

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILLS NOS. 55, 23 & 25  
AN ACT

To repeal sections 160.400, 160.415, 160.425, 160.518, 160.545, 161.092, 161.097, 162.720, 163.011, 163.023, 167.263, 167.268, 167.645, and 171.033, RSMo, and to enact in lieu thereof thirty-one new sections relating to elementary and secondary education, with penalty provisions and a contingent effective date for certain sections.

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

Section A. Sections 160.400, 160.415, 160.425, 160.518, 160.545, 161.092, 161.097, 162.720, 163.011, 163.023, 167.263, 167.268, 167.645, and 171.033, RSMo, are repealed and thirty-one new sections enacted in lieu thereof, to be known as sections 135.712, 135.713, 135.714, 135.715, 135.716, 135.719, 160.400, 160.415, 160.422, 160.425, 160.518, 160.545, 161.092, 161.097, 162.084, 162.720, 163.011, 163.023, 166.700, 166.705, 166.710, 166.715, 166.720, 166.725, 167.263, 167.268, 167.645, 167.790, 170.341, 171.033, and 186.080, to read as follows:

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

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

(1) "Board", the Missouri empowerment scholarship board;

9           (2) "Department", the department of elementary and  
10 secondary education;

11           (3) "District" or "school district", the same meaning  
12 as used in section 160.011;

13           (4) "Educational assistance organization", a  
14 charitable organization registered in this state that is  
15 exempt from federal taxation under the Internal Revenue Code  
16 of 1986, as amended, is certified by and contracts with the  
17 board to administer scholarship accounts, and that allocates  
18 all of its annual revenue for educational assistance, except  
19 as provided in paragraph (a) of subdivision (8) of  
20 subsection 3 of section 135.714 and as provided for in  
21 sections 135.712 to 135.719, and that does not discriminate  
22 on the basis of race, color, or national origin;

23           (5) "Parent", a parent, guardian, custodian, or other  
24 person with authority to act on behalf of the qualified  
25 student;

26           (6) "Program", the Missouri empowerment scholarship  
27 accounts program established under sections 135.712 to  
28 135.719 and sections 166.700 to 166.725;

29           (7) "Qualified student", the same meaning as used in  
30 section 166.700;

31           (8) "Qualifying contribution", a donation of cash, as  
32 defined in regulations for the Missouri education savings  
33 program pursuant to sections 166.400 to 166.456, for  
34 purposes of claiming a tax credit under sections 135.712 to  
35 135.719;

36           (9) "Scholarship account", a savings account created  
37 by the Missouri empowerment scholarship accounts program  
38 authorized by sections 166.700 to 166.725;

39           (10) "Taxpayer", an individual subject to the state  
40 income tax imposed in chapter 143; an individual, a firm, a  
41 partner in a firm, corporation, or a shareholder in an S

42 corporation doing business in this state and subject to the  
43 state income tax imposed by chapter 143; or an express  
44 company that pays an annual tax on its gross receipts in  
45 this state under chapter 153, which files a Missouri income  
46 tax return and is not a dependent of any other taxpayer.

47 3. There is hereby established the "Missouri  
48 Empowerment Scholarship Board". The board shall administer  
49 the Missouri empowerment scholarship program. The board  
50 shall consist of the Missouri state treasurer, who shall  
51 serve as chairman of the board; the commissioner of the  
52 office of administration; the department of elementary and  
53 secondary education nonpublic ombudsman; the director of the  
54 department of revenue; and three residents of the state, one  
55 of whom shall be selected by the president pro tempore of  
56 the senate, one of whom shall be selected by the speaker of  
57 the house of representatives, and one of whom shall be  
58 appointed by the governor with the advice and consent of the  
59 senate. The three appointed members shall be appointed to  
60 serve for terms of four years from the date of appointment,  
61 or until their successors shall have been appointed and  
62 shall have qualified; provided that, for the initial  
63 appointments to the board, the member selected by the  
64 president pro tempore of the senate shall serve for a term  
65 of one year, the member selected by the speaker of the house  
66 of representatives shall serve for a term of two years, and  
67 the member appointed by the governor shall serve for a term  
68 of three years. The members of the board shall be subject  
69 to the conflict of interest provisions of section 105.452.  
70 Any member who violates the conflict of interest provisions  
71 shall be removed from the board. In order to establish and  
72 administer the scholarship program, the board, in addition  
73 to its other powers and authority, shall have the power and  
74 authority to:

75           (1) Develop and implement the Missouri empowerment  
76 scholarship accounts program and, notwithstanding any  
77 provision of sections 135.712 to 135.719 to the contrary,  
78 the services consistent with the purposes and objectives of  
79 sections 166.700 to 166.725;

80           (2) Promulgate reasonable rules and regulations and  
81 establish policies and procedures to implement sections  
82 135.712 to 135.719 and sections 166.700 to 166.725, to  
83 ensure the scholarship program's compliance with all  
84 applicable laws;

85           (3) Develop and implement educational programs and  
86 related informational materials for participants and their  
87 families, either directly or through a contractual  
88 arrangement;

89           (4) Enter into agreements with any financial  
90 institution, the state, or any federal or other agency or  
91 entity as required for the operation of the scholarship  
92 program pursuant to sections 135.712 to 135.719 and sections  
93 166.700 to 166.725;

94           (5) Accept any grants, gifts, legislative  
95 appropriations, and other moneys from the state; any unit of  
96 federal, state, or local government; or any other person,  
97 firm, partnership, or corporation for deposit to the  
98 Missouri empowerment scholarship accounts program fund;

99           (6) Make appropriate payments and distributions on  
100 behalf of qualified students;

101           (7) Make provisions for the payment of costs of  
102 administration and operation of the scholarship program;

103           (8) Effectuate and carry out all the powers granted by  
104 sections 135.712 to 135.719 and sections 166.700 to 166.725,  
105 and have all other powers necessary to carry out and  
106 effectuate the purposes, objectives, and provisions of

107 sections 135.712 to 135.719 and sections 166.700 to 166.725  
108 pertaining to the scholarship program; and

109 (9) Procure insurance, guarantees, or other  
110 protections against any loss in connection with the assets  
111 or activities of the scholarship program.

112 4. Any member of the board may designate a proxy for  
113 that member who will enjoy the full voting privileges of  
114 that member for one meeting so specified by that member. No  
115 more than three proxies shall be considered members of the  
116 board for the purpose of establishing a quorum.

117 5. Four members of the board shall constitute a  
118 quorum. No vacancy in the membership of the board shall  
119 impair the right of a quorum to exercise all the rights and  
120 perform all the duties of the board. No action shall be  
121 taken by the board except upon the affirmative vote of a  
122 majority of the members present.

123 6. The board shall meet within the state of Missouri  
124 at the time set at a previously scheduled meeting or by the  
125 request of any four members of the board. Notice of the  
126 meeting shall be delivered to all other members in person or  
127 by depositing notice in a United States post office in a  
128 properly stamped and addressed envelope not less than six  
129 days prior to the date fixed for the meeting. The board may  
130 meet at any time by unanimous mutual consent. There shall  
131 be at least one meeting in each quarter.

135.713. 1. On or after August 28, 2021, any taxpayer  
2 who makes a qualifying contribution to the Missouri  
3 empowerment scholarship accounts program fund established  
4 under section 135.715, may claim a credit against the tax  
5 otherwise due under chapter 143, other than taxes withheld  
6 under sections 143.191 to 143.265, and chapter 153, in an  
7 amount equal to the amount the taxpayer contributed during  
8 the tax year for which the credit is claimed. No taxpayer

9 shall claim a credit under sections 135.712 to 135.719 for  
10 any contribution made by the taxpayer, or an agent of the  
11 taxpayer, on behalf of the taxpayer's dependent, or in the  
12 case of a business taxpayer, on behalf of the business's  
13 agent's dependent.

