee of a public school
128 district or charter school shall not retaliate against any person for
129 having:

130 (a) Reported a violation of any policy established under this
131 section, or failure of a district or charter school to follow any
132 provisions of this section in relation to incidents of seclusion and
133 restraint; or

134 (b) Provided information regarding a violation of this section by
135 a public school district or charter school or a member of the staff of the
136 public school district or charter school.

137 5. The department of elementary and secondary education shall
138 compile and maintain all incidents reported under this section in the
139 department's core data system and make such data available on the
140 Missouri comprehensive data system. No personally identifiable data
141 shall be accessible on the database.

142 [3.] 6. The department of elementary and secondary education shall, in
143 cooperation with appropriate associations, organizations, agencies, and
144 individuals with specialized expertise in behavior management, develop a model
145 policy that satisfies the requirements of subsection 2 of this section as it existed

146 **on August 28, 2009**, by July 1, 2010, and shall update such model policy
147 **to include the requirements of subdivision (2) of subsection 3 and**
148 **subsection 4 of this section by July 1, 2021.**

160.400. 1. A charter school is an independent public school.

2 2. Except as further provided in subsection 4 of this section, charter
3 schools may be operated only:

4 (1) In a metropolitan school district;

5 (2) In an urban school district containing most or all of a city with a
6 population greater than three hundred fifty thousand inhabitants;

7 (3) In a school district that has been classified as unaccredited by the
8 state board of education;

9 (4) In a school district that has been classified as provisionally accredited
10 by the state board of education and has received scores on its annual performance
11 report consistent with a classification of provisionally accredited or unaccredited
12 for three consecutive school years beginning with the 2012-13 accreditation year
13 under the following conditions:

14 (a) The eligibility for charter schools of any school district whose
15 provisional accreditation is based in whole or in part on financial stress as
16 defined in sections 161.520 to 161.529, or on financial hardship as defined by rule
17 of the state board of education, shall be decided by a vote of the state board of
18 education during the third consecutive school year after the designation of
19 provisional accreditation; and

20 (b) The sponsor is limited to the local school board or a sponsor who has
21 met the standards of accountability and performance as determined by the
22 department based on sections 160.400 to 160.425 and section 167.349 and
23 properly promulgated rules of the department; or

24 (5) In a school district that has been accredited without provisions,
25 sponsored only by the local school board; provided that no board with a current
26 year enrollment of one thousand five hundred fifty students or greater shall
27 permit more than thirty-five percent of its student enrollment to enroll in charter
28 schools sponsored by the local board under the authority of this subdivision,
29 except that this restriction shall not apply to any school district that
30 subsequently becomes eligible under subdivision (3) or (4) of this subsection or to
31 any district accredited without provisions that sponsors charter schools prior to
32 having a current year student enrollment of one thousand five hundred fifty
33 students or greater.

34 3. Except as further provided in subsection 4 of this section, the following
35 entities are eligible to sponsor charter schools:

36 (1) The school board of the district in any district which is sponsoring a
37 charter school as of August 27, 2012, as permitted under subdivision (1) or (2) of
38 subsection 2 of this section, the special administrative board of a metropolitan
39 school district during any time in which powers granted to the district's board of
40 education are vested in a special administrative board, or if the state board of
41 education appoints a special administrative board to retain the authority granted
42 to the board of education of an urban school district containing most or all of a
43 city with a population greater than three hundred fifty thousand inhabitants, the
44 special administrative board of such school district;

45 (2) A public four-year college or university with an approved teacher
46 education program that meets regional or national standards of accreditation;

47 (3) A community college, the service area of which encompasses some
48 portion of the district;

49 (4) Any private four-year college or university with an enrollment of at
50 least one thousand students, with its primary campus in Missouri, and with an
51 approved teacher preparation program;

52 (5) Any two-year private vocational or technical school designated as a
53 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as
54 amended, and accredited by the Higher Learning Commission, with its primary
55 campus in Missouri;

56 (6) The Missouri charter public school commission created in section
57 160.425.

58 4. Changes in a school district's accreditation status that affect charter
59 schools shall be addressed as follows, except for the districts described in
60 subdivisions (1) and (2) of subsection 2 of this section:

61 (1) As a district transitions from unaccredited to provisionally accredited,
62 the district shall continue to fall under the requirements for an unaccredited
63 district until it achieves three consecutive full school years of provisional
64 accreditation;

65 (2) As a district transitions from provisionally accredited to full
66 accreditation, the district shall continue to fall under the requirements for a
67 provisionally accredited district until it achieves three consecutive full school
68 years of full accreditation;

69 (3) In any school district classified as unaccredited or provisionally

70 accredited where a charter school is operating and is sponsored by an entity other
71 than the local school board, when the school district becomes classified as
72 accredited without provisions, a charter school may continue to be sponsored by
73 the entity sponsoring it prior to the classification of accredited without provisions
74 and shall not be limited to the local school board as a sponsor.

75 A charter school operating in a school district identified in subdivision (1) or (2)
76 of subsection 2 of this section may be sponsored by any of the entities identified
77 in subsection 3 of this section, irrespective of the accreditation classification of
78 the district in which it is located. A charter school in a district described in this
79 subsection whose charter provides for the addition of grade levels in subsequent
80 years may continue to add levels until the planned expansion is complete to the
81 extent of grade levels in comparable schools of the district in which the charter
82 school is operated.

83 **5. For purposes of sections 160.400 to 160.425 the following terms**
84 **shall mean:**

85 **(1) "Recovery charter high school", a charter school providing**
86 **instruction onsite in a grade or grades not lower than the ninth nor**
87 **higher than the twelfth grade. A student attending a recovery charter**
88 **high school shall not enroll as a full-time equivalent student in the**
89 **virtual school program set forth in section 161.670;**

90 **(2) "Substance dependency", a state in which a person functions**
91 **normally in the presence of a drug following repeated drug exposure,**
92 **and suffers psychological reactions such as withdrawal syndrome when**
93 **the drug is removed;**

94 **(3) "Substance use disorder", shall have the same meaning as in**
95 **section 478.001.**

96 **6. A recovery charter high school may be operated in an urban**
97 **school district containing most or all of a home rule city with more**
98 **than four hundred thousand inhabitants and located in more than one**
99 **county whose mission and vision statement provides for the following:**

100 **(1) To educate all available and eligible students who are in**
101 **recovery from substance use disorder or substance dependency, or such**
102 **a condition along with co-occurring disorders such as anxiety,**
103 **depression, and attention deficit hyperactivity disorder;**

104 **(2) To meet state requirements for awarding a high school**
105 **diploma; and**

106 **(3) To support students in working a strong program of recovery.**

107 **7. Any proposed charter for a recovery charter high school shall**
108 **be submitted to an urban school district containing most or all of a**
109 **home rule city with more than four thousand inhabitants and located**
110 **in more than one county for sponsorship. Such district's decision of**
111 **approval or denial shall be made within ninety days of filing of the**
112 **proposed charter. If such district denies the proposed charter, the**
113 **proposed charter may be submitted to an entity that qualifies as a not-**
114 **for-profit organization pursuant to Section 501 (c)(3) of the Internal**
115 **Revenue Code, as amended.**

116 **8.** The mayor of a city not within a county may request a sponsor under
117 subdivision (2), (3), (4), (5), or (6) of subsection 3 of this section to consider
118 sponsoring a "workplace charter school", which is defined for purposes of sections
119 160.400 to 160.425 as a charter school with the ability to target prospective
120 students whose parent or parents are employed in a business district, as defined
121 in the charter, which is located in the city.

122 **[6.] 9.** No sponsor shall receive from an applicant for a charter school any
123 fee of any type for the consideration of a charter, nor may a sponsor condition its
124 consideration of a charter on the promise of future payment of any kind.

125 **[7.] 10.** The charter school shall be organized as a Missouri nonprofit
126 corporation incorporated pursuant to chapter 355. The charter provided for
127 herein shall constitute a contract between the sponsor and the charter school.

128 **[8.] 11.** As a nonprofit corporation incorporated pursuant to chapter 355,
129 the charter school shall select the method for election of officers pursuant to
130 section 355.326 based on the class of corporation selected. Meetings of the
131 governing board of the charter school shall be subject to the provisions of sections
132 610.010 to 610.030.

133 **[9.] 12.** A sponsor of a charter school, its agents and employees are not
134 liable for any acts or omissions of a charter school that it sponsors, including acts
135 or omissions relating to the charter submitted by the charter school, the operation
136 of the charter school and the performance of the charter school.

137 **[10.] 13.** A charter school may affiliate with a four-year college or
138 university, including a private college or university, or a community college as
139 otherwise specified in subsection 3 of this section when its charter is granted by
140 a sponsor other than such college, university or community college. Affiliation
141 status recognizes a relationship between the charter school and the college or

142 university for purposes of teacher training and staff development, curriculum and
143 assessment development, use of physical facilities owned by or rented on behalf
144 of the college or university, and other similar purposes. A university, college or
145 community college may not charge or accept a fee for affiliation status.

146 [11.] 14. The expenses associated with sponsorship of charter schools
147 shall be defrayed by the department of elementary and secondary education
148 retaining one and five-tenths percent of the amount of state and local funding
149 allocated to the charter school under section 160.415, not to exceed one hundred
150 twenty-five thousand dollars, adjusted for inflation. The department of
151 elementary and secondary education shall remit the retained funds for each
152 charter school to the school's sponsor, provided the sponsor remains in good
153 standing by fulfilling its sponsorship obligations under sections 160.400 to
154 160.425 and 167.349 with regard to each charter school it sponsors, including
155 appropriate demonstration of the following:

156 (1) Expends no less than ninety percent of its charter school sponsorship
157 funds in support of its charter school sponsorship program, or as a direct
158 investment in the sponsored schools;

159 (2) Maintains a comprehensive application process that follows fair
160 procedures and rigorous criteria and grants charters only to those developers who
161 demonstrate strong capacity for establishing and operating a quality charter
162 school;

163 (3) Negotiates contracts with charter schools that clearly articulate the
164 rights and responsibilities of each party regarding school autonomy, expected
165 outcomes, measures for evaluating success or failure, performance consequences
166 based on the annual performance report, and other material terms;

167 (4) Conducts contract oversight that evaluates performance, monitors
168 compliance, informs intervention and renewal decisions, and ensures autonomy
169 provided under applicable law; and

170 (5) Designs and implements a transparent and rigorous process that uses
171 comprehensive data to make merit-based renewal decisions.

