

SECOND REGULAR SESSION

HOUSE BILL NO. 2893

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FOGLE.

4609H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

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

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

Section A. Sections 166.700 and 166.720, RSMo, are repealed and two new sections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

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

- 2 (1) "Curriculum", a complete course of study for a particular content area or grade
3 level, including any supplemental materials;
- 4 (2) "District", the same meaning as used in section 160.011;
- 5 (3) "Educational assistance organization", the same meaning as used in section
6 135.712;
- 7 (4) "Parent", the same meaning as used in section 135.712;
- 8 (5) "Private school", a school that is not a part of the public school system of the state
9 of Missouri and that charges tuition for the rendering of elementary or secondary educational
10 services;
- 11 (6) "Program", the same meaning as used in section 135.712;
- 12 (7) "Qualified school", a home school as defined in section 167.031 or any of the
13 following entities that is incorporated in Missouri and that does not discriminate on the basis
14 of race, color, **religion, sexual orientation, gender identity or expression**, or national
15 origin:
 - 16 (a) A charter school as defined in section 160.400;
 - 17 (b) A private school;

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

19 (d) A public or private virtual school;

20 (8) "Qualified student", any elementary or secondary school student who is a resident
21 of this state and resides in any county with a charter form of government or any city with at
22 least thirty thousand inhabitants who:

23 (a) Has an approved "individualized education plan" (IEP) developed under the
24 federal Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Section 1400, et seq.,
25 as amended; or

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

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

31 b. Is a child who is eligible to begin kindergarten or first grade under sections 160.051
32 to 160.055.

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

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

7 3. ~~[A] An otherwise qualified school [shall not be required to alter its] that~~
8 **subscribes to or follows any** creed, practices, admissions policy, or curriculum ~~[in order to~~
9 ~~accept students whose parents pay tuition or fees from a Missouri empowerment scholarship~~
10 ~~account]~~ **that discriminates against an individual based on such individual's race, color,**
11 **religion, sexual orientation, gender identity or expression, or national origin shall not be**
12 **deemed to be eligible** to participate as a qualified school.

13 4. (1) Any qualified student receiving a Missouri empowerment scholarship who
14 leaves a public school or charter school, as such terms are defined in chapter 160, in the
15 qualified student's resident school district to enroll in a qualified school that is not the
16 qualified student's resident school district shall continue to be counted in the resident public
17 school or charter school's weighted average daily attendance as a resident student for the
18 purposes of determining state and federal aid for the qualified student's resident school district
19 or charter school.

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

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

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

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

27 (d) Until the qualified student graduates.

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

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

33 ~~[5-]~~ 4. In any legal proceeding challenging the application of sections 166.700 to
34 166.720 to a qualified school, the state shall bear the burden of establishing that the law is
35 necessary and does not impose any undue burden on qualified schools.

36 ~~[6-]~~ 5. The provisions of section 23.253 of the Missouri sunset act shall not apply to
37 sections 166.700 to 166.720.

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