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

23 3. The cumulative amount of tax credits that may be  
24 allocated to all taxpayers contributing to the scholarship  
25 fund in the first year of the program shall not exceed fifty  
26 million dollars. For each subsequent year, the amount of  
27 tax credits available shall equal the amount available in  
28 the previous year, provided that, in any fiscal year in  
29 which the amount appropriated for pupil transportation under  
30 section 163.161 increases from such amount appropriated for  
31 the previous fiscal year, the amount of tax credits  
32 available under this section shall increase by the same  
33 percentage as the percentage increase in the amount  
34 appropriated for pupil transportation under section 163.161.

135.714. 1. The board may certify and contract with  
2 educational assistance organizations to administer  
3 scholarship accounts authorized by sections 166.700 to  
4 166.725.

5 2. Each educational assistance organization shall, for  
6 each scholarship account the organization is designated to  
7 administer:

8           (1) Distribute scholarship accounts payments either  
9 four times per year or in a single lump sum at the beginning  
10 of the school year as requested by the parent of a qualified  
11 student, not to exceed a total grant amount equal to the  
12 state adequacy target as defined in section 163.011 and  
13 calculated by the department of elementary and secondary  
14 education, in the form of a deposit into the scholarship  
15 account of the qualified student;

16           (2) Give priority in the distribution of scholarship  
17 accounts payments to students who have previously  
18 participated in the Missouri empowerment scholarship  
19 accounts program and the siblings of such students;

20           (3) Ensure that either the state achievement tests or  
21 nationally norm-referenced tests that measure learning gains  
22 in math and English language arts and provide for value-  
23 added assessment are administered to all participating  
24 students in grades that require testing under the statewide  
25 assessment system set forth in section 160.518;

26           (4) Notwithstanding any other limitation, allow costs  
27 of the testing requirements to be covered by scholarship  
28 account distributions;

29           (5) Provide the parent of each student who was tested  
30 with a copy of the results of the tests on an annual basis,  
31 beginning with the first year of testing;

32           (6) Conduct an annual satisfaction survey for parents  
33 of qualified students with scholarship accounts. The annual  
34 satisfaction survey shall ask parents of scholarship  
35 students to express:

36           (a) Their satisfaction with their child's academic  
37 achievement, including academic achievement at the school  
38 their child attended through the scholarship program versus  
39 academic achievement at the school previously attended;

40           (b) Their satisfaction with school safety at the  
41 schools their child attends through the scholarship program  
42 versus safety at the schools previously attended;

43           (c) Whether their child would have been able to attend  
44 their school of choice without the scholarship;

45           (d) Their opinions on other topics, items, or issues  
46 that the board finds would elicit information about the  
47 effectiveness of the scholarship program; and

48           (e) The number of years the qualified child has  
49 participated in the scholarship program.

50           3. Each educational assistance organization shall:

51           (1) Demonstrate to the board that it is exempt from  
52 federal income tax under Section 501(c)(3) of the Internal  
53 Revenue Code of 1986, as amended;

54           (2) Provide the board, upon request, with criminal  
55 background checks on all its employees and board members,  
56 and exclude from employment or governance any individual  
57 that might reasonably pose a risk to the appropriate use of  
58 contributed funds;

59           (3) Provide the results of tests administered pursuant  
60 to subdivision (3) of subsection 2 of this section to the  
61 board on an annual basis, beginning with the first year of  
62 testing;

63           (4) Report student information that would allow the  
64 board to aggregate data by grade level, gender, family  
65 income level, and race;

66           (5) Provide rates of high school graduation, college  
67 attendance, and college graduation for participating  
68 students to the board in a manner consistent with nationally  
69 recognized standards;

70           (6) Provide to the board the results from the annual  
71 parental satisfaction survey administered pursuant to  
72 subdivision (6) of subsection 2 of this section, including

73 information about the number of years that the parent's  
74 child has participated in the scholarship program;