172 [12.] 15. Sponsors receiving funds under subsection [11] 14 of this
173 section shall be required to submit annual reports to the joint committee on
174 education demonstrating they are in compliance with subsection [17] 20 of this
175 section.

176 [13.] 16. No university, college or community college shall grant a charter
177 to a nonprofit corporation if an employee of the university, college or community

178 college is a member of the corporation's board of directors.

179 [14.] **17.** No sponsor shall grant a charter under sections 160.400 to
180 160.425 and 167.349 without ensuring that a criminal background check and
181 family care safety registry check are conducted for all members of the governing
182 board of the charter schools or the incorporators of the charter school if initial
183 directors are not named in the articles of incorporation, nor shall a sponsor renew
184 a charter without ensuring a criminal background check and family care safety
185 registry check are conducted for each member of the governing board of the
186 charter school.

187 [15.] **18.** No member of the governing board of a charter school shall hold
188 any office or employment from the board or the charter school while serving as
189 a member, nor shall the member have any substantial interest, as defined in
190 section 105.450, in any entity employed by or contracting with the board. No
191 board member shall be an employee of a company that provides substantial
192 services to the charter school. All members of the governing board of the charter
193 school shall be considered decision-making public servants as defined in section
194 105.450 for the purposes of the financial disclosure requirements contained in
195 sections 105.483, 105.485, 105.487, and 105.489.

196 [16.] **19.** A sponsor shall develop the policies and procedures for:

197 (1) The review of a charter school proposal including an application that
198 provides sufficient information for rigorous evaluation of the proposed charter and
199 provides clear documentation that the education program and academic program
200 are aligned with the state standards and grade-level expectations, and provides
201 clear documentation of effective governance and management structures, and a
202 sustainable operational plan;

203 (2) The granting of a charter;

204 (3) The performance contract that the sponsor will use to evaluate the
205 performance of charter schools. Charter schools shall meet current state
206 academic performance standards as well as other standards agreed upon by the
207 sponsor and the charter school in the performance contract;

208 (4) The sponsor's intervention, renewal, and revocation policies, including
209 the conditions under which the charter sponsor may intervene in the operation
210 of the charter school, along with actions and consequences that may ensue, and
211 the conditions for renewal of the charter at the end of the term, consistent with
212 subsections 8 and 9 of section 160.405;

213 (5) Additional criteria that the sponsor will use for ongoing oversight of

214 the charter; and

215 (6) Procedures to be implemented if a charter school should close,
216 consistent with the provisions of subdivision (15) of subsection 1 of section
217 160.405.

218 The department shall provide guidance to sponsors in developing such policies
219 and procedures.

220 [17.] **20.** (1) A sponsor shall provide timely submission to the state board
221 of education of all data necessary to demonstrate that the sponsor is in material
222 compliance with all requirements of sections 160.400 to 160.425 and section
223 167.349. The state board of education shall ensure each sponsor is in compliance
224 with all requirements under sections 160.400 to 160.425 and 167.349 for each
225 charter school sponsored by any sponsor. The state board shall notify each
226 sponsor of the standards for sponsorship of charter schools, delineating both what
227 is mandated by statute and what best practices dictate. The state board shall
228 evaluate sponsors to determine compliance with these standards every three
229 years. The evaluation shall include a sponsor's policies and procedures in the
230 areas of charter application approval; required charter agreement terms and
231 content; sponsor performance evaluation and compliance monitoring; and charter
232 renewal, intervention, and revocation decisions. Nothing shall preclude the
233 department from undertaking an evaluation at any time for cause.

234 (2) If the department determines that a sponsor is in material
235 noncompliance with its sponsorship duties, the sponsor shall be notified and
236 given reasonable time for remediation. If remediation does not address the
237 compliance issues identified by the department, the commissioner of education
238 shall conduct a public hearing and thereafter provide notice to the charter
239 sponsor of corrective action that will be recommended to the state board of
240 education. Corrective action by the department may include withholding the
241 sponsor's funding and suspending the sponsor's authority to sponsor a school that
242 it currently sponsors or to sponsor any additional school until the sponsor is
243 reauthorized by the state board of education under section 160.403.

244 (3) The charter sponsor may, within thirty days of receipt of the notice of
245 the commissioner's recommendation, provide a written statement and other
246 documentation to show cause as to why that action should not be taken. Final
247 determination of corrective action shall be determined by the state board of
248 education based upon a review of the documentation submitted to the department
249 and the charter sponsor.

250 (4) If the state board removes the authority to sponsor a currently
251 operating charter school under any provision of law, the Missouri charter public
252 school commission shall become the sponsor of the school.

253 [18.] 21. If a sponsor notifies a charter school of closure under subsection
254 8 of section 160.405, the department of elementary and secondary education shall
255 exercise its financial withholding authority under subsection 12 of section 160.415
256 to assure all obligations of the charter school shall be met. The state, charter
257 sponsor, or resident district shall not be liable for any outstanding liability or
258 obligations of the charter school.

160.410. 1. A charter school shall enroll:

2 (1) All pupils resident in the district in which it operates;

3 (2) Nonresident pupils eligible to attend a district's school under an urban
4 voluntary transfer program;

5 (3) Nonresident pupils who transfer from an unaccredited district under
6 section 167.895, provided that the charter school is an approved charter school,
7 as defined in section 167.895, and subject to all other provisions of section
8 167.895;

9 (4) In the case of a charter school whose mission includes student drop-out
10 prevention or recovery, any nonresident pupil from the same or an adjacent
11 county who resides in a residential care facility, a transitional living group home,
12 or an independent living program whose last school of enrollment is in the school
13 district where the charter school is established, who submits a timely application;
14 [and]

15 (5) In the case of a workplace charter school, any student eligible to
16 attend under subdivision (1) or (2) of this subsection whose parent is employed
17 in the business district, who submits a timely application, unless the number of
18 applications exceeds the capacity of a program, class, grade level or building. The
19 configuration of a business district shall be set forth in the charter and shall not
20 be construed to create an undue advantage for a single employer or small number
21 of employers; and

22 **(6) In the case of a recovery charter high school, any pupil who**
23 **is eligible to attend under subdivision (1), (2), or (3) of this subsection,**
24 **and any nonresident pupil, who is in recovery from substance use**
25 **disorder or substance dependency, or such a condition along with co-**
26 **occurring disorders such as anxiety, depression, and attention deficit**
27 **hyperactivity disorder.**

28 **(a) A recovery charter high school may enroll students residing**
29 **in another state, provided such student is in recovery from substance**
30 **use disorder or substance dependency, or such a condition along with**
31 **co-occurring disorders such as anxiety, depression, and attention**
32 **deficit hyperactivity disorder.**

33 **(b) The department of elementary and secondary education may**
34 **enter into agreements with states to develop a reciprocity agreement**
35 **for students seeking to attend a recovery charter high school in the**
36 **state of Missouri. An out-of-state school district from a state subject to**
37 **a reciprocity agreement having one or more resident pupils attending**
38 **a recovery charter high school in the state of Missouri shall pay to the**
39 **recovery charter high school an annual amount equal to one hundred**
40 **five percent of the previous school year's per pupil expenditure in the**
41 **school district in which the charter school is operating as reported on**
42 **the annual secretary of the board report. If an out-of-state student**
43 **resides in a state that is not subject to a reciprocity agreement, such**
44 **student shall pay to the recovery charter high school an amount equal**
45 **to one hundred five percent of the previous school year's per pupil**
46 **expenditure in the state of Missouri as reported on the annual**
47 **secretary of the board report. Such student shall not be included in the**
48 **count of average daily attendance.**

49 2. If capacity is insufficient to enroll all pupils who submit a timely
50 application, the charter school shall have an admissions process that assures all
51 applicants of an equal chance of gaining admission and does not discriminate
52 based on parents' ability to pay fees or tuition except that:

53 (1) A charter school may establish a geographical area around the school
54 whose residents will receive a preference for enrolling in the school, provided that
55 such preferences do not result in the establishment of racially or
56 socioeconomically isolated schools and provided such preferences conform to
57 policies and guidelines established by the state board of education;

58 (2) A charter school may also give a preference for admission of children
59 whose siblings attend the school or whose parents are employed at the school or
60 in the case of a workplace charter school, a child whose parent is employed in the
61 business district or at the business site of such school. **A recovery charter**
62 **high school may give preference to such students provided such**
63 **student is in recovery from substance use disorder or substance**

64 **dependency, or such a condition along with co-occurring disorders such**
65 **as anxiety, depression, and attention deficit hyper activity;**

66 (3) Charter schools may also give a preference for admission to high-risk
67 students, as defined in subdivision (5) of subsection 2 of section 160.405, when
68 the school targets these students through its proposed mission, curriculum,
69 teaching methods, and services;

70 (4) A charter school may also give a preference for admission to students
71 who will be eligible for the free and reduced price lunch program in the upcoming
72 school year.

73 3. A charter school shall not limit admission based on race, ethnicity,
74 national origin, disability, income level, except as allowed under subdivision (4)
75 of subsection 2 of this section, proficiency in the English language or athletic
76 ability, but may limit admission to pupils within a given age group or grade level.
77 **A recovery charter high school shall limit admission to pupils who are**
78 **in recovery from substance use disorder or substance dependency, or**
79 **such a condition along with co-occurring disorders such as anxiety,**
80 **depression, and attention deficit hyperactivity disorder.** Charter schools
81 may limit admission based on gender only when the school is a single-gender
82 school. Students of a charter school who have been enrolled for a full academic
83 year shall be counted in the performance of the charter school on the statewide
84 assessments in that calendar year, unless otherwise exempted as English
85 language learners. For purposes of this subsection, "full academic year" means
86 the last Wednesday in September through the administration of the Missouri
87 assessment program test without transferring out of the school and re-enrolling.

88 4. A charter school shall make available for public inspection, and provide
89 upon request, to the parent, guardian, or other custodian of any school-age pupil
90 resident in the district in which the school is located the following information:

91 (1) The school's charter;

92 (2) The school's most recent annual report card published according to
93 section 160.522;

94 (3) The results of background checks on the charter school's board
95 members; and

96 (4) If a charter school is operated by a management company, a copy of
97 the written contract between the governing board of the charter school and the
98 educational management organization or the charter management organization
99 for services. The charter school may charge reasonable fees, not to exceed the

100 rate specified in section 610.026 for furnishing copies of documents under this
101 subsection.

