

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 55, 23 & 25

101ST GENERAL ASSEMBLY

1007S.02C

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 160.400, 160.425, 161.022, and 161.670, RSMo, and to enact in lieu thereof nineteen new sections relating to elementary and secondary education, with penalty provisions.

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

Section A. Sections 160.400, 160.425, 161.022, and
2 161.670, RSMo, are repealed and nineteen new sections enacted
3 in lieu thereof, to be known as sections 135.712, 135.713,
4 135.714, 135.716, 135.719, 160.400, 160.422, 160.425, 161.022,
5 161.229, 161.670, 162.089, 166.700, 166.705, 166.710, 166.715,
6 166.720, 166.725, and 167.790, to read as follows:

**135.712. 1. Sections 135.712 to 135.719 and sections
2 166.700 to 166.725 establish the "Missouri Empowerment
3 Scholarship Accounts Program" to provide options toward
4 ensuring the education of students in this state.**

**5 2. As used in sections 135.712 to 135.719, the
6 following terms mean:**

**7 (1) "District" or "school district", the same meaning
8 as used in section 160.011;**

**9 (2) "Educational assistance organization", a
10 charitable organization registered in this state that is
11 exempt from federal taxation under the Internal Revenue Code
12 of 1986, as amended, is certified by the state treasurer,
13 and that allocates all of its annual revenue for educational**

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

14 assistance, except as provided in paragraph (c) of
15 subdivision (4) of subsection 1 of section 135.714 and as
16 provided for in sections 135.712 to 135.719, derived from
17 contributions for which a credit is claimed under section
18 135.713 and that does not discriminate on the basis of race,
19 color, or national origin;

20 (3) "Parent", a parent, guardian, custodian, or other
21 person with authority to act on behalf of the qualified
22 student;

23 (4) "Program", the Missouri empowerment scholarship
24 accounts program established under sections 135.712 to
25 135.719 and sections 166.700 to 166.725;

26 (5) "Qualified student", the same meaning as used in
27 section 166.700;

28 (6) "Qualifying contribution", a donation of cash,
29 stocks, bonds, or other marketable securities for purposes
30 of claiming a tax credit under sections 135.712 to 135.719;

31 (7) "Scholarship account", a savings account created
32 by the Missouri empowerment scholarship accounts program
33 authorized by sections 166.700 to 166.725;

34 (8) "Taxpayer", an individual subject to the state
35 income tax imposed in chapter 143; an individual, a firm, a
36 partner in a firm, corporation, or a shareholder in an S
37 corporation doing business in this state and subject to the
38 state income tax imposed by chapter 143; or an express
39 company that pays an annual tax on its gross receipts in
40 this state under chapter 153, which files a Missouri income
41 tax return and is not a dependent of any other taxpayer.

135.713. 1. For all fiscal years beginning on or
2 after July 1, 2022, any taxpayer who makes a qualifying
3 contribution to an educational assistance organization may
4 claim a credit against the tax otherwise due under chapter

5 143, other than taxes withheld under sections 143.191 to
6 143.265, and chapter 153, in an amount equal to the amount
7 the taxpayer contributed during the tax year for which the
8 credit is claimed. No taxpayer shall claim a credit under
9 sections 135.712 to 135.719 for any contribution made by the
10 taxpayer, or an agent of the taxpayer, on behalf of the
11 taxpayer's dependent, or in the case of a business taxpayer,
12 on behalf of the business's agent's dependent.

13 2. The amount of the tax credit claimed shall not
14 exceed fifty percent of the taxpayer's state tax liability
15 for the tax year for which the credit is claimed. The state
16 treasurer shall certify the tax credit amount to the
17 taxpayer. A taxpayer may carry the credit forward to any of
18 such taxpayer's four subsequent tax years. All tax credits
19 authorized under the program shall not be transferred, sold,
20 or assigned, and are not refundable.

21 3. The cumulative amount of tax credits that may be
22 allocated to all taxpayers contributing to the scholarship
23 fund in the first year of the program shall not exceed one
24 hundred million dollars. If the amount of tax credits
25 claimed in the first tax year exceeds ninety percent of the
26 tax credits available, the amount of tax credits available
27 shall increase by ten percent in the subsequent years. The
28 state treasurer shall establish a procedure by which the
29 cumulative amount of tax credits shall be allocated to
30 taxpayers on a first come, first served basis.

135.714. 1. Each educational assistance organization
2 shall:

3 (1) Notify the state treasurer of its intent to
4 provide scholarship accounts to qualified students;

5 (2) Demonstrate to the state treasurer that it is
6 exempt from federal income tax under Section 501(c) (3) of
7 the Internal Revenue Code of 1986, as amended;

8 (3) Provide a state treasurer-approved receipt to
9 taxpayers for contributions made to the organization;

10 (4) Ensure that:

11 (a) One hundred percent of its revenues from interest
12 or investments is spent on scholarship accounts;

13 (b) At least ninety percent of its revenues from
14 qualifying contributions is spent on scholarship accounts;
15 and

16 (c) Marketing and administrative expenses shall not
17 exceed the following limits of its remaining revenue from
18 contributions: ten percent for the first two hundred fifty
19 thousand dollars, eight percent for the next five hundred
20 thousand dollars, and three percent thereafter;

21 (5) Distribute scholarship accounts payments either
22 four times per year or in a single lump sum at the beginning
23 of the year as requested by the parent or guardian of a
24 qualified student, not to exceed a total grant amount equal
25 to the state adequacy target as defined in section 163.011
26 and calculated by the department of elementary and secondary
27 education, in the form of a deposit into the scholarship
28 account of the qualified student;

29 (6) Carry forward no more than twenty-five percent of
30 revenue from contributions from the state fiscal year in
31 which they were received to the following state fiscal year;

32 (7) Provide the state treasurer, upon request, with
33 criminal background checks on all its employees and board
34 members, and exclude from employment or governance any
35 individual that might reasonably pose a risk to the
36 appropriate use of contributed funds;

37 (8) Annually administer either the state achievement
38 tests or nationally norm-referenced tests that measure
39 learning gains in math and English language arts, and
40 provide for value-added assessment, to all participating
41 students in grades that require testing under the statewide
42 assessment system set forth in section 160.518;

43 (9) Allow costs of the testing requirements to be
44 covered by the scholarships distributed by the educational
45 assistance organization;

46 (10) Provide the parents of each student who was
47 tested with a copy of the results of the tests on an annual
48 basis, beginning with the first year of testing;

49 (11) Provide the test results to the state treasurer
50 on an annual basis, beginning with the first year of testing;

51 (12) Report student information that would allow the
52 state treasurer to aggregate data by grade level, gender,
53 family income level, and race;

54 (13) Provide rates of high school graduation, college
55 attendance, and college graduation for participating
56 students to the state treasurer in a manner consistent with
57 nationally recognized standards; and

58 (14) Provide to the state treasurer the results from
59 an annual parental satisfaction survey, including
60 information about the number of years that the parent's
61 child has participated in the scholarship program. The
62 annual satisfaction survey shall ask parents of scholarship
63 students to express:

64 (a) Their satisfaction with their child's academic
65 achievement, including academic achievement at the school
66 their child attended through the scholarship program versus
67 academic achievement at the school previously attended;

68 (b) Their satisfaction with school safety at the
69 schools their child attends through the scholarship program
70 versus safety at the schools previously attended;

71 (c) Whether their child would have been able to attend
72 their school of choice without the scholarship; and

73 (d) Their opinions on other topics, items, or issues
74 that the state treasurer finds would elicit information
75 about the effectiveness of the scholarship program.