75 (7) Demonstrate its financial viability, if it is to  
76 administer scholarship accounts containing program funds  
77 totaling fifty thousand dollars or more during the school  
78 year, by filing with the board before the start of the  
79 school year a surety bond or insurance policy payable to the  
80 state in an amount equal to the aggregate amount of program  
81 funds expected to be administered during the school year or  
82 other financial information that demonstrates the financial  
83 viability of the educational assistance organization; and

84 (8) Ensure that, for any money received from the  
85 Missouri empowerment scholarship accounts program fund:

86 (a) The following percentages of such money may be  
87 used for marketing and administrative expenses: ten percent  
88 for the first two hundred fifty thousand dollars, eight  
89 percent for the next five hundred thousand dollars, and  
90 three percent thereafter; and

91 (b) All other such money shall be used only to make  
92 payments to eligible scholarship accounts.

93 4. The board shall:

94 (1) Ensure compliance with all student privacy laws  
95 for data in the board's possession;

96 (2) Collect all test results of students participating  
97 in the program;

98 (3) Provide the test results and associated learning  
99 gains to the public via a state website after the third year  
100 of test and test-related data collection. The findings  
101 shall be aggregated by the students' grade level, gender,  
102 family income level, number of years of participation in the  
103 scholarship program, and race; and

104           (4) Provide graduation rates to the public via a state  
105 website after the third year of test and test-related data  
106 collection.

107           5. An educational assistance organization or the board  
108 may contract with a private financial management firm to  
109 manage scholarship accounts with the supervision of the  
110 board.

135.715. 1. There is hereby created in the state  
2 treasury the "Missouri Empowerment Scholarship Accounts  
3 Program Fund", which shall consist of moneys collected under  
4 sections 135.712 to 135.719 and sections 166.700 to 166.725,  
5 all other gifts or donations, and all moneys which may be  
6 appropriated to it by the general assembly. The state  
7 treasurer shall be custodian of the fund. In accordance  
8 with sections 30.170 and 30.180, the state treasurer may  
9 approve disbursements. Subject to appropriation, moneys in  
10 the fund shall be used solely to distribute funds to  
11 certified educational assistance organizations and to pay  
12 for personal service, equipment, and other expenses of the  
13 board related to the administration of sections 135.712 to  
14 135.719 and sections 166.700 to 166.725.

15           2. Notwithstanding the provisions of section 33.080 to  
16 the contrary, any moneys remaining in the fund at the end of  
17 the biennium shall not revert to the credit of the general  
18 revenue fund.

19           3. The state treasurer shall invest moneys in the fund  
20 in the same manner as other funds are invested. Any  
21 interest and moneys earned on such investments shall be  
22 credited to the fund.

135.716. 1. The state treasurer shall provide a  
2 standardized format for a receipt to be issued to a taxpayer  
3 to indicate the value of a contribution received. No  
4 taxpayer shall receive a tax credit unless that person

5 presents such receipt to the department of revenue for  
6 payment of state tax liability. The state treasurer shall  
7 certify eligibility for the tax credits to the department of  
8 revenue in the order applications are received.

9 2. The attorney general or state auditor shall conduct  
10 an investigation if the board possesses evidence of fraud  
11 committed by an educational assistance organization.

12 3. The board shall bar an educational assistance  
13 organization from participating in the program if the board  
14 establishes that the educational assistance organization has  
15 intentionally and substantially failed to comply with the  
16 requirements in section 135.714. If the board bars an  
17 educational assistance organization from the program under  
18 this subsection, it shall notify affected qualified students  
19 and their parents of the decision as soon as possible after  
20 the determination is made.

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

25 (1) Information regarding the finances of the  
26 educational assistance organizations and of the scholarship  
27 accounts managed by the board; and

28 (2) Educational outcomes of qualified students.

135.719. 1. The board may promulgate rules to  
2 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 assets of the scholarship accounts program  
15 shall at all times be preserved, invested, and expended only  
16 for the purposes set forth in this section and in accordance  
17 with the program provisions, and no property rights therein  
18 shall exist in favor of the state.