102 5. When a student attending a charter school who is a resident of the
103 school district in which the charter school is located moves out of the boundaries
104 of such school district, the student may complete the current semester and shall
105 be considered a resident student. The student's parent or legal guardian shall
106 be responsible for the student's transportation to and from the charter school.

107 6. If a change in school district boundary lines occurs under section
108 162.223, 162.431, 162.441, or 162.451, or by action of the state board of education
109 under section 162.081, including attachment of a school district's territory to
110 another district or dissolution, such that a student attending a charter school
111 prior to such change no longer resides in a school district in which the charter
112 school is located, then the student may complete the current academic year at the
113 charter school. The student shall be considered a resident student. The student's
114 parent or legal guardian shall be responsible for the student's transportation to
115 and from the charter school.

116 7. The provisions of sections 167.018 and 167.019 concerning foster
117 children's educational rights are applicable to charter schools.

160.415. 1. For the purposes of calculation and distribution of state
2 school aid under section 163.031, pupils enrolled in a charter school shall be
3 included in the pupil enrollment of the school district within which each pupil
4 resides. Each charter school shall report the names, addresses, and eligibility for
5 free and reduced price lunch, special education, or limited English proficiency
6 status, as well as eligibility for categorical aid, of pupils resident in a school
7 district who are enrolled in the charter school to the school district in which those
8 pupils reside. The charter school shall report the average daily attendance data,
9 free and reduced price lunch count, special education pupil count, and limited
10 English proficiency pupil count to the state department of elementary and
11 secondary education. Each charter school shall promptly notify the state
12 department of elementary and secondary education and the pupil's school district
13 when a student discontinues enrollment at a charter school.

14 2. Except as provided in subsections 3 and 4 of this section, the aid
15 payments for charter schools shall be as described in this subsection.

16 (1) A school district having one or more resident pupils attending a
17 charter school shall pay to the charter school an annual amount equal to the
18 product of the charter school's weighted average daily attendance and the state

19 adequacy target, multiplied by the dollar value modifier for the district, plus local
20 tax revenues per weighted average daily attendance from the incidental and
21 teachers' funds in excess of the performance levy as defined in section 163.011
22 plus all other state aid attributable to such pupils.

23 (2) The district of residence of a pupil attending a charter school shall also
24 pay to the charter school any other federal or state aid that the district receives
25 on account of such child.

26 (3) If the department overpays or underpays the amount due to the
27 charter school, such overpayment or underpayment shall be repaid by the public
28 charter school or credited to the public charter school in twelve equal payments
29 in the next fiscal year.

30 (4) The amounts provided pursuant to this subsection shall be prorated
31 for partial year enrollment for a pupil.

32 (5) A school district shall pay the amounts due pursuant to this subsection
33 as the disbursal agent and no later than twenty days following the receipt of any
34 such funds. The department of elementary and secondary education shall pay the
35 amounts due when it acts as the disbursal agent within five days of the required
36 due date.

37 **(6) If a recovery charter high school that has not declared itself**
38 **as a local educational agency has one or more nonresident pupils, the**
39 **nonresident pupils shall not be counted for purposes of determining the**
40 **amount of aid described in subdivisions (1) and (2) of this**
41 **subsection. Each school district that has one or more of its resident**
42 **pupils attending such a charter school shall pay to the charter school,**
43 **for each such pupil, one hundred percent of the resident district's**
44 **average per-pupil expenditure, excluding interest payments and grants.**

45 3. A workplace charter school shall receive payment for each eligible pupil
46 as provided under subsection 2 of this section, except that if the student is not a
47 resident of the district and is participating in a voluntary interdistrict transfer
48 program, the payment for such pupils shall be the same as provided under section
49 162.1060.

50 4. **(1)** A charter school that has declared itself as a local educational
51 agency shall receive from the department of elementary and secondary education
52 an annual amount equal to the product of the charter school's weighted average
53 daily attendance and the state adequacy target, multiplied by the dollar value
54 modifier for the district, plus local tax revenues per weighted average daily

55 attendance from the incidental and teachers funds in excess of the performance
56 levy as defined in section 163.011 plus all other state aid attributable to such
57 pupils. If a charter school declares itself as a local educational agency, the
58 department of elementary and secondary education shall, upon notice of the
59 declaration, reduce the payment made to the school district by the amount
60 specified in this subsection and pay directly to the charter school the annual
61 amount reduced from the school district's payment.

62 **(2) (a) If a recovery charter high school that has declared itself**
63 **as a local educational agency has one or more nonresident pupils, the**
64 **charter school shall receive from the department of elementary and**
65 **secondary education an annual amount equal to the amount described**
66 **in subdivision (1) of this subsection; except that, the nonresident pupils**
67 **shall not be counted for purposes of determining the amount of aid as**
68 **described in subdivision (1) of this subsection. Each school district**
69 **that has one or more of its resident pupils attending such a charter**
70 **school as nonresident pupils shall pay to the charter school, for each**
71 **such pupil, one hundred percent of the resident district's average per-**
72 **pupil expenditure, excluding interest payments and grants.**

73 **(b) Upon notice of the charter school's declaration of local**
74 **educational agency status, the department of elementary and secondary**
75 **education shall reduce the payment made to the school district in**
76 **which the charter school is located from any source by the amount**
77 **specified in subdivision (1) of this subsection, calculated as described**
78 **in paragraph (a) of this subdivision, and pay directly to the charter**
79 **school the annual amount reduced from the school district's payment.**

80 5. If a school district fails to make timely payments of any amount for
81 which it is the disbursal agent, the state department of elementary and secondary
82 education shall authorize payment to the charter school of the amount due
83 pursuant to subsection 2 of this section and shall deduct the same amount from
84 the next state school aid apportionment to the owing school district. If a charter
85 school is paid more or less than the amounts due pursuant to this section, the
86 amount of overpayment or underpayment shall be adjusted equally in the next
87 twelve payments by the school district or the department of elementary and
88 secondary education, as appropriate. Any dispute between the school district and
89 a charter school as to the amount owing to the charter school shall be resolved by
90 the department of elementary and secondary education, and the department's

91 decision shall be the final administrative action for the purposes of review
92 pursuant to chapter 536. During the period of dispute, the department of
93 elementary and secondary education shall make every administrative and
94 statutory effort to allow the continued education of children in their current
95 public charter school setting.

96 6. The charter school, **including a recovery charter high school**, and
97 a local school board may agree by contract for services to be provided by the
98 school district to the charter school. The charter school may contract with any
99 other entity for services. Such services may include but are not limited to food
100 service, custodial service, maintenance, management assistance, curriculum
101 assistance, media services and libraries and shall be subject to negotiation
102 between the charter school and the local school board or other
103 entity. Documented actual costs of such services shall be paid for by the charter
104 school.

105 7. In the case of a proposed charter school that intends to contract with
106 an education service provider for substantial educational services or management
107 services, the request for proposals shall additionally require the charter school
108 applicant to:

109 (1) Provide evidence of the education service provider's success in serving
110 student populations similar to the targeted population, including demonstrated
111 academic achievement as well as successful management of nonacademic school
112 functions, if applicable. **In the case of a recovery charter high school, such**
113 **applicant need only provide evidence of the education service**
114 **provider's history of providing such educational services;**

115 (2) Provide a term sheet setting forth the proposed duration of the service
116 contract; roles and responsibilities of the governing board, the school staff, and
117 the service provider; scope of services and resources to be provided by the service
118 provider; performance evaluation measures and time lines; compensation
119 structure, including clear identification of all fees to be paid to the service
120 provider; methods of contract oversight and enforcement; investment disclosure;
121 and conditions for renewal and termination of the contract;

122 (3) Disclose any known conflicts of interest between the school governing
123 board and proposed service provider or any affiliated business entities;

124 (4) Disclose and explain any termination or nonrenewal of contracts for
125 equivalent services for any other charter school in the United States within the
126 past five years;

127 (5) Ensure that the legal counsel for the charter school shall report
128 directly to the charter school's governing board; and

129 (6) Provide a process to ensure that the expenditures that the education
130 service provider intends to bill to the charter school shall receive prior approval
131 of the governing board or its designee.

132 8. A charter school may enter into contracts with community partnerships
133 and state agencies acting in collaboration with such partnerships that provide
134 services to children and their families linked to the school.

135 9. A charter school shall be eligible for transportation state aid pursuant
136 to section 163.161 and shall be free to contract with the local district, or any
137 other entity, for the provision of transportation to the students of the charter
138 school.

139 10. (1) The proportionate share of state and federal resources generated
140 by students with disabilities or staff serving them shall be paid in full to charter
141 schools enrolling those students by their school district where such enrollment is
142 through a contract for services described in this section. The proportionate share
143 of money generated under other federal or state categorical aid programs shall
144 be directed to charter schools serving such students eligible for that aid.

145 (2) A charter school shall provide the special services provided pursuant
146 to section 162.705 and may provide the special services pursuant to a contract
147 with a school district or any provider of such services.

148 11. A charter school [may] **shall** not charge tuition or impose fees that a
149 school district is prohibited from charging or imposing, except that a charter
150 school may receive:

151 (1) Tuition payments from districts in the same or an adjoining county for
152 nonresident students who transfer to an approved charter school, as defined in
153 section 167.895, from an unaccredited district; **and**

154 (2) **Payments from school districts as described in this section.**

155 12. A charter school is authorized to incur debt in anticipation of receipt
156 of funds. A charter school may also borrow to finance facilities and other capital
157 items. A school district may incur bonded indebtedness or take other measures
158 to provide for physical facilities and other capital items for charter schools that
159 it sponsors or contracts with. Except as otherwise specifically provided in
160 sections 160.400 to 160.425, upon the dissolution of a charter school, any
161 liabilities of the corporation will be satisfied through the procedures of chapter
162 355. A charter school shall satisfy all its financial obligations within twelve

163 months of notice from the sponsor of the charter school's closure under subsection
164 8 of section 160.405. After satisfaction of all its financial obligations, a charter
165 school shall return any remaining state and federal funds to the department of
166 elementary and secondary education for disposition as stated in subdivision (17)
167 of subsection 1 of section 160.405. The department of elementary and secondary
168 education may withhold funding at a level the department determines to be
169 adequate during a school's last year of operation until the department determines
170 that school records, liabilities, and reporting requirements, including a full audit,
171 are satisfied.