76 (15) Demonstrate its financial accountability by:

77 (a) Submitting to the state treasurer annual audit
78 financial statements by a certified public accountant within
79 six months of the end of the educational assistance
80 organization's fiscal year which shall include:

81 a. The name and address of the educational assistance
82 organization;

83 b. The total number and total dollar amount of
84 contributions received during the previous calendar year; and

85 c. The total number and total dollar amount of
86 scholarship accounts opened during the previous calendar
87 year; and

88 (b) Having an auditor certify that the report is free
89 of material misstatements;

90 (16) Demonstrate its financial viability, if it is to
91 receive donations of fifty thousand dollars or more during
92 the school year, by filing with the state treasurer before
93 the start of the school year a surety bond or insurance
94 policy payable to the state in an amount equal to the
95 aggregate amount of contributions expected to be received
96 during the school year or other financial information that
97 demonstrates the financial viability of the educational
98 assistance organization.

99 2. The state treasurer shall:

- 100 (1) Ensure compliance with all student privacy laws
101 for data in the state treasurer's possession;
- 102 (2) Collect all test results;
- 103 (3) Provide the test results and associated learning
104 gains to the public via a state website after the third year
105 of test and test-related data collection. The findings
106 shall be aggregated by the students' grade level, gender,
107 family income level, number of years of participation in the
108 scholarship program, and race; and
- 109 (4) Provide graduation rates to the public via a state
110 website after the third year of test and test-related data
111 collection.

112 3. An educational assistance organization may contract
113 with a private financial management firm to manage
114 scholarship accounts with the supervision of the state.

135.716. 1. The state treasurer shall provide a
2 standardized format for a receipt to be issued by an
3 educational assistance organization to a taxpayer to
4 indicate the value of a contribution received. The state
5 treasurer shall require a taxpayer to provide a copy of this
6 receipt if claiming the tax credit authorized by the program.

7 2. The state treasurer shall provide a standardized
8 format for educational assistance organizations to report
9 the information required in subsection 1 of this section.

10 3. The state treasurer or state auditor may conduct an
11 investigation if the state treasurer possesses evidence of
12 fraud committed by the organization.

13 4. The state treasurer may bar an educational
14 assistance organization from participating in the program if
15 the state treasurer establishes that the educational
16 assistance organization has intentionally and substantially
17 failed to comply with the requirements in section 135.714.

18 If the state treasurer bars an educational assistance
19 organization from the program under this subsection, it
20 shall notify affected qualified students and their parents
21 of the decision as soon as possible after the determination
22 is made.

23 5. The state treasurer shall issue a report on the
24 state of the Missouri empowerment scholarship accounts
25 program five years after it goes into effect. The report
26 shall include, but is not limited to:

27 (1) Information regarding the finances of the
28 educational assistance organizations; and

29 (2) Educational outcomes of qualified students.

135.719. 1. The state treasurer may promulgate rules
2 to implement the provisions of sections 135.712 to 135.719.
3 Any rule or portion of a rule, as that term is defined in
4 section 536.010, that is created under the authority
5 delegated in this section shall become effective only if it
6 complies with and is subject to all of the provisions of
7 chapter 536 and, if applicable, section 536.028. This
8 section and chapter 536 are nonseverable and if any of the
9 powers vested with the general assembly pursuant to chapter
10 536 to review, to delay the effective date, or to disapprove
11 and annul a rule are subsequently held unconstitutional,
12 then the grant of rulemaking authority and any rule proposed
13 or adopted after August 28, 2021, shall be invalid and void.

14 2. The provisions of section 23.253 of the Missouri
15 sunset act shall not apply to sections 135.712 to 135.719
16 and sections 166.700 to 166.725.

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

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

5 (1) In a metropolitan school district;

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

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

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

18 (a) The eligibility for charter schools of any school
19 district whose provisional accreditation is based in whole
20 or in part on financial stress as defined in sections
21 161.520 to 161.529, or on financial hardship as defined by
22 rule of the state board of education, shall be decided by a
23 vote of the state board of education during the third
24 consecutive school year after the designation of provisional
25 accreditation; and

26 (b) The sponsor is limited to the local school board
27 or a sponsor who has met the standards of accountability and
28 performance as determined by the department based on
29 sections 160.400 to 160.425 and section 167.349 and properly
30 promulgated rules of the department; [or]

31 (5) **In a school district located within a county with**
32 **a charter form of government;**

33 (6) **In any municipality with a population greater than**
34 **thirty thousand; or**

35 (7) In a school district that has been accredited
36 without provisions, sponsored only by the local school

37 board; provided that no board with a current year enrollment
38 of one thousand five hundred fifty students or greater shall
39 permit more than thirty-five percent of its student
40 enrollment to enroll in charter schools sponsored by the
41 local board under the authority of this subdivision, except
42 that this restriction shall not apply to any school district
43 that subsequently becomes eligible under subdivision (3) or
44 (4) of this subsection or to any district accredited without
45 provisions that sponsors charter schools prior to having a
46 current year student enrollment of one thousand five hundred
47 fifty students or greater.

48 3. [Except as further provided in subsection 4 of this
49 section,] The following entities are eligible to sponsor
50 charter schools:

51 (1) The school board of the district in any district
52 which is sponsoring a charter school as of August 27, 2012,
53 as permitted under subdivision (1) or (2) of subsection 2 of
54 this section, the special administrative board of a
55 metropolitan school district during any time in which powers
56 granted to the district's board of education are vested in a
57 special administrative board, or if the state board of
58 education appoints a special administrative board to retain
59 the authority granted to the board of education of an urban
60 school district containing most or all of a city with a
61 population greater than three hundred fifty thousand
62 inhabitants, the special administrative board of such school
63 district;

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

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

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

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

78 (6) The Missouri charter public school commission
79 created in section 160.425.

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

84 (1) As a district transitions from unaccredited to
85 provisionally accredited, the district shall continue to
86 fall under the requirements for an unaccredited district
87 until it achieves three consecutive full school years of
88 provisional accreditation;

89 (2) As a district transitions from provisionally
90 accredited to full accreditation, the district shall
91 continue to fall under the requirements for a provisionally
92 accredited district until it achieves three consecutive full
93 school years of full accreditation;

94 (3) In any school district classified as unaccredited
95 or provisionally accredited where a charter school is
96 operating and is sponsored by an entity other than the local
97 school board, when the school district becomes classified as
98 accredited without provisions, a charter school may continue
99 to be sponsored by the entity sponsoring it prior to the

100 classification of accredited without provisions and shall
101 not be limited to the local school board as a sponsor.

102 A charter school operating in a school district identified
103 in subdivision (1) or (2) of subsection 2 of this section
104 may be sponsored by any of the entities identified in
105 subsection 3 of this section, irrespective of the
106 accreditation classification of the district in which it is
107 located. A charter school in a district described in this
108 subsection whose charter provides for the addition of grade
109 levels in subsequent years may continue to add levels until
110 the planned expansion is complete to the extent of grade
111 levels in comparable schools of the district in which the
112 charter school is operated.

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

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

125 [7.] 5. The charter school shall be organized as a
126 Missouri nonprofit corporation incorporated pursuant to
127 chapter 355. The charter provided for herein shall
128 constitute a contract between the sponsor and the charter
129 school.

130 [8.] 6. As a nonprofit corporation incorporated
131 pursuant to chapter 355, the charter school shall select the
132 method for election of officers pursuant to section 355.326
133 based on the class of corporation selected. Meetings of the
134 governing board of the charter school shall be subject to
135 the provisions of sections 610.010 to 610.030.

136 [9.] 7. A sponsor of a charter school, its agents and
137 employees are not liable for any acts or omissions of a
138 charter school that it sponsors, including acts or omissions
139 relating to the charter submitted by the charter school, the
140 operation of the charter school and the performance of the
141 charter school.