19 3. The director of investment of the state treasurer's  
20 office shall, on a semiannual basis, review the financial  
21 status and the participation rate in the program. The  
22 director of investment shall also review the continued  
23 viability of the program and the administration of the  
24 program by the board. The director of investment shall  
25 report the findings annually to the board, which shall  
26 subsequently disclose such findings at a public meeting.

27 4. Money accruing to and deposited in individual  
28 scholarship accounts shall not be part of "total state  
29 revenues" as defined in sections 17 and 18 of article X of  
30 the Constitution of the state of Missouri and the  
31 expenditure of such revenues shall not be an expense of  
32 state government under section 20 of article X of the  
33 Constitution of the state of Missouri.

34 5. The provisions of section 23.253 of the Missouri  
35 sunset act shall not apply to sections 135.712 to 135.719  
36 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.

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

19 2. This subsection shall apply to all school years  
20 ending on or before June 30, 2022. Except as provided in  
21 subsections 3 and 4 of this section, the aid payments for  
22 charter schools shall be as described in this subsection.

23 (1) A school district having one or more resident  
24 pupils attending a charter school shall pay to the charter  
25 school an annual amount equal to the product of the charter  
26 school's weighted average daily attendance and the state  
27 adequacy target, multiplied by the dollar value modifier for  
28 the district, plus local tax revenues per weighted average  
29 daily attendance from the incidental and teachers' funds in

30 excess of the performance levy as defined in section 163.011  
31 plus all other state aid attributable to such pupils.

32 (2) The district of residence of a pupil attending a  
33 charter school shall also pay to the charter school any  
34 other federal or state aid that the district receives on  
35 account of such [child] pupil.

36 (3) If the department overpays or underpays the amount  
37 due to the charter school, such overpayment or underpayment  
38 shall be repaid by the [public] charter school or credited  
39 to the [public] charter school in twelve equal payments in  
40 the next fiscal year.

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

43 (5) A school district shall pay the amounts due  
44 pursuant to this subsection as the disbursal agent and no  
45 later than twenty days following the receipt of any such  
46 funds. The department of elementary and secondary education  
47 shall pay the amounts due when it acts as the disbursal  
48 agent within five days of the required due date.

49 3. This subsection shall apply to all school years  
50 ending on or before June 30, 2022. A workplace charter  
51 school shall receive payment for each eligible pupil as  
52 provided under subsection 2 of this section, except that if  
53 the student is not a resident of the district and is  
54 participating in a voluntary interdistrict transfer program,  
55 the payment for such pupils shall be the same as provided  
56 under section 162.1060.

57 4. This subsection shall apply to all school years  
58 ending on or before June 30, 2022. A charter school that  
59 has declared itself as a local educational agency shall  
60 receive from the department of elementary and secondary  
61 education an annual amount equal to the product of the  
62 charter school's weighted average daily attendance and the

63 state adequacy target, multiplied by the dollar value  
64 modifier for the district, plus local tax revenues per  
65 weighted average daily attendance from the incidental and  
66 teachers funds in excess of the performance levy as defined  
67 in section 163.011 plus all other state aid attributable to  
68 such pupils. If a charter school declares itself as a local  
69 educational agency, the department of elementary and  
70 secondary education shall, upon notice of the declaration,  
71 reduce the payment made to the school district by the amount  
72 specified in this subsection and pay directly to the charter  
73 school the annual amount reduced from the school district's  
74 payment.