172 13. Charter schools shall not have the power to acquire property by
173 eminent domain.

174 14. The governing [body] **board** of a charter school is authorized to accept
175 grants, gifts or donations of any kind and to expend or use such grants, gifts or
176 donations. A grant, gift or donation [may] **shall** not be accepted by the governing
177 body if it is subject to any condition contrary to law applicable to the charter
178 school or other public schools, or contrary to the terms of the charter.

179 **15. Notwithstanding any other provision of this section, if the**
180 **provisions of any other section specify a tuition amount to be paid by**
181 **the resident district for a nonresident pupil attending a recovery**
182 **charter high school, the provisions of such section specifying the**
183 **tuition amount shall govern, and the provisions of this section shall not**
184 **apply to such pupil.**

162.686. 1. No school district or charter school shall prohibit a
2 **parent or legal guardian of a student from recording by audio any**
3 **meeting held under the federal Individuals with Disabilities Education**
4 **Act (IDEA), 20 U.S.C. Section 1400, et seq., as amended, or Section 504**
5 **of the federal Rehabilitation Act of 1973, 29 U.S.C. Section 794, as**
6 **amended.**

7 **2. Any recording made by a parent or legal guardian under this**
8 **section shall be the property of the parent or legal guardian creating**
9 **the recording. No recording made under this section shall be construed**
10 **to be a public record made by or prepared for any public governmental**
11 **body under chapter 610.**

12 **3. No school district or charter school shall impose pre-meeting**
13 **notification requirements of recording by a parent or legal guardian of**
14 **more than twenty-four hours.**

15 **4. No school district or charter school employee who reports**
16 **directly to his or her employer any violations under this section shall**
17 **be subject to discharge, retaliation, or any other adverse employment**
18 **action for making such report.**

 162.720. 1. **(1) This subdivision shall apply to all school years**
2 **ending on or before June 30, 2022.** Where a sufficient number of children are
3 determined to be gifted and their development requires programs or services
4 beyond the level of those ordinarily provided in regular public school programs,
5 districts may establish special programs for such gifted children.

6 **(2) Beginning July 1, 2022, if three percent or more of students**
7 **enrolled in a school district or charter school are determined to be**
8 **gifted and their development requires programs or services beyond the**
9 **level of those ordinarily provided in regular public school programs,**
10 **the district or charter school shall establish a state-approved gifted**
11 **program for gifted children.**

12 **2. Beginning July 1, 2022, the teacher or teachers providing**
13 **gifted services to students in districts or charter schools with an**
14 **average daily attendance of more than three hundred fifty students**
15 **shall be certificated in gifted education. In districts or charter schools**
16 **with an average daily attendance of three hundred fifty students or**
17 **less, the teacher or teachers providing gifted services shall not be**
18 **required to be certificated to teach gifted education, however such**
19 **teachers shall annually participate in at least six clock hours of**
20 **professional development focused on gifted services.**

21 **3. The state board of education shall determine standards for such gifted**
22 **programs and gifted services. Approval of [such] gifted programs shall be**
23 **made by the state department of elementary and secondary education based upon**
24 **project applications submitted [by July fifteenth of each year] at a time and in**
25 **a form determined by the department of elementary and secondary**
26 **education.**

27 **[3.] 4. No district or charter school shall make a determination as to**
28 **whether a child is gifted based on the child's participation in an advanced**
29 **placement course or international baccalaureate course. Districts or charter**
30 **schools shall determine a child is gifted only if the child meets the definition of**
31 **gifted children as provided in section 162.675.**

32 **[4.] 5. Any district or charter school with a gifted education program**

33 approved under subsection [2] **3** of this section shall have a policy, approved by
34 the board of education of the district, **or governing body of each charter**
35 **school**, that establishes a process that outlines the procedures and conditions
36 under which parents or guardians may request a review of the decision that
37 determined that their child did not qualify to receive services through the
38 district's **or charter school's** gifted education program.

39 [5.] **6.** School districts and school district employees **or charter schools**
40 **and charter school employees** shall be immune from liability for any and all
41 acts or omissions relating to the decision that a child did not qualify to receive
42 services through the district's **or charter school's** gifted education program.

43 **7. The department of elementary and secondary education may**
44 **promulgate rules to implement the provisions of this section. Any rule**
45 **or portion of a rule, as that term is defined in section 536.010, that is**
46 **created under the authority delegated in this section shall become**
47 **effective only if it complies with and is subject to all of the provisions**
48 **of chapter 536 and, if applicable, section 536.028. This section and**
49 **chapter 536 are nonseverable, and if any of the powers vested with the**
50 **general assembly pursuant to chapter 536 to review, to delay the**
51 **effective date, or to disapprove and annul a rule are subsequently held**
52 **unconstitutional, then the grant of rulemaking authority and any rule**
53 **proposed or adopted after August 28, 2020, shall be invalid and void.**

162.974. 1. The state department of elementary and secondary education
2 shall reimburse school districts, including special school districts, for the **special**
3 educational costs of high-need children with an individualized education program
4 exceeding three times the current expenditure per average daily attendance as
5 calculated on the district annual secretary of the board report for the year in
6 which expenditures are claimed. **For any school district with an average**
7 **daily attendance of five hundred students or fewer, the calculation of**
8 **three times the current expenditure per average daily attendance shall**
9 **not include any money reimbursed to a school district under this**
10 **section.**

11 2. A school district shall submit, through timely application, as
12 determined by the state department of elementary and secondary education, the
13 cost of serving any **high-needs** student **with an individualized education**
14 **program**, as provided in subsection 1 of this section.

162.1255. 1. For purposes of this section, the following terms

2 shall mean:

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

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

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

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

163.024. 1. All moneys received in the Iron County school fund, Reynolds
2 County school fund, Jefferson County school fund, and Washington County school
3 fund from the payment of a civil penalty pursuant to a consent decree filed in the
4 United States district court for the eastern district of Missouri in December, 2011,
5 in the case of *United States of America and State of Missouri v. the Doe Run*
6 *Resources Corporation d/b/a "The Doe Run Company," and the Buick Resource*
7 *Recycling Facility, LLC*, because of environmental violations shall not be included
8 in any district's local effort figure, as such term is defined in section
9 163.011. The provisions of this [section] **subsection** shall terminate on July 1,
10 2016.

11 2. (1) No moneys received in the Iron County school fund from
12 the payment of any penalty, whether to resolve violations or as
13 payment of any stipulated penalty, under Administrative Order on
14 Consent No. APCP-2019-001 ("Order") issued by the department of
15 natural resources, shall be included in such school district's local effort

16 calculation, as such term is defined in section 163.011.

17 (2) The department of natural resources shall notify the revisor
18 of statutes when the Order is terminated as provided in the Order, and
19 this subsection shall expire on the last day of the fiscal year in which
20 the revisor receives such notification from the department.

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

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

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

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

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

12 (4) "Eligible educational institution", an **eligible educational** institution
13 [of postsecondary education] as defined in Section [529(e)(5) of the Internal
14 Revenue Code, and institutions of elementary and secondary education as
15 provided in Sections 529(c)(7) and 529(e)(3) of the Internal Revenue Code, as
16 amended] **529 of the Internal Revenue Code, as amended;**

17 (5) "Financial institution", a bank, insurance company or registered
18 investment company;

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

21 (7) "Missouri education [savings] program" or "[savings] program", the
22 program created pursuant to sections 166.400 to 166.455;

23 (8) "Participant", a person who has entered into a participation agreement
24 pursuant to sections 166.400 to 166.455 for the advance payment of qualified
25 education expenses on behalf of a beneficiary;

26 (9) "Participation agreement", an agreement between a participant and
27 the board pursuant to and conforming with the requirements of sections 166.400
28 to 166.455; and

29 (10) "Qualified higher education expenses" or "qualified education

30 expenses", the qualified costs of tuition and fees and other expenses for
31 attendance at an eligible educational institution, as defined in Section [529(e)(3)]
32 **529** of the Internal Revenue Code, as amended.

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

22 (1) Develop and implement the Missouri education [savings] program and,
23 notwithstanding any provision of sections 166.400 to 166.455 to the contrary, the
24 [savings] programs and services consistent with the purposes and objectives of
25 sections 166.400 to 166.455;

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

31 (3) Develop and implement educational programs and related
32 informational materials for participants, either directly or through a contractual
33 arrangement with a financial institution for investment services, and their

34 families, including special programs and materials to inform families with young
35 children regarding methods for financing education and training;

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

39 (5) Enter into participation agreements with participants;

40 (6) Accept any grants, gifts, legislative appropriations, and other moneys
41 from the state, any unit of federal, state, or local government or any other person,
42 firm, partnership, or corporation for deposit to the account of the [savings]
43 program;

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

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

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

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

54 (11) Effectuate and carry out all the powers granted by sections 166.400
55 to 166.455, and have all other powers necessary to carry out and effectuate the
56 purposes, objectives and provisions of sections 166.400 to 166.455 pertaining to
57 the [savings] program; and

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

60 2. Any member of the board may designate a proxy for that member who
61 will enjoy the full voting privileges of that member for the one meeting so
62 specified by that member. No more than three proxies shall be considered
63 members of the board for the purpose of establishing a quorum.

64 3. Four members of the board shall constitute a quorum. No vacancy in
65 the membership of the board shall impair the right of a quorum to exercise all the
66 rights and perform all the duties of the board. No action shall be taken by the
67 board except upon the affirmative vote of a majority of the members present.

68 4. The board shall meet within the state of Missouri at the time set at a
69 previously scheduled meeting or by the request of any four members of the

70 board. Notice of the meeting shall be delivered to all other trustees in person or
71 by depositing notice in a United States post office in a properly stamped and
72 addressed envelope not less than six days prior to the date fixed for the
73 meeting. The board may meet at any time by unanimous mutual consent. There
74 shall be at least one meeting in each quarter.