142 [10.] 8. A charter school may affiliate with a four-
143 year college or university, including a private college or
144 university, or a community college as otherwise specified in
145 subsection 3 of this section when its charter is granted by
146 a sponsor other than such college, university or community
147 college. Affiliation status recognizes a relationship
148 between the charter school and the college or university for
149 purposes of teacher training and staff development,
150 curriculum and assessment development, use of physical
151 facilities owned by or rented on behalf of the college or
152 university, and other similar purposes. A university,
153 college or community college may not charge or accept a fee
154 for affiliation status.

155 [11.] 9. The expenses associated with sponsorship of
156 charter schools shall be defrayed by the department of
157 elementary and secondary education retaining one and five-
158 tenths percent of the amount of state and local funding
159 allocated to the charter school under section 160.415, not
160 to exceed one hundred twenty-five thousand dollars, adjusted
161 for inflation. The department of elementary and secondary

162 education shall remit the retained funds for each charter
163 school to the school's sponsor, provided the sponsor remains
164 in good standing by fulfilling its sponsorship obligations
165 under sections 160.400 to 160.425 and 167.349 with regard to
166 each charter school it sponsors, including appropriate
167 demonstration of the following:

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

172 (2) Maintains a comprehensive application process that
173 follows fair procedures and rigorous criteria and grants
174 charters only to those developers who demonstrate strong
175 capacity for establishing and operating a quality charter
176 school;

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

183 (4) Conducts contract oversight that evaluates
184 performance, monitors compliance, informs intervention and
185 renewal decisions, and ensures autonomy provided under
186 applicable law; and

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

190 **[12.] 10.** Sponsors receiving funds under subsection
191 **[11] 9** of this section shall be required to submit annual
192 reports to the joint committee on education demonstrating

193 they are in compliance with subsection [17] **15** of this
194 section.

195 [13.] **11.** No university, college or community college
196 shall grant a charter to a nonprofit corporation if an
197 employee of the university, college or community college is
198 a member of the corporation's board of directors.

199 [14.] **12.** No sponsor shall grant a charter under
200 sections 160.400 to 160.425 and 167.349 without ensuring
201 that a criminal background check and family care safety
202 registry check are conducted for all members of the
203 governing board of the charter schools or the incorporators
204 of the charter school if initial directors are not named in
205 the articles of incorporation, nor shall a sponsor renew a
206 charter without ensuring a criminal background check and
207 family care safety registry check are conducted for each
208 member of the governing board of the charter school.

209 [15.] **13.** No member of the governing board of a
210 charter school shall hold any office or employment from the
211 board or the charter school while serving as a member, nor
212 shall the member have any substantial interest, as defined
213 in section 105.450, in any entity employed by or contracting
214 with the board. No board member shall be an employee of a
215 company that provides substantial services to the charter
216 school. All members of the governing board of the charter
217 school shall be considered decision-making public servants
218 as defined in section 105.450 for the purposes of the
219 financial disclosure requirements contained in sections
220 105.483, 105.485, 105.487, and 105.489.

221 [16.] **14.** A sponsor shall develop the policies and
222 procedures for:

223 (1) The review of a charter school proposal including
224 an application that provides sufficient information for

225 rigorous evaluation of the proposed charter and provides
226 clear documentation that the education program and academic
227 program are aligned with the state standards and grade-level
228 expectations, and provides clear documentation of effective
229 governance and management structures, and a sustainable
230 operational plan;

231 (2) The granting of a charter;

232 (3) The performance contract that the sponsor will use
233 to evaluate the performance of charter schools. Charter
234 schools shall meet current state academic performance
235 standards as well as other standards agreed upon by the
236 sponsor and the charter school in the performance contract;

237 (4) The sponsor's intervention, renewal, and
238 revocation policies, including the conditions under which
239 the charter sponsor may intervene in the operation of the
240 charter school, along with actions and consequences that may
241 ensue, and the conditions for renewal of the charter at the
242 end of the term, consistent with subsections 8 and 9 of
243 section 160.405;

244 (5) Additional criteria that the sponsor will use for
245 ongoing oversight of the charter; and

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

249 The department shall provide guidance to sponsors in
250 developing such policies and procedures.

251 [17.] 15. (1) A sponsor shall provide timely
252 submission to the state board of education of all data
253 necessary to demonstrate that the sponsor is in material
254 compliance with all requirements of sections 160.400 to
255 160.425 and section 167.349. The state board of education

256 shall ensure each sponsor is in compliance with all
257 requirements under sections 160.400 to 160.425 and 167.349
258 for each charter school sponsored by any sponsor. The state
259 board shall notify each sponsor of the standards for
260 sponsorship of charter schools, delineating both what is
261 mandated by statute and what best practices dictate. The
262 state board shall evaluate sponsors to determine compliance
263 with these standards every three years. The evaluation
264 shall include a sponsor's policies and procedures in the
265 areas of charter application approval; required charter
266 agreement terms and content; sponsor performance evaluation
267 and compliance monitoring; and charter renewal,
268 intervention, and revocation decisions. Nothing shall
269 preclude the department from undertaking an evaluation at
270 any time for cause.

271 (2) If the department determines that a sponsor is in
272 material noncompliance with its sponsorship duties, the
273 sponsor shall be notified and given reasonable time for
274 remediation. If remediation does not address the compliance
275 issues identified by the department, the commissioner of
276 education shall conduct a public hearing and thereafter
277 provide notice to the charter sponsor of corrective action
278 that will be recommended to the state board of education.
279 Corrective action by the department may include withholding
280 the sponsor's funding and suspending the sponsor's authority
281 to sponsor a school that it currently sponsors or to sponsor
282 any additional school until the sponsor is reauthorized by
283 the state board of education under section 160.403.

284 (3) The charter sponsor may, within thirty days of
285 receipt of the notice of the commissioner's recommendation,
286 provide a written statement and other documentation to show
287 cause as to why that action should not be taken. Final

288 determination of corrective action shall be determined by
289 the state board of education based upon a review of the
290 documentation submitted to the department and the charter
291 sponsor.

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

296 [18.] 16. If a sponsor notifies a charter school of
297 closure under subsection 8 of section 160.405, the
298 department of elementary and secondary education shall
299 exercise its financial withholding authority under
300 subsection 12 of section 160.415 to assure all obligations
301 of the charter school shall be met. The state, charter
302 sponsor, or resident district shall not be liable for any
303 outstanding liability or obligations of the charter school.

160.422. 1. Any city not within a county shall not
2 adopt, enforce, impose, or administer an ordinance, local
3 policy, or local resolution that prohibits property sold,
4 leased, or transferred by the city not within a county from
5 being used for any lawful educational purpose by a charter
6 school.

7 2. Any city not within a county shall not impose,
8 enforce, or apply any deed restriction that expressly, or by
9 its operation, prohibits property sold, leased, or
10 transferred by the city not within a county from being used
11 for any lawful educational purpose by a charter school. Any
12 deed restriction or affirmative use deed restriction that
13 affirmatively allows for only one or more specified uses or
14 purposes that do not include any educational use or purpose
15 is prohibited under this section. Any deed restriction or
16 affirmative use deed restriction in effect on the effective

17 date of this section that prohibits or does not permit
18 property previously used for any educational purpose from
19 being used for any future educational purpose is void.

20 3. If any city not within a county offers property of
21 the city not within a county for sale, lease, or rent, the
22 city not within a county shall not refuse to sell, lease, or
23 rent the property to a charter school solely because the
24 charter school intends to use the property for an
25 educational purpose, if the intent of the charter school is
26 to use the property for a lawful educational purpose. If
27 the city not within a county offers property of the city not
28 within a county for sale, lease, or rent, the city not
29 within a county is not required to sell, lease, or rent the
30 property to a charter school solely because the charter
31 school intends to use the property for an educational
32 purpose.