75 5. This subsection shall apply to all school years  
76 ending on or before June 30, 2022. If a school district  
77 fails to make timely payments of any amount for which it is  
78 the disbursal agent, the state department of elementary and  
79 secondary education shall authorize payment to the charter  
80 school of the amount due pursuant to subsection 2 of this  
81 section and shall deduct the same amount from the next state  
82 school aid apportionment to the owing school district. If a  
83 charter school is paid more or less than the amounts due  
84 pursuant to this section, the amount of overpayment or  
85 underpayment shall be adjusted equally in the next twelve  
86 payments by the school district or the department of  
87 elementary and secondary education, as appropriate. Any  
88 dispute between the school district and a charter school as  
89 to the amount owing to the charter school shall be resolved  
90 by the department of elementary and secondary education, and  
91 the department's decision shall be the final administrative  
92 action for the purposes of review pursuant to chapter 536.  
93 During the period of dispute, the department of elementary  
94 and secondary education shall make every administrative and

95 statutory effort to allow the continued education of  
96 children in their current [public] charter school setting.

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

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

112 (1) Provide evidence of the education service  
113 provider's success in serving student populations similar to  
114 the targeted population, including demonstrated academic  
115 achievement as well as successful management of nonacademic  
116 school functions, if applicable;

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

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

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

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

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

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

144           9. A charter school shall be eligible for  
145 transportation state aid pursuant to section 163.161 and  
146 shall be free to contract with the local district, or any  
147 other entity, for the provision of transportation to the  
148 students of the charter school.

149           10. (1) The proportionate share of state and federal  
150 resources generated by students with disabilities or staff  
151 serving them shall be paid in full to charter schools  
152 enrolling those students by their school district where such  
153 enrollment is through a contract for services described in  
154 this section. The proportionate share of money generated  
155 under other federal or state categorical aid programs shall  
156 be directed to charter schools serving such students  
157 eligible for that aid.

158           (2) A charter school shall provide the special  
159 services provided pursuant to section 162.705 and may

160 provide the special services pursuant to a contract with a  
161 school district or any provider of such services.

162 11. A charter school [may] shall not charge tuition or  
163 impose fees that a school district is prohibited from  
164 charging or imposing, except that a charter school may  
165 receive tuition payments from districts in the same or an  
166 adjoining county for nonresident students who transfer to an  
167 approved charter school, as defined in section 167.895, from  
168 an unaccredited district.

169 12. A charter school is authorized to incur debt in  
170 anticipation of receipt of funds. A charter school may also  
171 borrow to finance facilities and other capital items. A  
172 school district may incur bonded indebtedness or take other  
173 measures to provide for physical facilities and other  
174 capital items for charter schools that it sponsors or  
175 contracts with. Except as otherwise specifically provided  
176 in sections 160.400 to 160.425, upon the dissolution of a  
177 charter school, any liabilities of the corporation will be  
178 satisfied through the procedures of chapter 355. A charter  
179 school shall satisfy all its financial obligations within  
180 twelve months of notice from the sponsor of the charter  
181 school's closure under subsection 8 of section 160.405.  
182 After satisfaction of all its financial obligations, a  
183 charter school shall return any remaining state and federal  
184 funds to the department of elementary and secondary  
185 education for disposition as stated in subdivision (17) of  
186 subsection 1 of section 160.405. The department of  
187 elementary and secondary education may withhold funding at a  
188 level the department determines to be adequate during a  
189 school's last year of operation until the department  
190 determines that school records, liabilities, and reporting  
191 requirements, including a full audit, are satisfied.

192 13. Charter schools shall not have the power to  
193 acquire property by eminent domain.

194 14. The governing [body] board of a charter school is  
195 authorized to accept grants, gifts or donations of any kind  
196 and to expend or use such grants, gifts or donations. A  
197 grant, gift or donation [may] shall not be accepted by the  
198 governing [body] board if it is subject to any condition  
199 contrary to law applicable to the charter school or other  
200 public schools, or contrary to the terms of the charter.

