

SECOND REGULAR SESSION

HOUSE BILL NO. 1066

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GRISAMORE.

4554H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 162, RSMo, by adding thereto four new sections relating to Missouri empowerment accounts.

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

Section A. Chapter 162, RSMo, is amended by adding thereto four new sections, to be known as sections 162.1400, 162.1402, 162.1404, and 162.1406, to read as follows:

162.1400. For purpose of sections 162.1400 to 162.1406, the following terms shall mean:

(1) “Department”, the department of revenue;

(2) “Eligible postsecondary institution”, a community college, university, or an approved private institution as defined by section 173.1102;

(3) “Parent”, a resident of this state who is the parent or legal guardian of a qualified student;

(4) “Qualified school”, a preschool, elementary, or secondary school for children with disabilities that is located within the state and is not regulated by sections 160.400 to 160.425 or 162.011 to 162.666;

(5) “Qualified student”, a resident of this state who is either identified as having a disability under Section 504 of the Rehabilitation Act of 1973, identified by a school district as a child with a disability as defined in section 162.675, or a child who is eligible to receive special education services from a school district as defined in section 162.675 who either attended a public elementary or secondary school as a full-time student for at least the first one hundred days of the prior fiscal year and who transferred from a public elementary or secondary school to a qualified 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.

162.1402. 1. Missouri empowerment accounts may be established to provide options for the education of certain students in this state.

2. To enroll a qualified student for a Missouri empowerment account, the parent of the qualified student shall sign an agreement to do the following:

(1) Provide an education for the qualified student in at least the subjects of reading, grammar, mathematics, social studies, and science;

(2) Not enroll the qualified student in a school district or charter school and release the school district from all obligations to educate the qualified student;

(3) Use the money deposited in the qualified student's Missouri empowerment account only for the following expenses of the qualified student:

(a) Tuition or fees at a qualified school;

(b) Textbooks required by a qualified school;

(c) Educational therapies or services for the qualified student from a licensed or accredited practitioner or provider;

(d) Tutoring services;

(e) Curriculum;

(f) Tuition or fees for an online learning program that is not accessed through a charter school or public school district;

(g) Fees for a nationally standardized norm-referenced achievement test, advanced placement examinations, or any examinations related to college or university admission;

(h) Contributions to a qualified tuition program established under 26 U.S.C. Section 529;

(i) Tuition or fees at an eligible postsecondary institution;

(j) Textbooks required by an eligible postsecondary institution; and

(k) Fees for management of the empowerment account by firms selected by the department.

3. In exchange for the parent's agreement under subsection 2 of this section, the state shall deposit into a Missouri empowerment account an amount that is equivalent to ninety percent of the amount of state aid that otherwise would be computed for the student, including consideration of all state funding weights.

4. A parent must renew the qualified student's empowerment account on an annual basis.

5. A signed agreement under this section constitutes school attendance as required by section 167.031.

6. A qualified school or a provider of services purchased under subdivision (3) of subsection 2 of this section shall not share, refund, or rebate any Missouri empowerment account moneys with the parent or qualified student in any manner.

162.1404. 1. The department of revenue shall contract with private financial management firms to manage Missouri empowerment accounts with the supervision of the department.

2. The department shall conduct or contract for annual audits of a random sample of empowerment accounts to ensure compliance with subdivision (3) of subsection 2 of section 162.1402. The department may also conduct or contract for audits of empowerment accounts as needed to ensure compliance with subdivision (3) of subsection 2 of section 162.1402.

3. The department may remove any parent or qualified student from eligibility for a Missouri empowerment account if the parent misuses the moneys in the account. A parent may appeal the department's decision.

4. The department may refer cases of misuse of moneys to the attorney general for investigation if the department obtains evidence of fraudulent use of an account.

5. The department may deduct up to three percent of the amount of student state aid from each empowerment account each year for the department's costs in administering empowerment accounts under sections 162.1400 to 162.1406.

6. The department shall make quarterly transfers of the amount calculated under subsection 3 of section 162.1402 to the empowerment account of each qualified student.

7. The department shall adopt rules and regulations necessary to implement the provisions of sections 162.1400 to 162.1406. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

162.1406. 1. Sections 162.1400 to 162.1406 do not permit any government agency to exercise control or supervision over any private school or home school.

2. A qualified student that accepts a payment from a parent under sections 162.1400 to 162.1406 is not an agent of the state or federal government.

3. A qualified school shall not be required to alter its creed, practices, admissions policy, or curriculum in order to accept students whose parents pay tuition or fees from an empowerment account under sections 162.1400 to 162.1406 in order to participate as a qualified school.

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