33 4. Any ordinance, policy, regulation, deed, or
34 contract made in violation of this section shall be void
35 from its inception.

160.425. 1. The "Missouri Charter Public School
2 Commission" is hereby created with the authority to sponsor
3 high quality charter schools throughout the state of
4 Missouri.

5 2. The commission shall consist of nine members
6 appointed by the governor, by and with the advice and
7 consent of the senate. No more than five of the members
8 shall be of the same political party. No more than two
9 members shall be from the same congressional district. The
10 term of office of each member shall be four years, except
11 those of the members first appointed, of which three shall
12 be appointed for a term of one year, two for a term of two
13 years, two for a term of three years, and two for a term of

14 four years. At the expiration of the term of each member,
15 the governor, by and with the advice and consent of the
16 senate, shall appoint a successor.

17 3. The appointees to the commission shall be selected
18 as follows:

19 (1) One member selected by the governor from a slate
20 of three recommended by the commissioner of education;

21 (2) One member selected by the governor from a slate
22 of three recommended by the commissioner of higher education;

23 (3) One member selected by the governor from a slate
24 of three recommended by the president pro tempore of the
25 senate;

26 (4) One member selected by the governor from a slate
27 of three recommended by the speaker of the house of
28 representatives; and

29 (5) Five additional members appointed by the governor,
30 one of whom shall be selected from a slate of three nominees
31 recommended by the Missouri School Boards Association.

32 4. Members appointed to the commission shall
33 collectively possess strong experience and expertise in
34 governance, management and finance, school leadership,
35 assessment, curriculum and instruction, and education law.
36 All members of the commission shall have demonstrated
37 understanding of and commitment to charter schooling as a
38 strategy for strengthening public education.

39 5. The commission shall annually elect a chairperson
40 and vice chairperson, who shall act as chairperson in his or
41 her absence. The commission shall meet at the call of the
42 chairperson. The chairperson may call meetings at such
43 times as he or she deems advisable and shall call a meeting
44 when requested to do so by three or more members of the

45 commission. Members of the commission are not eligible to
46 receive compensation.

47 6. The commission may approve proposed charters for
48 its sponsorship under sections 160.400 to 160.425 and shall:

49 (1) Comply with all of the requirements applicable to
50 sponsors under sections 160.400 to 160.425;

51 (2) Exercise sponsorship over charters approved by the
52 commission under sections 160.400 to 160.425, including
53 receipt of sponsorship funding under subsection [11] 9 of
54 section 160.400.

55 7. Charter schools sponsored by the commission shall
56 comply with all of the requirements applicable to charter
57 schools under sections 160.400 to 160.425.

58 8. The commission shall conduct its business in
59 accordance with chapter 610.

60 9. The department of elementary and secondary
61 education shall provide start-up funding for the commission
62 to operate. The commission shall reimburse the department's
63 costs from any funds it receives as sponsor under section
64 160.400.

65 10. The commission is authorized to receive and expend
66 gifts, grants, and donations of any kind from any public or
67 private entity to carry out the purposes of sections 160.400
68 to 160.425, subject to the terms and conditions under which
69 they are given, provided that all such terms and conditions
70 are permissible under law.

161.022. 1. The state board of education consists of
2 eight lay members appointed by the governor, by and with the
3 advice and consent of the senate, after an open committee
4 hearing. The term of office of each member is eight years,
5 **and no member shall serve more than one full term.** At the
6 expiration of the term of each member, the governor, by and

7 with the advice and consent of the senate, shall appoint a
8 successor. If the general assembly is not in session at the
9 time for making an appointment, the governor shall make a
10 temporary appointment as in the case of a vacancy.

11 2. No member may be removed by the governor except
12 after written notice and hearing on charges of malfeasance,
13 misfeasance, or nonfeasance in office.

14 3. Each member of the board shall receive as
15 compensation for his services twenty-five dollars for each
16 day actually spent in attendance at board meetings, and in
17 addition shall be reimbursed for all necessary expenses
18 incurred in the performance of his duties as a member of the
19 board.

**161.229. 1. The department of elementary and
2 secondary education shall maintain and publish on its
3 website any data or report sent to the department from any
4 federal agency within thirty days of receipt of such data or
5 report.**

6 2. The department shall maintain and publish on its
7 website the full text of all state administrative rules and
8 regulations related to elementary and secondary education
9 and shall update such information within thirty days of the
10 publication in the Missouri Register of any final order of
11 rulemaking related to such rules and regulations.

12 3. The information published pursuant to subsections 1
13 and 2 of this section shall be made available to the public
14 and shall be accessible and searchable from various devices
15 including, but not limited to, computers, tablets, and other
16 electronic communication devices.

17 4. By December thirty-first in every even-numbered
18 year, the state auditor shall review the department's
19 website for compliance with this section.

161.670. 1. Notwithstanding any other law, prior to
2 July 1, 2007, the state board of education shall establish
3 the "Missouri Course Access and Virtual School Program" to
4 serve school-age students residing in the state. The
5 Missouri course access and virtual school program shall
6 offer instruction in a virtual setting using technology,
7 intranet, and/or internet methods of communication. Any
8 student under the age of twenty-one in grades kindergarten
9 through twelve who resides in this state shall be eligible
10 to enroll in the Missouri course access and virtual school
11 program pursuant to subsection 3 of this section.

12 2. For purposes of calculation and distribution of
13 state school aid, students enrolled in the Missouri course
14 access and virtual school program **who are not full-time**
15 **equivalent students** shall be included in the student
16 enrollment of the school district in which the student
17 physically is enrolled under subsection 3 of this section.
18 The Missouri course access and virtual school program shall
19 report to the district of residence the following
20 information about each student served by the Missouri course
21 access and virtual school program: name, address,
22 eligibility for free or reduced-price lunch, limited English
23 proficiency status, special education needs, and the number
24 of courses in which the student is enrolled. The Missouri
25 course access and virtual school program shall promptly
26 notify the resident district when a student discontinues
27 enrollment. A "full-time equivalent student" is a student
28 who successfully has completed the instructional equivalent
29 of six credits per regular term. Each Missouri course
30 access and virtual school program course shall count as one
31 class and shall generate that portion of a full-time
32 equivalent that a comparable course offered by the school

33 district would generate. **Full-time equivalent students**
34 **shall not be included in the student enrollment of the**
35 **school district in which such student resides.** In no case
36 shall more than the full-time equivalency of a regular term
37 of attendance for a single student be used to claim state
38 aid. Full-time equivalent student credit completed shall be
39 reported to the department of elementary and secondary
40 education in the manner prescribed by the department. **The**
41 **department shall pay any Missouri course access and virtual**
42 **school program provider an amount equal to the average daily**
43 **attendance for the student's district of residence for each**
44 **full-time equivalent student.** Nothing in this section shall
45 prohibit students from enrolling in additional courses under
46 a separate agreement that includes terms for paying tuition
47 or course fees. **A virtual school program provider serving**
48 **full-time equivalent students shall be considered an**
49 **attendance center as defined in section 167.895.**

50 3. (1) A school district or charter school shall
51 allow any eligible student who resides in such district to
52 enroll in Missouri course access and virtual school program
53 courses of his or her choice as a part of the student's
54 annual course load each school year or a full-time virtual
55 school option, with any costs associated with such course or
56 courses to be paid by the school district or charter school
57 if[:

58 (a)] the student is enrolled full-time in and has
59 attended, for at least one semester immediately prior to
60 enrolling in the Missouri course access and virtual school
61 program, a public school, including any charter school;
62 except that, no student seeking to enroll in Missouri course
63 access and virtual school program courses under this
64 subdivision shall be required to have attended a public

65 school during the previous semester if the student has a
66 documented medical or psychological diagnosis or condition
67 that prevented the student from attending a school in the
68 community during the previous semester[; and

69 (b) Prior to enrolling in any Missouri course access
70 and virtual school program course, a student has received
71 approval from his or her school district or charter school
72 through the procedure described under subdivision (2) of
73 this subsection].