201 15. (1) As used in this subsection, the following  
202 terms mean:

203 (a) "Department", the department of elementary and  
204 secondary education;

205 (b) "Local aid", all local and county revenue received  
206 by the school district and charter schools within the school  
207 district. The term "local aid":

208 a. Includes, but is not limited to, the following:

209 (i) Property taxes and delinquent taxes;

210 (ii) Merchants' and manufacturers' tax revenues;

211 (iii) Financial institutions' tax revenues;

212 (iv) City sales tax revenue, including city sales tax  
213 collected in any city not within a county;

214 (v) Payments in lieu of taxes;

215 (vi) Revenues from state-assessed railroad and  
216 utilities tax; and

217 (vii) Any future aid; and

218 b. Shall not be construed to include:

219 (i) Charitable contributions, gifts, and grants made  
220 to school districts and charter schools;

221 (ii) Interest earnings of school districts and charter  
222 schools;

223 (iii) Student fees paid to school districts and  
224 charter schools;

225 (iv) Debt service authorized by a public vote for the  
226 purpose of making payments on a bond issuance of a school  
227 district;

228 (v) Proposition C revenues received for school  
229 purposes from the school district trust fund under section  
230 163.087; or

231 (vi) Any other funding solely intended for a  
232 particular school district or charter school and its  
233 respective employees, schools, foundations, or organizations.

234 (2) Each charter school and each school district  
235 responsible for distributing local aid to charter schools  
236 under this subsection shall include as part of its annual  
237 independent audit an audit of pupil residency, enrollment,  
238 and attendance in order to verify pupil residency in the  
239 school district or local education agency.

240 (3) A school district having one or more resident  
241 pupils attending a charter school shall pay to the charter  
242 school an annual amount equal to the product of the charter  
243 school's weighted average daily attendance and the state  
244 adequacy target, multiplied by the dollar value modifier for  
245 the district, less the charter school's share of local  
246 effort as defined in section 163.011 plus all other state  
247 aid attributable to such pupils plus local aid received by  
248 the school district divided by the total weighted average  
249 daily attendance of the school district and all charter  
250 schools within the school district per weighted average  
251 daily attendance of the charter school.

252 (4) A charter school that has declared itself a local  
253 educational agency shall receive all state aid calculated  
254 under this subsection from the department and all local aid  
255 calculated under this subsection from the school district.  
256 A charter school shall receive an annual amount equal to the  
257 product of the charter school's weighted average daily

258 attendance and the state adequacy target, multiplied by the  
259 dollar value modifier for the district, less the charter  
260 school's share of local effort as defined in section 163.011  
261 plus all other state aid attributable to such pupils plus  
262 local aid received by the school district divided by the  
263 total weighted average daily attendance of the school  
264 district and all charter schools within the school district  
265 per weighted average daily attendance of the charter school.

266 (5) (a) The school district shall withhold, from the  
267 total of all January local aid payments owed to the charter  
268 schools in the district, an annual administrative fee in an  
269 amount equal to two percent of the prior year's total  
270 funding of the school district, calculated as the school  
271 district's state aid plus the school district's local  
272 effort, as defined in section 163.011, and the prior year's  
273 total funding of the charter schools within the district.  
274 As used in this subdivision, "state aid" means the product  
275 of the school district's weighted average daily attendance  
276 and the state adequacy target, multiplied by the dollar  
277 value modifier for the district, less the school district's  
278 share of local effort as defined in section 163.011.

279 (b) On or before December thirty-first of each year,  
280 the school district shall transmit to the department the  
281 total annual local aid calculation described in subdivision  
282 (6) of this subsection. If the school district fails to  
283 transmit the annual local aid calculation to the department,  
284 the school district shall not withhold the administrative  
285 fee.

286 (c) The department shall calculate the administrative  
287 fee under the formula in this subdivision using data from  
288 the previous school year. On or before January fifteenth of  
289 the following year, the department shall transmit to the  
290 school district the calculation of the administrative fee

291 and make such calculation publicly available on the  
292 department's website.

293 (6) Each month the school district shall calculate the  
294 amount of local aid received by the school district that is  
295 owed to the charter school by the school district under this  
296 subsection. The school district shall pay to the charter  
297 school the amount of local aid owed to the charter school,  
298 as calculated by the school district using the previous  
299 month's weighted average daily attendance of the charter  
300 school. If any payment of local aid is due, the school  
301 district shall make monthly payments on the twenty-first day  
302 of each month or upon the closest business day beginning in  
303 July of each year.