75 5. The funds shall be invested only in those investments which a prudent
76 person acting in a like capacity and familiar with these matters would use in the
77 conduct of an enterprise of a like character and with like aims, as provided in
78 section 105.688. For new contracts entered into after August 28, 2012, board
79 members shall study investment plans of other states and contract with or
80 negotiate to provide benefit options the same as or similar to other states'
81 qualified plans for the purpose of offering additional options for members of the
82 plan. The board may delegate to duly appointed investment counselors authority
83 to act in place of the board in the investment and reinvestment of all or part of
84 the moneys and may also delegate to such counselors the authority to act in place
85 of the board in the holding, purchasing, selling, assigning, transferring or
86 disposing of any or all of the securities and investments in which such moneys
87 shall have been invested, as well as the proceeds of such investments and such
88 moneys. Such investment counselors shall be registered as investment advisors
89 with the United States Securities and Exchange Commission. In exercising or
90 delegating its investment powers and authority, members of the board shall
91 exercise ordinary business care and prudence under the facts and circumstances
92 prevailing at the time of the action or decision. No member of the board shall be
93 liable for any action taken or omitted with respect to the exercise of, or delegation
94 of, these powers and authority if such member shall have discharged the duties
95 of his or her position in good faith and with that degree of diligence, care and
96 skill which a prudent person acting in a like capacity and familiar with these
97 matters would use in the conduct of an enterprise of a like character and with
98 like aims.

99 6. No investment transaction authorized by the board shall be handled by
100 any company or firm in which a member of the board has a substantial interest,
101 nor shall any member of the board profit directly or indirectly from any such
102 investment.

103 7. No trustee or employee of the [savings] program shall receive any gain
104 or profit from any funds or transaction of the [savings] program. Any trustee,
105 employee or agent of the [savings] program accepting any gratuity or

106 compensation for the purpose of influencing such trustee's, employee's or agent's
107 action with respect to the investment or management of the funds of the [savings]
108 program shall thereby forfeit the office and in addition thereto be subject to the
109 penalties prescribed for bribery.

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

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

6 (2) A participation agreement shall specify the method for calculating the
7 return on the contribution made by the participant;

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

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

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

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

20 2. The board shall establish the maximum amount which may be
21 contributed annually [by a participant] with respect to a beneficiary.

22 3. The board shall establish a total contribution limit for savings accounts
23 established under the [savings] program with respect to a beneficiary to permit
24 the [savings] program to qualify as a "qualified state tuition program" pursuant
25 to Section 529 of the Internal Revenue Code. No contribution may be made to a
26 savings account for a beneficiary if it would cause the balance of all savings
27 accounts of the beneficiary to exceed the total contribution limit established by
28 the board. The board may establish other requirements that it deems appropriate
29 to provide adequate safeguards to prevent contributions on behalf of a beneficiary
30 from exceeding what is necessary to provide for the qualified education expenses
31 of the beneficiary.

32 4. The board shall establish the minimum length of time that

33 contributions and earnings must be held by the [savings] program to qualify
34 pursuant to section 166.435. Any contributions or earnings that are withdrawn
35 or distributed from a savings account prior to the expiration of the minimum
36 length of time, as established by the board, shall be subject to a penalty pursuant
37 to section 166.430.

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

166.435. 1. Notwithstanding any law to the contrary, the assets of the
2 [savings] program held by the board, the assets of any deposit program
3 authorized in section 166.500, and the assets of any qualified tuition [savings]
4 program established pursuant to Section 529 of the Internal Revenue Code and
5 any income therefrom shall be exempt from all taxation by the state or any of its
6 political subdivisions. Income earned or received from the [savings] program,
7 deposit, or other qualified tuition [savings] programs established under Section
8 529 of the Internal Revenue Code, or refunds of qualified education expenses
9 received by a beneficiary from an eligible educational institution in connection
10 with withdrawal from enrollment at such institution which are contributed within
11 sixty days of withdrawal to a qualified tuition [savings] program of which such
12 individual is a beneficiary shall not be subject to state income tax imposed
13 pursuant to chapter 143 and shall be eligible for any benefits provided in
14 accordance with Section 529 of the Internal Revenue Code. The exemption from
15 taxation pursuant to this section shall apply only to assets and income
16 maintained, accrued, or expended pursuant to the requirements of the [savings]
17 program established pursuant to sections 166.400 to 166.455, the deposit program
18 established pursuant to sections 166.500 to 166.529, and other qualified tuition
19 [savings] programs established under Section 529 of the Internal Revenue Code,
20 and no exemption shall apply to assets and income expended for any other
21 purposes. Annual contributions made to the [savings] program held by the board,
22 the deposit program, and any qualified tuition [savings] program established
23 under Section 529 of the Internal Revenue Code up to and including eight
24 thousand dollars per [participating] taxpayer, and up to sixteen thousand dollars

25 for married individuals filing a joint tax return, shall be subtracted in
26 determining Missouri adjusted gross income pursuant to section 143.121.

27 2. If any deductible contributions to or earnings from any such program
28 referred to in this section are distributed and not used to pay qualified education
29 expenses, not transferred as allowed by 26 U.S.C. Section 529(c)(3)(C)(i), as
30 amended, and any Internal Revenue Service regulations or guidance issued in
31 relation thereto, or are not held for the minimum length of time established by
32 the appropriate Missouri board, then the amount so distributed shall be included
33 in the Missouri adjusted gross income of the participant, or, if the participant is
34 not living, the beneficiary.

35 3. The provisions of this section shall apply to tax years beginning on or
36 after January 1, 2008, and the provisions of this section with regard to sections
37 166.500 to 166.529 shall apply to tax years beginning on or after January 1, 2004.

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

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

167.171. 1. The school board in any district, by general rule and for the
2 causes provided in section 167.161, may authorize the summary suspension of
3 pupils by principals of schools for a period not to exceed ten school days and by
4 the superintendent of schools, **or the superintendent's designee**, for a period
5 not to exceed one hundred and eighty school days. In case of a suspension by the
6 superintendent **or the superintendent's designee** for more than ten school
7 days, the pupil, the pupil's parents or others having such pupil's custodial care
8 may appeal the decision of the superintendent **or the superintendent's**
9 **designee** to the board or to a committee of board members appointed by the
10 president of the board which shall have full authority to act in lieu of the
11 board. Any suspension by a principal shall be immediately reported to the
12 superintendent **or the superintendent's designee**, who may revoke the
13 suspension at any time. In event of an appeal to the board, the superintendent
14 **or the superintendent's designee** shall promptly transmit to it a full report

15 in writing of the facts relating to the suspension, the action taken by the
16 superintendent **or the superintendent's designee**, and the reasons therefor
17 and the board, upon request, shall grant a hearing to the appealing party to be
18 conducted as provided in section 167.161.

19 2. No pupil shall be suspended unless:

20 (1) The pupil shall be given oral or written notice of the charges against
21 such pupil;

22 (2) If the pupil denies the charges, such pupil shall be given an oral or
23 written explanation of the facts which form the basis of the proposed suspension;

24 (3) The pupil shall be given an opportunity to present such pupil's version
25 of the incident; and

26 (4) In the event of a suspension for more than ten school days, where the
27 pupil gives notice that such pupil wishes to appeal the suspension to the board,
28 the suspension shall be stayed until the board renders its decision, unless in the
29 judgment of the superintendent of schools **or the superintendent's designee**,
30 or of the district superintendent **or the superintendent's designee**, the pupil's
31 presence poses a continuing danger to persons or property or an ongoing threat
32 of disrupting the academic process, in which case the pupil may be immediately
33 removed from school, and the notice and hearing shall follow as soon as
34 practicable.

35 3. (1) No school board shall readmit or enroll a pupil properly suspended
36 for more than ten consecutive school days for an act of school violence as defined
37 in subsection 2 of section 160.261 regardless of whether [or not] such act was
38 committed at a public school or at a private school in this state, provided that
39 such act shall have resulted in the suspension or expulsion of such pupil in the
40 case of a private school, or otherwise permit such pupil to attend school without
41 first holding a conference to review the conduct that resulted in the expulsion or
42 suspension and any remedial actions needed to prevent any future occurrences
43 of such or related conduct. The conference shall include the appropriate school
44 officials including any teacher employed in that school or district directly involved
45 with the conduct that resulted in the suspension or expulsion, the pupil, the
46 parent or guardian of the pupil or any agency having legal jurisdiction, care,
47 custody or control of the pupil. The school board shall notify in writing the
48 parents or guardians and all other parties of the time, place, and agenda of any
49 such conference. Failure of any party to attend this conference shall not preclude
50 holding the conference. Notwithstanding any provision of this subsection to the

51 contrary, no pupil shall be readmitted or enrolled to a regular program of
52 instruction if:

53 [(1)] (a) Such pupil has been convicted of; or

54 [(2)] (b) An indictment or information has been filed alleging that the
55 pupil has committed one of the acts enumerated in [subdivision (4)] **paragraph**
56 **(d)** of this [subsection] **subdivision** to which there has been no final judgment;
57 or

58 [(3)] (c) A petition has been filed pursuant to section 211.091 alleging
59 that the pupil has committed one of the acts enumerated in [subdivision (4)]
60 **paragraph (d)** of this [subsection] **subdivision** to which there has been no final
61 judgment; or

62 [(4)] (d) The pupil has been adjudicated to have committed an act which
63 if committed by an adult would be one of the following:

64 [(a)] a. First degree murder under section 565.020;

65 [(b)] b. Second degree murder under section 565.021;

66 [(c)] c. First degree assault under section 565.050;

67 [(d)] d. Forcible rape under section 566.030 as it existed prior to August
68 28, 2013, or rape in the first degree under section 566.030;

69 [(e)] e. Forcible sodomy under section 566.060 as it existed prior to
70 August 28, 2013, or sodomy in the first degree under section 566.060;

71 [(f)] f. Statutory rape under section 566.032;

72 [(g)] g. Statutory sodomy under section 566.062;

73 [(h)] h. Robbery in the first degree under section 569.020 as it existed
74 prior to January 1, 2017, or robbery in the first degree under section 570.023;

75 [(i)] i. Distribution of drugs to a minor under section 195.212 as it
76 existed prior to January 1, 2017, or delivery of a controlled substance under
77 section 579.020;

78 [(j)] j. Arson in the first degree under section 569.040;

79 [(k)] k. Kidnapping or kidnapping in the first degree, when classified as
80 a class A felony under section 565.110.