74 (2) [Each school district or charter school] **The**
75 **department** shall adopt a policy that delineates the process
76 by which a student may enroll in courses provided by the
77 Missouri course access and virtual school program that is
78 substantially similar to the typical process by which a
79 district student would enroll in courses offered by the
80 school district and a charter school student would enroll in
81 courses offered by the charter school. The policy may
82 include consultation with the school's counselor and may
83 include parental notification or authorization. [School
84 counselors shall not be required to approve or disapprove a
85 student's enrollment in the Missouri course access and
86 virtual school program.] If the school district or charter
87 school [disapproves] **believes** a student's request to enroll
88 in a course or courses provided by the Missouri course
89 access and virtual school program, including full-time
90 enrollment in courses provided by the Missouri course access
91 and virtual school program, **is not in the best educational**
92 **interest of the student**, the reason shall be provided in
93 writing [and it shall be for good cause. Good cause
94 justification to disapprove a student's request for
95 enrollment in a course shall be a determination that doing
96 so is not in the best educational interest of the student.

97 In cases of denial by the school district or charter school,
98 local education agencies shall inform the student and the
99 student's family of their right to appeal any enrollment
100 denial in the Missouri course access and virtual school
101 program to the local school district board or charter school
102 governing body where the family shall be given an
103 opportunity to present their reasons for their child or
104 children to enroll in the Missouri course access and virtual
105 school program in an official school board meeting. In
106 addition, the school district or charter school
107 administration shall provide its good cause justification
108 for denial at a school board meeting or governing body
109 meeting. Both the family and school administration shall
110 also provide their reasons in writing to the members of the
111 school board or governing body and the documents shall be
112 entered into the official board minutes. The members of the
113 board or governing body shall issue their decision in
114 writing within thirty calendar days, and then an appeal may
115 be made to the department of elementary and secondary
116 education, which shall provide a final enrollment decision
117 within seven calendar days] **to the student's parent or**
118 **guardian who shall have final decision-making authority.**

119 (3) For students enrolled in any Missouri course
120 access and virtual school program course in which costs
121 associated with such course are to be paid [by the school
122 district or charter school] as described under subdivision
123 (1) of this subsection, the school district [or], charter
124 school, **or the department** shall pay the content provider
125 directly on a pro rata [monthly] basis **once per semester**
126 based on a student's completion of assignments and
127 assessments. If a student discontinues enrollment, the
128 district [or], charter school, **or the department** may stop

129 making [monthly] payments to the content provider. No
130 school district or charter school shall pay, for any one
131 course for a student, more than the market necessary costs
132 but in no case shall pay more than fourteen percent of the
133 state adequacy target, as defined under section 163.011, as
134 calculated at the end of the most recent school year for any
135 single, year-long course and no more than seven percent of
136 the state adequacy target as described above for any single
137 semester equivalent course. [Payment for a full-time
138 virtual school student shall not exceed the state adequacy
139 target, unless the student receives additional federal or
140 state aid.] Nothing in this subdivision shall prohibit a
141 school district [or], charter school, **or the department** from
142 negotiating lower costs directly with course or full-time
143 virtual school providers, particularly in cases where
144 several students enroll in a single course or full-time
145 virtual school.

146 (4) In the case of a student who is a candidate for A+
147 tuition reimbursement and taking a virtual course under this
148 section, the school shall attribute no less than ninety-five
149 percent attendance to any such student who has completed
150 such virtual course.

151 (5) The Missouri course access and virtual school
152 program shall ensure that individual learning plans designed
153 by certified teachers and professional staff are developed
154 for all students enrolled in more than two full-time course
155 access program courses or a full-time virtual school.

156 (6) The department shall monitor student success and
157 engagement of students enrolled in their program and report
158 the information to the [school district or charter school]
159 **parent or guardian of the student**. Providers and the
160 department may make recommendations to the [school district

161 or charter school] **parent or guardian** regarding the
162 student's continued enrollment in the program. The [school
163 district or charter school shall] **parent or guardian may**
164 consider the recommendations and evaluate the progress and
165 success of enrolled students that are enrolled in any course
166 [or full-time virtual school] offered under this section and
167 may [terminate or alter the course offering] **withdraw the**
168 **student** if it is found the course [or full-time virtual
169 school] is not meeting the educational needs of the
170 [students] **student** enrolled in the course.

171 (7) [School districts and charter schools] **Virtual**
172 **school providers** shall monitor student progress and success,
173 and [course or full-time virtual school quality, and
174 annually provide feedback to the department of elementary
175 and secondary education regarding course quality] **may remove**
176 **a student if the provider believes it to be in the best**
177 **educational interest of the student.**

178 (8) Pursuant to rules to be promulgated by the
179 department of elementary and secondary education, when a
180 student transfers into a school district or charter school,
181 credits previously gained through successful passage of
182 approved courses under the Missouri course access and
183 virtual school program shall be accepted by the school
184 district or charter school.

185 (9) Pursuant to rules to be promulgated by the
186 department of elementary and secondary education, if a
187 student transfers into a school district or charter school
188 while enrolled in a Missouri course access and virtual
189 school program course [or full-time virtual school], the
190 student shall continue to be enrolled in such course or
191 school.

192 (10) Nothing in this section shall prohibit home
193 school students, private school students, or students
194 wishing to take additional courses beyond their regular
195 course load from enrolling in Missouri course access and
196 virtual school program courses under an agreement that
197 includes terms for paying tuition or course fees.

198 (11) Nothing in this subsection shall require any
199 school district, charter school, or the state to provide
200 computers, equipment, or internet access to any student
201 unless required by an eligible student with a disability to
202 comply with federal law.

203 (12) The authorization process shall provide for
204 continuous monitoring of approved providers and courses.
205 The department shall revoke or suspend or take other
206 corrective action regarding the authorization of any course
207 or provider no longer meeting the requirements of the
208 program. Unless immediate action is necessary, prior to
209 revocation or suspension, the department shall notify the
210 provider and give the provider a reasonable time period to
211 take corrective action to avoid revocation or suspension.
212 The process shall provide for periodic renewal of
213 authorization no less frequently than once every three years.

214 (13) Courses approved as of August 28, 2018, by the
215 department to participate in the Missouri virtual
216 instruction program shall be automatically approved to
217 participate in the Missouri course access and virtual school
218 program, but shall be subject to periodic renewal.

219 (14) Any online course or virtual program offered by a
220 school district or charter school, including those offered
221 prior to August 28, 2018, which meets the requirements of
222 section 162.1250 shall be automatically approved to
223 participate in the Missouri course access and virtual school

224 program. Such course or program shall be subject to
225 periodic renewal. A school district or charter school
226 offering such a course or virtual school program shall be
227 deemed an approved provider.

228 4. (1) For purposes of this subsection, the term
229 "instructional activities" shall mean the following
230 classroom-based or non-classroom-based activities that a
231 student shall be expected to complete, participate in, or
232 attend during any given school day:

- 233 (a) Online logins to curriculum or programs;
- 234 (b) Offline activities;
- 235 (c) Completed assignments within a particular program,
236 curriculum, or class;
- 237 (d) Testing;
- 238 (e) Face-to-face communications or meetings with
239 school staff;
- 240 (f) Telephone or video conferences with school staff;
- 241 (g) School-sanctioned field trips; or
- 242 (h) Orientation.

243 (2) A full-time virtual school shall submit a
244 notification to the parent or guardian or any student who is
245 not consistently engaged in instructional activities.

