

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2211
101ST GENERAL ASSEMBLY

4274H.02C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 166.700 and 166.705, RSMo, and to enact in lieu thereof two new sections relating to students qualified for empowerment scholarship accounts.

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

- Section A. Sections 166.700 and 166.705, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 166.700 and 166.705, to read as follows:
- 166.700. As used in sections 166.700 to 166.720, the following terms mean:
- (1) "Curriculum", a complete course of study for a particular content area or grade level, including any supplemental materials;
 - (2) "District", the same meaning as used in section 160.011;
 - (3) "Educational assistance organization", the same meaning as used in section 135.712;
 - (4) "Parent", the same meaning as used in section 135.712;
 - (5) "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;
 - (6) "Program", the same meaning as used in section 135.712;
 - (7) "Qualified school", ~~[a home school as defined in section 167.031 or]~~ any of the following entities that is incorporated in Missouri and that does not discriminate on the basis of race, color, or national origin:
 - (a) A charter school as defined in section 160.400;
 - (b) A private school;
 - (c) A public school as defined in section 160.011; or
 - (d) A public or private virtual 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.

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

23 (a) Has an approved "individualized education ~~plan~~ **program**" (IEP) developed
24 under the federal Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Section 1400
25 [5] et seq., 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.

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

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

6 (2) Except for a qualified student who is in the custody of the state, the qualified
7 student shall not be enrolled in a public school operated by, or a charter school located within,
8 the qualified student's district of residence and shall release the district of residence from all
9 obligations to educate the qualified student while the qualified student is enrolled in the
10 program. This subdivision shall not be construed to relieve the student's district of residence
11 from the obligation to conduct an evaluation for disabilities;

12 (3) The qualified student shall receive a grant, in the form of moneys deposited in
13 accordance with section 135.714, in the qualified student's Missouri empowerment
14 scholarship account;

15 (4) The moneys deposited in the qualified student's Missouri empowerment
16 scholarship account shall be used only for the following expenses of the qualified student:

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

18 (b) Textbooks required by a qualified school;

19 (c) Educational therapies or services from a licensed or accredited practitioner or
20 provider including, but not limited to, licensed or accredited paraprofessionals or educational
21 aides;

22 (d) Tutoring services;

23 (e) Curriculum;

- 24 (f) Tuition or fees for a private virtual school;
- 25 (g) Fees for a nationally standardized norm-referenced achievement test, advanced
26 placement examinations, international baccalaureate examinations, or any examinations
27 related to college or university admission;
- 28 (h) Fees for management of the Missouri empowerment scholarship account by firms
29 selected by the educational assistance organization;
- 30 (i) Services provided by a public school including, but not limited to, individual
31 classes and extracurricular programs;
- 32 (j) Computer hardware or other technological devices that are used to help meet the
33 qualified student's educational needs and that are approved by an educational assistance
34 organization;
- 35 (k) Fees for summer education programs and specialized after-school education
36 programs;
- 37 (l) Transportation costs for mileage to and from a qualified school; and
- 38 (5) Moneys deposited in the qualified student's Missouri empowerment scholarship
39 account shall not be used for the following:
- 40 (a) Consumable educational supplies including, but not limited to, paper, pens,
41 pencils, or markers;
- 42 (b) Tuition at a private school located outside of the state of Missouri; and
- 43 (c) Payments or reimbursements to any person related within the third degree of
44 consanguinity or affinity to a qualified student.
- 45 2. Missouri empowerment scholarship accounts are renewable on an annual basis
46 upon request of the parent of a qualified student. Notwithstanding any changes to the
47 qualified student's multidisciplinary evaluation team plan, a student who has previously
48 qualified for a Missouri empowerment scholarship account shall remain eligible to apply for
49 renewal until the student completes high school and submits scores to the state treasurer from
50 a nationally standardized norm-referenced achievement test, advanced placement
51 examination, international baccalaureate examination, or any examination related to college
52 or university admission purchased with Missouri empowerment scholarship account funds.
- 53 3. ~~[A signed agreement under this section shall satisfy the compulsory school~~
54 ~~attendance requirements of section 167.031.~~
- 55 4.] A qualified school or a provider of services purchased under this section shall not
56 share, refund, or rebate any Missouri empowerment scholarship account moneys with the
57 parent or qualified student in any manner.
- 58 ~~[5-]~~ 4. If a qualified student withdraws from the program by enrolling in a school
59 other than a qualified school or is disqualified from the program under the provisions of
60 section 166.710, the qualified student's Missouri empowerment scholarship account shall be

61 closed and any remaining funds shall be returned to the educational assistance organization
62 for redistribution to other qualified students. Under such circumstances, the obligation to
63 provide an education for such student shall transfer back to the student's district of residence.

64 ~~[6.]~~ **5.** Any funds remaining in a qualified student's Missouri empowerment
65 scholarship account at the end of a school year shall remain in the account and shall not be
66 returned to the educational assistance organization. Any funds remaining in a qualified
67 student's Missouri empowerment scholarship account upon graduation from a qualified
68 school shall be returned to the educational assistance organization for redistribution to other
69 qualified students.

70 ~~[7.]~~ **6.** Moneys received under sections 166.700 to 166.720 shall not constitute
71 Missouri taxable income to the parent of the qualified student.

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