81 (2) Nothing in this subsection shall prohibit the readmittance or
82 enrollment of any pupil if a petition has been dismissed, or when a pupil has been
83 acquitted or adjudicated not to have committed any of the above acts. This
84 subsection shall not apply to a student with a disability, as identified under state
85 eligibility criteria, who is convicted or adjudicated guilty as a result of an action
86 related to the student's disability. Nothing in this subsection shall be construed

87 to prohibit a school district which provides an alternative education program from
88 enrolling a pupil in an alternative education program if the district determines
89 such enrollment is appropriate.

90 4. If a pupil is attempting to enroll in a school district during a
91 suspension or expulsion from another in-state or out-of-state school district
92 including a private, charter or parochial school or school district, a conference
93 with the superintendent or the superintendent's designee may be held at the
94 request of the parent, court-appointed legal guardian, someone acting as a parent
95 as defined by rule in the case of a special education student, or the pupil to
96 consider if the conduct of the pupil would have resulted in a suspension or
97 expulsion in the district in which the pupil is enrolling. Upon a determination
98 by the superintendent or the superintendent's designee that such conduct would
99 have resulted in a suspension or expulsion in the district in which the pupil is
100 enrolling or attempting to enroll, the school district may make such suspension
101 or expulsion from another school or district effective in the district in which the
102 pupil is enrolling or attempting to enroll. Upon a determination by the
103 superintendent or the superintendent's designee that such conduct would not
104 have resulted in a suspension or expulsion in the district in which the student is
105 enrolling or attempting to enroll, the school district shall not make such
106 suspension or expulsion effective in its district in which the student is enrolling
107 or attempting to enroll.

167.263. 1. A program to provide teacher assistants in regular classrooms
2 in grades kindergarten through three is established. For the purposes of this
3 section a "teacher assistant" is defined as a qualified person employed by a school
4 district to assist a certificated teacher in classroom instruction and management.
5 No teacher assistant shall be counted as a teacher for the purposes of
6 establishing ratios of teachers to pupils in a classroom, school or school
7 district. Any public elementary school containing such grades which meets the
8 criteria pursuant to this section shall be eligible for a state financial supplement
9 to employ teacher assistants. Eligibility criteria are that the school shall have
10 a breakfast program, the school shall serve at least forty percent of its lunches
11 to pupils who are eligible for free or reduced price meals according to federal
12 guidelines, and the school shall have a reading [intervention] **success plan for**
13 **any student who requires such a plan** pursuant to section 167.268.

14 2. A school district which contains such eligible schools may apply to the
15 department of elementary and secondary education for a state financial

16 supplement to employ teacher assistants in those schools named in the
17 application and in no other schools of the district. The state full-time equivalent
18 financial supplement shall be three thousand dollars per teacher assistant. No
19 more than one assistant per classroom shall be supplemented by the state
20 pursuant to this section. Teacher assistants thus employed pursuant to this
21 section shall assist teachers in grades kindergarten through three and in no other
22 grades. School districts shall not apply for or assign teacher assistants employed
23 pursuant to this section in classrooms designated as special education or
24 compensatory education classrooms.

25 3. The state board of education shall promulgate rules and regulations for
26 the implementation of this section. Such rules shall include identifying minimum
27 qualifications for teacher assistants which may include teacher education
28 students, determining the minimum number of pupils per classroom to be eligible
29 for a teacher assistant, establishing application procedures for school districts,
30 and determining a method of awarding state financial supplements in the event
31 that the number of applications exceeds the amounts appropriated therefor. No
32 rule or portion of a rule promulgated under the authority of this chapter shall
33 become effective unless it has been promulgated pursuant to the provisions of
34 section 536.024.

167.268. 1. Each local school district **and charter school** shall have on
2 file a policy for reading [intervention] **success** plans for any pupils of the district
3 **or charter school** in grades kindergarten through [three] **four** pursuant to the
4 provisions of this section. Such plans shall identify strategies to be followed by
5 the district **or charter school** teachers to raise a pupil identified as reading
6 below grade level by recognized methods to reading at grade level by the end of
7 the [third] **fourth** grade. Recognized methods of identification may include but
8 need not be limited to the scores of the pupil obtained through any established
9 standardized testing program currently administered by the district **or charter**
10 **school**, observations of classroom teachers, and documented classroom
11 performance. **The local policy shall be aligned with the guidelines**
12 **developed by the department of elementary and secondary education**
13 **for reading success plans.**

14 2. The [state board of] **department of elementary and secondary**
15 education shall develop guidelines to assist districts **and charter schools** in
16 formulating policies for reading [intervention] **success** plans. Such guidelines
17 may include, but are not limited to, timelines for measuring pupil improvement

18 in reading[,] **and** information on screening for and treatment of [auditory]
19 dyslexia[, and information on the Lindamood Auditory Conceptualization Test
20 and the Auditory Discrimination in Depth Program] **and other reading**
21 **deficiencies. In addition, any guidelines for instruction shall meet the**
22 **needs of the students by ensuring that instruction is explicit,**
23 **systematic, and diagnostic and based on phonological awareness,**
24 **phonics, fluency, vocabulary, comprehension, morphology, syntax, and**
25 **semantics. The guidelines shall emphasize that frequent assessments**
26 **are necessary to measure student progress.** Such guidelines may also
27 identify performance levels for pupils identified as handicapped or severely
28 handicapped and conditions under which such pupils [are] **may be** exempt from
29 the provisions of this section.

30 3. Each local school district **and charter school** enrolling a pupil
31 identified as reading below grade level shall develop an individual plan of reading
32 [intervention] **success** for such pupil. The individual pupil's plan [may] **shall**
33 include individual or **small** group reading development activities. The plan [may
34 be developed after] **shall include** consultation with the pupil's parent or legal
35 guardian **to the extent practical.**

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

2 (1) **"Dyslexia", the same meaning given to the term in section**
3 **633.420;**

4 (2) **"Evidence-based reading instruction", any research-validated**
5 **program that has successful evidence to demonstrate adequate gains in**
6 **reading achievement where such evidence is:**

7 (a) **Objective data that any evaluator would identify and**
8 **interpret similarly;**

9 (b) **Valid and reliable data on the tasks children need to**
10 **accomplish to be successful readers that will remain essentially**
11 **unchanged if collected on a different day or by a different person;**

12 (c) **Systematic data that is collected according to a rigorous**
13 **design of either observation or experimentation; and**

14 (d) **Peer-reviewed data that has been approved for publication**
15 **by a panel of independent reviewers;**

16 (3) **"Reading assessment", a recognized method of judging a student's**
17 **reading ability, with results expressed as reading at a particular grade level. The**
18 **term reading assessment shall include, but is not limited to, standard checklists**

19 designed for use as a student reads out loud, paper-and-pencil tests promulgated
20 by nationally recognized organizations and other recognized methods of
21 determining a student's reading accuracy, expression, fluency and comprehension
22 in order to make a determination of the student's grade-level reading
23 ability. Assessments [which] **that** do not give a grade-level result may be used
24 in combination with other assessments to reach a grade-level
25 determination. Districts **and charter schools** are encouraged but not required
26 to select assessment methods identified pursuant to section 167.346. Districts
27 **and charter schools** are [also] encouraged to use multiple methods of
28 assessment;

29 [(2)] (4) **"Structured literacy", an evidence-based reading**
30 **instruction that addresses phonology, sound-symbol association,**
31 **syllable instruction, morphology, syntax, and semantics. Structured**
32 **literacy is taught through systematic, cumulative, explicit, and**
33 **diagnostic methods;**

34 (5) "Summer school", for reading instruction purposes, a minimum of forty
35 hours of reading instruction and practice. A school district **or charter school**
36 may arrange the hours and days of instruction to coordinate with its regular
37 program of summer school.

38 2. For purposes of this section, methods of reading assessment shall be
39 determined by each school district **and charter school**. Unless a student has
40 been determined in the [current] **previous** school year to be reading at grade
41 level or above, each school district **and charter school** shall administer a
42 reading assessment or set of assessments to each student within [forty-five days
43 of the end of the third-grade year] **the first thirty calendar days of school**
44 **for grades one through four, and by January thirty-first for**
45 **kindergarten**, except that the provisions of this subsection shall not apply to
46 students receiving special education services under an individualized education
47 plan pursuant to sections 162.670 to 162.999, to students receiving services
48 pursuant to Section 504 of the Rehabilitation Act of 1973 whose services plan
49 includes an element addressing reading or to students determined to have limited
50 English proficiency or to students who have been determined, prior to the
51 beginning of any school year, to have a cognitive ability insufficient to meet the
52 reading requirement set out in this section, provided that districts **and charter**
53 **schools** shall provide reading [improvement] **success** plans for students **with**
54 **an individualized education plan that have a reading deficiency, for**

55 **students receiving services under Section 504 of the Rehabilitation Act**
56 **of 1973 whose service plan includes an element addressing reading, and**
57 **to students** determined to have such insufficient cognitive ability. The
58 assessment required by this subsection shall also be required for students who
59 enter a school district **or charter school** in grades four, five, or six unless such
60 student has been determined in the current school year to be reading at grade
61 level or above.

62 3. [Beginning with school year 2002-03, for each student whose
63 third-grade reading assessment determines that such student is reading below
64 second-grade level, the school district shall design a reading improvement plan
65 for the student's fourth-grade year. Such reading improvement plan shall
66 include, at a minimum, thirty hours of additional reading instruction or practice
67 outside the regular school day during the fourth-grade year.]

68 (1) **School districts and charter schools shall offer a reading**
69 **success plan to each student in grades kindergarten through four who**
70 **exhibits a reading deficiency, has been identified as being at risk for**
71 **dyslexia in the statewide dyslexia screening requirement, or has a**
72 **formal diagnosis of dyslexia to ensure students can read at or above**
73 **grade level by the end of the fourth grade. The reading success plan**
74 **shall be provided in addition to core reading instruction that is**
75 **provided to all students in the general education classroom. The**
76 **reading success plan shall:**

77 (a) **Be provided to all students in grades kindergarten through**
78 **four identified with a reading deficiency as determined by the school**
79 **district or charter school using local or statewide screening**
80 **assessments administered within the first thirty days of school for**
81 **grades one through four, and by January thirty-first for kindergarten;**

82 (b) **Provide explicit and systematic multisensory instruction in**
83 **phonological awareness, phonics, fluency, vocabulary, and**
84 **comprehension as applicable to each student;**

85 (c) **Monitor the reading progress of each student's reading skills**
86 **throughout the school year and adjust instruction according to the**
87 **student's needs; and**

88 (d) **Be implemented during regular school hours.**

89 (2) **A structured literacy reading program shall be provided to**
90 **any student with a formal diagnosis of dyslexia or for a student who**
91 **was found to be at risk for dyslexia in the statewide dyslexia screening.**

92 4. Any student in kindergarten or any grade not higher than the
93 fourth grade who exhibits a deficiency in reading at any time, based
94 upon local or statewide screening assessments, shall receive an
95 individual reading success plan no later than forty-five calendar days
96 after the identification of the reading deficiency. The reading success
97 plan shall be created by the teacher and other pertinent school
98 personnel, after consultation with the student's parent or legal
99 guardian, and shall describe the evidence-based reading intervention
100 services the student shall receive to remedy the deficiency. The
101 reading success plan shall specify whether the student was found to be
102 at risk for dyslexia in the local or statewide dyslexia screening
103 requirement or whether the student has a formal diagnosis of
104 dyslexia. Each student shall receive appropriate reading intervention
105 until the student no longer has a deficiency in reading.