246 (3) Each full-time virtual school shall develop,
247 adopt, and post on the school's website a policy setting
248 forth the consequences for a student who fails to attend
249 school and complete the required instructional activities.
250 Such policy shall state, at a minimum, that if a student
251 fails to complete the instructional activities after
252 receiving a notification pursuant to subdivision (2) of this
253 subsection, and after reasonable intervention strategies
254 have been implemented, that the student shall be subject to

255 certain consequences, which may include disenrollment from
256 the school.

257 (4) If a full-time virtual school disenrolls a student
258 pursuant to subdivision (3) of this subsection, the school
259 shall immediately provide written notification to such
260 student's district of residence. The student's district of
261 residence shall then provide to the parents or guardian of
262 the student a written list of available educational
263 options. Any student disenrolled from a full-time virtual
264 school shall be prohibited from re-enrolling in the same
265 virtual school for the remainder of the school year.

266 5. School districts or charter schools shall inform
267 parents of their child's right to participate in the
268 program. Availability of the program shall be made clear in
269 the parent handbook, registration documents, and featured on
270 the home page of the school district or charter school's
271 website. Any school district or charter school that fails
272 to notify parents of his or her child's right to participate
273 in the program shall be subject to civil penalties in an
274 amount equal to one hundred dollars for each day the school
275 district or charter school is not in compliance with this
276 subsection, including reasonable attorney's fees.

277 [5.] 6. The department shall:

278 (1) Establish an authorization process for course or
279 full-time virtual school providers that includes multiple
280 opportunities for submission each year;

281 (2) Pursuant to the time line established by the
282 department, authorize course or full-time virtual school
283 providers that:

284 (a) Submit all necessary information pursuant to the
285 requirements of the process; and

286 (b) Meet the criteria described in subdivision (3) of
287 this subsection;

288 (3) Review, pursuant to the authorization process,
289 proposals from providers to provide a comprehensive, full-
290 time equivalent course of study for students through the
291 Missouri course access and virtual school program. The
292 department shall ensure that these comprehensive courses of
293 study align to state academic standards and that there is
294 consistency and compatibility in the curriculum used by all
295 providers from one grade level to the next grade level;

296 (4) Within thirty days of any denial, provide a
297 written explanation to any course or full-time virtual
298 school providers that are denied authorization.

299 [6.] 7. If a course or full-time virtual school
300 provider is denied authorization, the course provider may
301 reapply at any point in the future.

302 [7.] 8. The department shall publish the process
303 established under this section, including any deadlines and
304 any guidelines applicable to the submission and
305 authorization process for course or full-time virtual school
306 providers on its website.

307 [8.] 9. If the department determines that there are
308 insufficient funds available for evaluating and authorizing
309 course or full-time virtual school providers, the department
310 may charge applicant course or full-time virtual school
311 providers a fee up to, but no greater than, the amount of
312 the costs in order to ensure that evaluation occurs. The
313 department shall establish and publish a fee schedule for
314 purposes of this subsection.

315 [9.] 10. Except as specified in this section and as
316 may be specified by rule of the state board of education,
317 the Missouri course access and virtual school program shall

318 comply with all state laws and regulations applicable to
319 school districts, including but not limited to the Missouri
320 school improvement program (MSIP), annual performance report
321 (APR), teacher certification, and curriculum standards.

322 [10.] 11. The department shall submit and publicly
323 publish an annual report on the Missouri course access and
324 virtual school program and the participation of entities to
325 the governor, the chair and ranking member of the senate
326 education committee, and the chair and ranking member of the
327 house of representatives elementary and secondary education
328 committee. The report shall at a minimum include the
329 following information:

330 (1) The annual number of unique students participating
331 in courses authorized under this section and the total
332 number of courses in which students are enrolled in;

333 (2) The number of authorized providers;

334 (3) The number of authorized courses and the number of
335 students enrolled in each course;

336 (4) The number of courses available by subject and
337 grade level;

338 (5) The number of students enrolled in courses broken
339 down by subject and grade level;

340 (6) Student outcome data, including completion rates,
341 student learning gains, student performance on state or
342 nationally accepted assessments, by subject and grade level
343 per provider. This outcome data shall be published in a
344 manner that protects student privacy;

345 (7) The costs per course;

346 (8) Evaluation of in-school course availability
347 compared to course access availability to ensure gaps in
348 course access are being addressed statewide.

349 [11.] 12. The department shall be responsible for
350 creating the Missouri course access and virtual school
351 program catalog providing a listing of all courses
352 authorized and available to students in the state, detailed
353 information, including costs per course, about the courses
354 to inform student enrollment decisions, and the ability for
355 students to submit their course enrollments.

356 [12.] 13. The state board of education through the
357 rulemaking process and the department of elementary and
358 secondary education in its policies and procedures shall
359 ensure that multiple content providers and learning
360 management systems are allowed, ensure digital content
361 conforms to accessibility requirements, provide an easily
362 accessible link for providers to submit courses or full-time
363 virtual schools on the Missouri course access and virtual
364 school program website, and allow any person, organization,
365 or entity to submit courses or full-time virtual schools for
366 approval. No content provider shall be allowed that is
367 unwilling to accept payments in the amount and manner as
368 described under subdivision (3) of subsection 3 of this
369 section or does not meet performance or quality standards
370 adopted by the state board of education.

371 [13.] 14. Any rule or portion of a rule, as that term
372 is defined in section 536.010, that is created under the
373 authority delegated in this section shall become effective
374 only if it complies with and is subject to all of the
375 provisions of chapter 536 and, if applicable, section
376 536.028. This section and chapter 536 are nonseverable and
377 if any of the powers vested with the general assembly
378 pursuant to chapter 536 to review, to delay the effective
379 date, or to disapprove and annul a rule are subsequently
380 held unconstitutional, then the grant of rulemaking

381 authority and any rule proposed or adopted after August 28,
382 2006, shall be invalid and void.

162.089. 1. (1) Each member of any school board of
2 any public school district shall be subject to recall from
3 office by the registered voters of the school district such
4 member was elected to represent. Such recall election shall
5 be held upon the submission of a petition signed by
6 registered voters of the district equal in number to at
7 least twenty-five percent of the number of voters who voted
8 in the most recent election held to elect a district board
9 member in such district.

10 (2) No proceedings shall be commenced against any
11 member under this section if, at the time of commencement,
12 such member:

13 (a) Has not held office during the member's term for
14 more than thirty days;

15 (b) Has fewer than one hundred eighty days remaining
16 in the member's term; or

17 (c) Has had a recall election determined in the
18 member's favor during the member's current term of office.

19 2. (1) Proceedings may be commenced for the recall of
20 any school board member by the filing of a notice of
21 intention to circulate a recall petition under this
22 section. The notice shall be filed with the election
23 authority having jurisdiction over the school district under
24 this chapter and chapter 115. Each notice shall contain the
25 following:

26 (a) The name and office of the board member sought to
27 be recalled;

28 (b) A statement of grounds, not exceeding two hundred
29 words in length, listing the particular reasons for the
30 proposed recall;

31 (c) A sworn statement of at least three proponents of
32 the recall that they are registered voters in the school
33 district and that the information in the statement of
34 grounds is true, correct, and complete to the best of the
35 knowledge and belief of the proponent;

36 (d) The printed names and the business or residential
37 addresses of the proponents of the recall making the sworn
38 statement under paragraph (c) of this subdivision; and

39 (e) The notarized signature of each of the proponents
40 of the recall making the sworn statement under paragraph (c)
41 of this subdivision.