106 5. Beginning with the 2021-22 school year, any student who is not
107 reading at grade level by the end of the second grade shall receive
108 appropriate reading intervention to remedy the student's specific
109 reading deficiency. The reading intervention services shall include
110 effective instructional strategies to accelerate student progress that are
111 in accordance with evidence-based structured literacy
112 instruction. Each school district and charter school shall conduct a
113 review of student reading success plans for all students who are not
114 reading at grade level by the end of the second grade. The review shall
115 address additional supports and services, as described in this
116 subsection, needed to remedy the identified area or areas of reading
117 deficiency. The school district or charter school shall provide the
118 following:

119 (1) Training to all teachers and instructors of grades
120 kindergarten through four about the screening assessments;

121 (2) A highly qualified teacher of reading, as demonstrated by
122 teacher certification, professional development, and specialized
123 literacy training, who holds a certification from the Center for
124 Effective Reading Instruction (CERI) or from the Academic Language
125 Therapists Association (ALTA);

126 (3) Reading intervention services and supports to correct the
127 identified areas of reading deficiency including, but not limited to:

128 (a) Use of reading strategies or programs that are scientifically

129 **evidence-based and have proven results in accelerating student reading**
130 **achievement within the same school year for students with a reading**
131 **success plan;**

132 **(b) Frequent, targeted small-group or one-to-one reading**
133 **intervention based on the student's needs;**

134 **(c) Explicit and systematic instruction with more detailed**
135 **explanations, more extensive opportunities for guided practice, and**
136 **more opportunities for error correction and feedback;**

137 **(d) Frequent monitoring of the progress of the student's reading**
138 **skills throughout the school year and adjustment of the instruction**
139 **according to the student's needs; and**

140 **(e) An evidence-based structured literacy instruction that has**
141 **successful evidence to demonstrate adequate gains in reading**
142 **achievement as described in subsection 3 of this section for any student**
143 **with a formal diagnosis of dyslexia or who has been identified as a**
144 **student at risk for dyslexia in the required state dyslexia screening**
145 **assessment; and**

146 **(4) A "read at home" plan offered to parents and legal guardians**
147 **along with suggestions for participation by parents or legal guardians**
148 **in training workshops or regular parent-guided home reading**
149 **activities.**

150 **6. Each school district and charter school shall provide reading**
151 **intervention for any student not reading at a level of proficient or**
152 **above on a local third-grade reading assessment in the child's third-**
153 **grade year, or at proficient or above in the child's subsequent grade**
154 **level starting in the fourth grade, and who has a reading success**
155 **plan. The appropriate reading intervention shall include criteria**
156 **established in subsection 5 of this section and shall provide explicit**
157 **and systematic multisensory evidence-based structured literacy reading**
158 **instruction. The school district or charter school shall determine the**
159 **[method of reading instruction] specific structured literacy curriculum**
160 **necessary to enforce this subsection. The school district or charter school**
161 **also require the student to attend summer school for reading instruction as a**
162 **condition of promotion to fourth grade. The department of elementary and**
163 **secondary education may, from funds appropriated for the purpose, reimburse**
164 **school districts and charter schools for additional instructional personnel costs**
165 **incurred in the implementation and execution of the thirty hours of additional**

166 reading instruction minus the revenue generated by the school district **or**
167 **charter school** through the foundation formula for the additional reading
168 instruction average daily attendance.

169 [4.] 7. Each student for whom a reading [improvement] **success** plan has
170 been designed pursuant to subsection 3 of this section shall be given another
171 reading assessment, to be administered within forty-five days of the end of such
172 student's fourth-grade year. If such student is determined to be reading below
173 third-grade level **at the end of the third grade**, the student shall be required
174 to attend summer school to receive reading instruction. At the end of such
175 summer school instruction, such student shall be given another reading
176 assessment. If such student is determined to be reading below third-grade level,
177 the district shall notify the student's parents or guardians, and the student shall
178 not be promoted to fifth grade. No student shall be denied promotion more than
179 once solely for inability to meet the reading standards set out in this section.

180 [5.] 8. The process described in subsections [3] 6 and [4] 7 of this section
181 shall be repeated as necessary through the end of the sixth grade, with the target
182 grade level rising accordingly. Mandatory retention in grade shall not apply to
183 grades subsequent to fourth grade.

184 [6.] 9. The mandatory process of additional reading instruction pursuant
185 to this section shall cease at the end of the sixth grade. [The permanent record
186 of students who are determined to be reading below the fifth-grade level at the
187 end of sixth grade shall carry a notation advising that such student has not met
188 minimal reading standards. The notation shall stay on the student's record until
189 such time as the district determines that a student has met minimal reading
190 standards] **If the student is still not reading at grade level upon**
191 **completion of the sixth grade, the school district or charter school shall**
192 **continue to provide a reading success plan to be implemented during**
193 **the regular school day until such time as the student is reading at**
194 **grade level or upon graduation from high school. Appropriate**
195 **documentation of a student's reading success plans shall be provided**
196 **to an enrolling district within ten school days of when a student**
197 **transfers to a public school district or charter school.**

198 [7.] 10. Each school district **and charter school** shall be required to
199 offer summer school reading instruction to any student with a reading
200 [improvement] **success** plan. Districts **and charter schools** may fulfill the
201 requirement of this section through cooperative arrangements with neighboring

202 districts[; provided that such districts shall timely make all payments provided
203 pursuant to such cooperative agreements].

204 [8.] **11.** A school district **or charter school** may adopt a policy that
205 requires retention in grade of any student who has been determined to require
206 summer school instruction in reading and who does not fulfill the summer school
207 attendance requirement.

208 [9.] **12.** Nothing in this section shall preclude a school district **or**
209 **charter school** from retaining any student in grade when a determination is
210 made in accordance with district **or charter school** policy that retention is in
211 the best interests of the student.

212 [10.] **13.** The state board of education shall not incorporate information
213 about the number of students receiving additional instruction pursuant to this
214 section into any element of any standard of the Missouri school improvement
215 program or its successor accreditation program; provided, however, each district
216 **or charter school** shall make available, upon the request of any parent, patron,
217 **advocacy group**, or media outlet [within the district], the number and
218 percentage of students receiving remediation pursuant to this section. The
219 information shall be presented in a way that does not permit personal
220 identification of any student or educational personnel.

221 [11.] **14.** Each school district **and charter school** shall make a
222 systematic effort to inform parents of the methods and materials used to teach
223 reading in kindergarten through fourth grade, in terms understandable to a
224 layperson [and shall similarly inform parents of students for whom a reading
225 improvement plan is required pursuant to this section]. **The parent or legal**
226 **guardian of any student in grades kindergarten through four who**
227 **exhibits a deficiency in reading or has screened positive for the**
228 **characteristics of dyslexia at any time during the school year, as**
229 **determined by the school, shall be notified in writing that the child has**
230 **a reading deficiency or has screened positive for the characteristics of**
231 **dyslexia no later than thirty calendar days after the identification of**
232 **the reading deficiency as determined by the school district or charter**
233 **school. Such written notification shall include the following:**

234 (1) A statement that the student has been identified as having a
235 deficiency in reading or has screened positive for the characteristics
236 of dyslexia and that a reading success plan shall be developed by the
237 teacher and other pertinent school personnel;

238 **(2) A description of the current services that are provided to the**
239 **student;**

240 **(3) A description of the proposed evidence-based structured**
241 **literacy reading interventions and supplemental instructional services**
242 **and supports that shall be provided to the student that are designed to**
243 **remedy the identified area or areas of reading deficiency;**

244 **(4) A statement that the parent or legal guardian shall be**
245 **informed in writing of the student's progress toward grade-level**
246 **reading on a quarterly basis, at a minimum; and**

247 **(5) Strategies that a parent or legal guardian should use at home**
248 **to help the student succeed in reading.**

249 **15. The board of each school district and charter school shall**
250 **annually post by September first the following information of the prior**
251 **school year on their website, in the student and parent handbooks, and**
252 **near the entrance of each appropriate building:**

253 **(1) By building, the number and percentage of all students in**
254 **grades three through eight scoring at each proficiency level on the**
255 **English language arts statewide assessment;**

256 **(2) By building, the number and percentage of all students in**
257 **grades three through eight in each demographic category scoring at**
258 **each proficiency level on the English language arts statewide**
259 **assessment;**

260 **(3) By district, the number and percentage of all students in**
261 **grades three through eight scoring at each proficiency level on the**
262 **English language arts statewide assessment; and**

263 **(4) By district, the number and percentage of all students in**
264 **grades three through eight in each demographic category scoring at**
265 **each proficiency level on the English language arts statewide**
266 **assessment.**

267 **16. The department of elementary and secondary education shall**
268 **annually report the information required in subsection 14 of this**
269 **section in a state-level summary to the state board of education, the**
270 **public, the governor, and the joint committee on education by October**
271 **first. Each school district and charter school shall post the data**
272 **required in subsection 14 on their website, in student and parent**
273 **handbooks at the appropriate grade level, and in a visible location near**
274 **the entrance of each elementary, middle, and junior high school**