42 (2) (a) The grounds for recall required to be stated
43 in paragraph (b) of subdivision (1) of this subsection may
44 include but shall not be limited to the following:

45 a. Conduct that relates to and adversely affects the
46 rights and interests of the public;

47 b. Commission of an act or acts of malfeasance;

48 c. Moral turpitude;

49 d. Violation of the member's oath of office;

50 e. Abuse of power or authority;

51 f. Misuse or misappropriation of public property or
52 public moneys;

53 g. Conviction of a felony;

54 h. Willful violation of any code of ethics applicable
55 to such member as provided in the revised statutes of
56 Missouri;

57 i. Violation of any school board policy of the school
58 district in which the member serves;

59 j. Breach of public trust;

60 k. Lack of responsiveness to concerns raised by the
61 public or staff;

62 1. Promotion and implementation of measures that are
63 counterproductive to the best interests of the students and
64 staff of the school district; or

65 m. Violation of any applicable provision of chapter
66 610; except that, discretionary performance of a lawful act
67 or a prescribed duty shall not constitute a ground for
68 recall.

69 (b) The election authority shall neither have nor
70 assume the authority to determine the validity of the
71 grounds for recall.

72 (3) No notice of intention shall name more than one
73 board member sought to be recalled.

74 (4) (a) If the election authority finds that the
75 notice of intention contains the required information under
76 this section, the election authority shall attach to the
77 affidavit a certification showing that the notice has been
78 properly filed.

79 (b) Within three business days after the
80 certification, the election authority shall send
81 notification of the filing of the notice by registered mail
82 to the school district administration, the school board, and
83 the board member sought to be recalled.

84 (c) Within fourteen days after the receipt of the
85 notice, the board member who is the subject of the notice
86 may file with the election authority a statement, not
87 exceeding two hundred words in length, in answer to the
88 statement of the proponents. If an answer is filed, the
89 election authority shall make the answer available for
90 public viewing upon request at the election authority's
91 office.

92 3. (1) After the election authority certifies the
93 notice, the proponents of the recall may begin circulating a

94 petition for recall and collecting signatures on such
95 petition.

96 (a) Any person circulating a petition for recall shall
97 be a registered voter in the district of the board member
98 sought to be recalled.

99 (b) Collection of signatures may begin after seven
100 days have passed following the election authority's
101 certification with the date of the certification counted as
102 the first day. The election authority shall indicate the
103 date on which collection of signatures may begin in the
104 certification of the notice. The number of signatures
105 required to equal the twenty-five percent of voters
106 necessary under subsection 1 of this section shall be
107 determined by the election authority.

108 (2) Each page of the petition for recall shall include:

109 (a) The name and office of the member for whom recall
110 is sought;

111 (b) The grounds for recall described in particular, in
112 no more than two hundred words;

113 (c) A statement that the petition signatories are
114 registered voters of the district in which the member sought
115 to be recalled serves; and

116 (d) Space for the date of the signing, the signer's
117 printed name, the house number and street name of each
118 signer's residence, and each signer's signature.

119 (3) Each signer shall be a registered voter in the
120 school district.

121 (4) Each signer shall provide the date of the signing,
122 the signer's printed name, the house number and street name
123 of the signer's residence, and the signer's signature.

124 (5) Every person signing a petition shall do so in the
125 presence of the person who is circulating the petition and

126 who will execute the affidavit of verification for each page
127 of the petition.

128 4. (1) Within sixty days after the beginning date for
129 the collection of signatures, the completed petition with
130 the required number of signatures shall be filed with the
131 election authority. The signatures to the petition need not
132 all be attached to one paper, but the person who files the
133 petition with the election authority shall sign each page
134 attesting that the signatures attached are true and correct
135 to the best of such person's knowledge and belief. Such
136 signature on each page of the petition shall be notarized.

137 (2) Within fifteen business days after the date of
138 filing the signed petition, the election authority shall
139 examine the petition and determine whether the petition is
140 signed by the required number of registered voters.
141 Signatures that cannot be verified shall not be counted.

142 (3) (a) If the election authority finds the signed
143 petition to be insufficient, the election authority shall,
144 within three business days after such determination, send
145 notification of the insufficiency by registered mail to the
146 person who filed the signed petition. The election
147 authority shall specify the errors, omissions, or other
148 problems that cause the insufficiency.

149 (b) The signed petition shall be returned to the
150 person who filed the signed petition, without prejudice to
151 the refiling of the petition or the filing of a new petition.

152 (c) The person who filed the signed petition shall
153 have thirty days after the date of notification of
154 insufficiency to correct the insufficiencies and refile the
155 petition. If the petition is not corrected and refiled, the
156 petition and all its signatures shall be void.

157 (4) If the election authority finds the signed
158 petition to be sufficient, the election authority shall
159 attach to the petition a certificate showing the result of
160 the examination. The election authority shall, within three
161 business days after the certification, send notification of
162 the sufficiency and certification by registered mail to the
163 person who filed the signed petition, the school district
164 administration, the school board, and the board member
165 sought to be recalled.

166 5. (1) Upon receipt of the notification of the
167 sufficiency of the petition and the election authority's
168 certification, the election authority shall order the
169 question to be submitted to the voters of the district on
170 one of the following days:

171 (a) The next general election day;

172 (b) At a special election to be called on the first
173 Tuesday after the first Monday in November of odd-numbered
174 years if that date is no fewer than ninety calendar days
175 after the date of notification; or

176 (c) At the next election in which the voters of the
177 school district vote for any school board member on the
178 general municipal election day, if that date is no fewer
179 than ninety calendar days after the date of notification.

180 (2) If no election will occur or can be called at the
181 times described in this subsection before the term of the
182 member who is the subject of the recall petition expires, no
183 recall election shall be held and such member may serve the
184 remainder of the member's term.

185 6. (1) The name of the member who is the subject of
186 the recall shall appear on the ballot under the separate
187 heading "(name of school district) Recall Election".

188 (2) The question on the ballot shall be in
189 substantially the following form: "Shall school board
190 member (name of member) be removed from the school board?".

191 (3) (a) If a majority of the votes cast on the
192 question by the qualified voters voting thereon are opposed
193 to removing the member, the member shall remain in office
194 and shall not be subject to another recall election during
195 the remainder of the member's term.

196 (b) If a majority of the votes cast on the question by
197 the qualified voters voting thereon in a November election
198 are in favor of removing the member, the vacancy shall be
199 filled in the manner provided in this chapter.

200 (c) If a majority of the votes cast on the question by
201 the qualified voters voting thereon in an April election are
202 in favor of removing the member and the number of candidates
203 on the ballot is greater than the number of seats for
204 expired board member terms, the vacancy shall be filled by
205 the candidate receiving the next highest number of votes
206 after the seats for expired board member terms are filled.
207 If the number of candidates is not greater than the number
208 of seats of expired board member terms, the vacancy shall be
209 filled in the manner provided in this chapter.

210 7. A school board member who has been recalled shall
211 not fill the vacancy created by the recall, but such member
212 may seek election to the school board at any election not
213 held to fill the vacancy created by the member's recall.

214 8. Except as otherwise provided in this section, the
215 provisions of this chapter and chapter 115 governing the
216 conduct of school board elections shall apply, if
217 appropriate, to recall elections held under this section.
218 The costs of the election shall be paid as provided in
219 chapter 115.

166.700. As used in sections 166.700 to 166.725, the following terms mean:

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

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

(3) "Parent", the same meaning as used in section 135.712;

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

(5) "Program", the Missouri empowerment scholarship accounts program;

(6) "Qualified school", a charter school as defined in section 160.400, a home school as defined in section 167.031, a private school as defined in this subsection, a public school as defined in section 160.011, or a public or private virtual school that is incorporated in Missouri. Charter schools, public schools, and public virtual schools are "qualified schools" only to the extent that moneys deposited in a qualified student's scholarship account shall be used for specific services or individual classes consistent with the provisions of subdivision (4) of subsection 1 of section 166.705;

(7) "Qualified student", a resident of this state who:

(a) Attended a public school as a full-time student for at least one semester from the previous twelve months;

(b) Previously participated in the Missouri empowerment scholarship accounts program;

32 (c) Is a child who is eligible to begin kindergarten
33 under sections 160.051 to 160.055;

34 (d) Is attending school for the first time; or

35 (e) A child of a parent in active military service.

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

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

10 (2) The qualified student shall not be enrolled in a
11 school operated by the qualified student's district of
12 residence or a charter school, except for a qualified
13 student that is in the custody of the state, and shall
14 release the district of residence from all obligations to
15 educate the qualified student while the qualified student is
16 enrolled in the program; except that, this subdivision shall
17 not relieve the student's district of residence from the
18 obligation to conduct an evaluation for disabilities;

19 (3) The qualified student shall receive a grant, in
20 the form of money deposited pursuant to section 135.714, in
21 the qualified student's Missouri empowerment scholarship
22 account;

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

26 (a) Tuition or fees at a qualified school;

27 (b) Textbooks required by a qualified school;

28 (c) Educational therapies or services for the
29 qualified student from a licensed or accredited practitioner
30 or provider, including licensed or accredited
31 paraprofessionals or educational aides;

32 (d) Tutoring services;

33 (e) Curriculum;

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

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

39 (h) Fees for management of the empowerment scholarship
40 account by firms selected by the educational assistance
41 organization;

42 (i) Services provided by a public school, including
43 individual classes and extracurricular programs;

44 (j) Computer hardware or other technological devices
45 that are used to help meet a qualified student's educational
46 needs and that are approved by an educational assistance
47 organization;

48 (k) Fees for summer education programs and specialized
49 after-school education programs; and

50 (l) Other expenses related to home school instruction;

51 (5) Moneys deposited in the qualified student's
52 account shall not be used for the following:

53 (a) Consumable educational supplies including, but not
54 limited to, paper, pens, pencils, or markers; and

55 (b) Tuition at a private school located outside of the
56 state of Missouri.

57 2. Missouri empowerment scholarship accounts are
58 renewable on an annual basis upon request of the parent of a
59 qualified student. Notwithstanding any changes to the

60 qualified student's multidisciplinary evaluation team plan,
61 a student who has previously qualified for a Missouri
62 empowerment scholarship account shall remain eligible to
63 apply for renewal until the student completes high school
64 and submits scores from a nationally standardized norm-
65 referenced achievement test, advanced placement examination,
66 international baccalaureate examination, or any exam related
67 to college or university admission purchased with Missouri
68 empowerment scholarship account funds to the state treasurer.

69 3. A signed agreement under this section shall satisfy
70 the compulsory school attendance requirements of section
71 167.031.

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

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

86 6. Any funds remaining in a qualified student's
87 scholarship account at the end of a school year shall remain
88 in the account and shall not be returned to the educational
89 assistance organization. Any funds remaining in a qualified
90 student's scholarship account upon graduation from a
91 qualified school shall be returned to the educational

92 assistance organization for redistribution to other
93 qualified students.

94 7. Moneys received under sections 166.700 to 166.725
95 shall not constitute Missouri taxable income to the parent
96 of the qualified student.

166.710. 1. Beginning in the 2023-2024 school year,
2 the educational assistance organization shall conduct or
3 contract for annual audits of empowerment scholarship
4 accounts to ensure compliance with the requirements of
5 subsection 1 of section 166.705. The educational assistance
6 organization shall also conduct or contract for random,
7 quarterly, and annual audits of empowerment scholarship
8 accounts as needed to ensure compliance with the
9 requirements of subsection 1 of section 166.705.

10 2. A parent or qualified student or vendor may be
11 disqualified from program participation if the state
12 treasurer, or his or her designee, finds the party has
13 committed an intentional program violation consisting of any
14 misrepresentation or other act that materially violates any
15 law or rule governing the program. The state treasurer may
16 remove any parent or qualified student from eligibility for
17 a Missouri empowerment scholarship program account. A
18 parent may appeal the state treasurer's decision to the
19 administrative hearing commission. A parent may appeal the
20 administrative hearing commission's decision to the circuit
21 court of the county in which the student resides.

22 3. The state treasurer may refer cases of substantial
23 misuse of moneys to the attorney general for investigation
24 if the state treasurer obtains evidence of fraudulent use of
25 an account.

26 4. The state treasurer shall promulgate the following
27 rules to implement and administer the Missouri empowerment
28 scholarship accounts program:

29 (1) Rules for conducting examinations of use of
30 account funds;

31 (2) Rules for conducting random, quarterly, and annual
32 reviews of accounts;

33 (3) Creating an online anonymous fraud reporting
34 service; and

35 (4) Creating an anonymous telephone hotline for fraud
36 reporting.

37 5. Any rule or portion of a rule, as that term is
38 defined in section 536.010, that is created under the
39 authority delegated in this section shall become effective
40 only if it complies with and is subject to all of the
41 provisions of chapter 536 and, if applicable, section
42 536.028. This section and chapter 536 are nonseverable and
43 if any of the powers vested with the general assembly
44 pursuant to chapter 536 to review, to delay the effective
45 date, or to disapprove and annul a rule are subsequently
46 held unconstitutional, then the grant of rulemaking
47 authority and any rule proposed or adopted after August 28,
48 2021, shall be invalid and void.

 166.715. 1. A person commits a class A misdemeanor if
2 they are found to have knowingly used moneys granted under
3 section 135.714 for purposes other than those provided for
4 in sections 166.700 to 166.725.

5 2. No financial institution shall be liable in any
6 civil action for providing a savings account's financial
7 information to the state treasurer unless the information
8 provided is false and the financial institution providing
9 the false information does so knowingly and with malice.

166.720. 1. Sections 166.700 to 166.725 do not permit
2 any governmental agency to exercise control or supervision
3 over any qualified school in which a qualified student
4 enrolls other than a qualified school that is a public
5 school.

6 2. A qualified school, other than a qualified school
7 that is a public school, that accepts a payment from a
8 parent under sections 166.700 to 166.725 shall not be
9 considered an agent of the state or federal government.

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

15 4. In any legal proceeding challenging the application
16 of sections 166.700 to 166.725 to a qualified school, the
17 state shall bear the burden of establishing that the law is
18 necessary and does not impose any undue burden on qualified
19 schools.

166.725. All personally identifiable information
2 concerning eligible students and the parents of eligible
3 students within the Missouri empowerment scholarship
4 accounts program pursuant to sections 135.712 to 135.719 and
5 sections 166.700 to 166.725 shall be confidential, and any
6 disclosure of such information shall be restricted to
7 purposes directly connected with administration of the
8 program.

167.790. 1. In order to receive funds under section
2 163.031, no school district shall be a member of, or remit
3 any funds to, any statewide activities association that:

4 (1) Prohibits a student who is receiving instruction
5 at a home school as defined in section 167.031, from the

6 opportunity to participate in any event or activity offered
7 by the school district or an attendance center of the school
8 district in which the student resides and where the
9 statewide activities association exercises authority, rules,
10 or guidelines for participating in such events or activities
11 for any reason relating to such student's home instruction;
12 or

13 (2) Requires a student who is receiving instruction at
14 a home school as defined in section 167.031 to attend the
15 public school of residence for any portion of a school day
16 in order to participate in any event or activity offered by
17 the school district or an attendance center of the school
18 district in which the student resides where the statewide
19 activities association exercises authority, rules, or
20 guidelines for participating in such events or activities.

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

29 3. A statewide activities association shall not
30 prohibit or restrict any school district which is a member
31 of such association from participating in any events
32 sanctioned, authorized, or regulated by such association
33 with any school that is not a member of the association.

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