275 **building.**

276 **17. The department of elementary and secondary education may**
277 **promulgate rules to implement the provisions of this section. Any rule**
278 **or portion of a rule, as that term is defined in section 536.010, that is**
279 **created under the authority delegated in this section shall become**
280 **effective only if it complies with and is subject to all of the provisions**
281 **of chapter 536 and, if applicable, section 536.028. This section and**
282 **chapter 536 are nonseverable, and if any of the powers vested with the**
283 **general assembly pursuant to chapter 536 to review, to delay the**
284 **effective date, or to disapprove and annul a rule are subsequently held**
285 **unconstitutional, then the grant of rulemaking authority and any rule**
286 **proposed or adopted after August 28, 2020, shall be invalid and void.**

287 **18. The state board of education may recommend that**
288 **institutions of higher education and the department align literacy and**
289 **reading instruction course work with knowledge and practice**
290 **standards from the Center for Effective Reading Instruction.**

167.730. 1. Beginning July 1, 2021, every public school in the
2 **metropolitan school district, including charter schools, shall**
3 **incorporate a response-to-intervention tiered approach to reading**
4 **instruction to focus resources on students who are determined by their**
5 **school to need additional or changed instruction to make progress as**
6 **readers. At a minimum, the reading levels of students in kindergarten**
7 **through tenth grade shall be assessed at the beginning and middle of**
8 **the school year, and students who score below district objectives for**
9 **reading shall be provided with intensive, systematic reading**
10 **instruction.**

11 **2. Beginning January 1, 2021, and every January first thereafter,**
12 **every public school in the metropolitan school district, including**
13 **charter schools, shall prepare a personalized learning plan for any**
14 **kindergarten or first grade student whose most recent school-wide**
15 **reading assessment result shows the student is performing below grade**
16 **level unless the student has been determined by other means in the**
17 **current school year to be performing at grade level or above. The**
18 **provisions of this section shall not apply to students otherwise served**
19 **under an individualized education program, to students receiving**
20 **services through a plan prepared under Section 504 of the**
21 **Rehabilitation Act of 1973 that includes an element addressing reading**

22 below grade level, or to students determined to have limited English
23 proficiency.

24 3. For any student that is required by this section to have a
25 personalized learning plan, the student's main teacher shall consult
26 with the student's parent or guardian during the preparation of the
27 plan and shall consult, as appropriate, any district personnel or
28 department of elementary and secondary education personnel with
29 necessary expertise to develop such a plan. The school shall require
30 the written consent of the parent or guardian to implement the plan;
31 however, if the school is unsuccessful in contacting the parent or
32 guardian by January fifteenth, the school may send a letter by certified
33 mail to the student's last known address stating its intention to
34 implement the plan by February first.

35 4. After implementing the personalized learning plan through the
36 end of the student's first grade year, the school shall refer any student
37 who still performs below grade level for assessment to determine if an
38 individualized education program is necessary for the student. A
39 student who is assessed as not needing an individualized education
40 program but who is reading below grade level at the end of the first
41 grade shall continue to be required to have a personalized learning
42 plan until the student is reading at grade level.

43 5. A student who is not reading at second-grade level by the end
44 of second grade may be promoted to the third grade only under one of
45 the following circumstances:

46 (1) The school provides additional reading instruction during the
47 summer and demonstrates the student is ready for third grade at the
48 end of the summer school;

49 (2) The school provides a combined classroom in which the
50 student continues with the same teacher, sometimes referred to as
51 "looping". If the student in such a classroom is not reading at third-
52 grade level by the end of third grade, the student shall be retained in
53 third grade; or

54 (3) The student's parents or guardians have signed a notice that
55 they prefer to have their student promoted although the student is
56 reading below grade level. The school shall have the final
57 determination on the issue of retention.

58 6. The metropolitan school district and each charter school

59 located in it shall provide in its annual report card under section
60 160.522 the numbers and percentages by grade from first grade to tenth
61 grade in each school of any students at any grade level who have been
62 promoted who have been determined as reading below grade level,
63 except that no reporting shall permit the identification of an individual
64 student.

167.790. 1. In order to receive funds under section 163.031, no
2 school district shall perform any action described in subdivision (1) or
3 (2) of this subsection or be a member of, or remit any funds to, any
4 statewide activities association that:

5 (1) Prohibits a student who is receiving instruction at a home
6 school, as defined in section 167.031, or a virtual school, pursuant to
7 section 161.670, from the opportunity to participate in any event or
8 activity offered by the school district or an attendance center of the
9 school district in which the student resides and where the statewide
10 activities association exercises authority, rules, or guidelines for
11 participating in such events or activities for any reason relating to
12 such student's home instruction or virtual instruction; or

13 (2) Requires a student who is receiving instruction at a home
14 school, as defined in section 167.031, or virtual school as a full-time
15 equivalent student, pursuant to section 161.670, to attend the public
16 school of residence for any portion of a school day in order to
17 participate in any event or activity offered by the school district or an
18 attendance center of the school district in which the student resides
19 where the statewide activities association exercises authority, rules, or
20 guidelines for participating in such events or activities. This
21 subdivision shall not apply if a specific class is required for the
22 participation and is directly related to the participation in an
23 association activity or in a club, extracurricular activity, or sport.

24 2. The department of elementary and secondary education shall
25 withhold payments under section 163.031 for any district in violation
26 of this section. The department shall release any funds withheld under
27 this section upon the district providing satisfactory proof to the state
28 board of education that the school district has ceased membership in
29 the association and has ceased remittance of any funds to such
30 association.

31 3. No statewide activities association shall prohibit or restrict

32 **any school district that is a member of such association from**
33 **participating in any events sanctioned, authorized, or regulated by**
34 **such association with any school that is not a member of the**
35 **association.**

168.205. 1. Notwithstanding any provision of law to the contrary, two or
2 more school districts may share a superintendent who possesses a valid Missouri
3 superintendent's license. If any school districts choose to share a superintendent,
4 they shall not be required to receive approval from the department of elementary
5 and secondary education but may notify the department.

6 **2. (1) Beginning on July 1, 2021, subject to appropriation, a**
7 **school district that enters into an agreement with another school**
8 **district to share a superintendent shall receive additional state aid as**
9 **provided in this subsection.**

10 **(2) The department of elementary and secondary education shall**
11 **annually distribute thirty thousand dollars to any school district that**
12 **shares a superintendent under this subsection. Any such amount**
13 **distributed to a school district shall be in addition to and shall not be**
14 **included in any calculation of state aid under chapter 163.**

15 **(3) To receive the additional thirty thousand dollars under this**
16 **subsection, the school district shall provide proof to the department of**
17 **elementary and secondary education that the school district will use all**
18 **of the additional thirty thousand dollars received under this subsection**
19 **and at least half of the amount saved as a result of participating in**
20 **sharing a superintendent under this subsection to compensate teachers**
21 **or to provide counseling services.**

22 **(4) No school district that receives additional funding under this**
23 **subsection shall receive such funding for more than five years.**

174.281. Southeast Missouri State University is hereby
2 designated and shall hereafter be operated as an institution with a
3 statewide mission in the visual and performing arts, computer science,
4 and cybersecurity.

174.290. Harris-Stowe University is hereby designated and shall
2 hereafter be operated as an institution with a statewide mission in
3 science, technology, engineering, and mathematics (STEM).

174.453. 1. Except as provided in section 174.450, the board of governors
2 shall be appointed as follows:

3 (1) Five voting members shall be selected from the counties comprising

4 the institution's historic statutory service region as described in section 174.010,
5 except that no more than two members shall be appointed from any one county
6 with a population of less than two hundred thousand inhabitants;

7 (2) Two voting members shall be selected from any of the counties in the
8 state which are outside of the institution's historic service region; and

9 (3) One nonvoting member who is a student shall be selected in the same
10 manner as prescribed in section 174.055.

11 2. The term of service of the governors shall be as follows:

12 (1) The voting members shall be appointed for terms of six years; and

13 (2) The nonvoting student member shall serve a two-year term.

14 3. Members of any board of governors selected pursuant to this section
15 and in office on May 13, 1999, shall serve the remainder of their unexpired terms.

16 4. Notwithstanding the provisions of subsection 1 of this section, the
17 board of governors of Missouri Southern State University shall be appointed as
18 follows:

19 (1) Six voting members shall be selected from any of the following
20 counties: Barton, Jasper, Newton, McDonald, Dade, Lawrence, and Barry
21 provided that no more than three of these six members shall be appointed from
22 any one county;

23 (2) Two voting members shall be selected from any of the counties in the
24 state which are outside of the counties articulated in subdivision (1) of this
25 subsection;

26 (3) One nonvoting member who is a student shall be selected in the same
27 manner as prescribed in section 174.055; and

28 (4) The provisions of subdivisions (1) and (2) of this subsection shall only
29 apply to board members first appointed after August 28, 2004.

30 5. Notwithstanding the provisions of subsection 1 of this section, the
31 board of governors of Missouri Western State University shall be **composed of**
32 **eight members** appointed as follows:

33 (1) Five voting members shall be selected from any of the following
34 counties: Buchanan, Platte, Clinton, Andrew, and DeKalb [provided that no more
35 than three of these five members shall be appointed from any one county];

36 (2) [Two voting members shall be selected from any of the counties in the
37 state which are outside of the counties articulated in subdivision (1) of this
38 subsection;

39 (3)] One nonvoting member who is a student shall be selected in the same

40 manner as prescribed in section 174.055; and

41 ~~[(4)]~~ **(3)** The provisions of subdivisions (1) and (2) of this subsection shall
42 only apply to board members first appointed after August 28, 2005.

43 **6. (1) Notwithstanding the provisions of subsection 1 of this**
44 **section to the contrary, the board of governors of Southeast Missouri**
45 **State University shall be appointed as follows:**

46 **(a) One voting member shall be selected from one of the**
47 **following counties: Butler, Dunklin, Mississippi, New Madrid, Pemiscot,**
48 **Scott, and Stoddard;**

49 **(b) Two voting members shall be selected from any of the**
50 **following counties: Bollinger, Cape Girardeau, Madison, Perry, Ste.**
51 **Genevieve, and St. Francois;**

52 **(c) Two voting members shall be selected from any of the**
53 **following counties or areas: Franklin, Jefferson, Lincoln, St. Charles,**
54 **St. Louis, St. Louis City, and Warren;**

55 **(d) Two voting members shall be selected from any of the**
56 **counties in the state; and**

57 **(e) One nonvoting member who is a student shall be selected in**
58 **the same manner as provided in section 174.055.**

59 **(2) The provisions of paragraphs (a) through (c) of this**
60 **subdivision shall only apply to board members first appointed after**
61 **August 28, 2020.**

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