304 (a) If the school district fails to make timely  
305 payment, the department shall impose any penalty the  
306 department deems appropriate.

307 (b) The school district shall, as part of its annual  
308 audit as required by section 165.111, include a report  
309 converting the local aid received from an accrual basis to a  
310 cash basis. Such report shall be made publicly available on  
311 its district website in a searchable format or as a  
312 downloadable and searchable document.

313 (7) The department shall conduct an annual review of  
314 any payments made in the previous fiscal year under  
315 subdivision (6) of this subsection to determine if there has  
316 been any underpayment or overpayment. The annual review, to  
317 be conducted in January of each year, shall include a  
318 calculation of the amount of local aid owed to charter  
319 schools using the first preceding year's annual audit  
320 required by section 165.111. The school district shall pay  
321 to the charter school the amount of local aid owed to the  
322 charter school as calculated by the department. In the  
323 event of an underpayment, the school district shall remit

324 the underpayment amount to the charter school. In the event  
325 of an overpayment, the charter school shall remit the  
326 overpayment amount to the school district.

327 (a) If the school district fails to remit any  
328 underpayment amount to the charter school within thirty days  
329 of notification of the underpayment amount, the department  
330 shall impose any penalty the department deems appropriate.

331 (b) If the charter school fails to remit any  
332 overpayment amount to the school district within thirty days  
333 of notification of the overpayment amount, the department  
334 shall impose any penalty the department deems appropriate.

335 (8) If a prior year correction of the amount of local  
336 aid is necessary, the school district shall recalculate the  
337 amount owed to a charter school and either remit any  
338 underpayment amount to the charter school or provide a bill  
339 to the charter school for any overpayment amount. Any  
340 underpayment or overpayment amount shall be remitted under  
341 the schedules in paragraphs (a) and (b) of subdivision (7)  
342 of this subsection.

343 (9) This subsection shall become effective on July 1,  
344 2022.

345 16. The department may promulgate rules for the annual  
346 review of payments and any penalties to be assessed under  
347 subsection 15 of this section. Any rule or portion of a  
348 rule, as that term is defined in section 536.010, that is  
349 created under the authority delegated in this section shall  
350 become effective only if it complies with and is subject to  
351 all of the provisions of chapter 536 and, if applicable,  
352 section 536.028. This section and chapter 536 are  
353 nonseverable, and if any of the powers vested with the  
354 general assembly pursuant to chapter 536 to review, to delay  
355 the effective date, or to disapprove and annul a rule are  
356 subsequently held unconstitutional, then the grant of

357 rulemaking authority and any rule proposed or adopted after  
358 August 28, 2021, shall be invalid and void.

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. Sponsorship funding due to the commission  
55 shall be deposited to the credit of the charter public  
56 school commission revolving fund created pursuant to this  
57 section.

58           7. Charter schools sponsored by the commission shall  
59 comply with all of the requirements applicable to charter  
60 schools under sections 160.400 to 160.425.

61           8. The commission shall conduct its business in  
62 accordance with chapter 610.

63           9. The department of elementary and secondary  
64 education shall provide start-up funding for the commission  
65 to operate. The commission shall reimburse the department's  
66 costs from any funds it receives as sponsor under section  
67 160.400.

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

74           11. There is hereby created in the state treasury the  
75 "Charter Public School Commission Revolving Fund", which  
76 shall consist of moneys collected under this section. The  
77 state treasurer shall be custodian of the fund. In  
78 accordance with sections 30.170 and 30.180, the state  
79 treasurer may approve disbursements. Notwithstanding the  
80 provisions of section 33.080 to the contrary, any moneys  
81 remaining in the fund at the end of the biennium shall not  
82 revert to the credit of the general revenue fund. The state  
83 treasurer shall invest moneys in the fund in the same manner  
84 as other funds are invested. Subject to appropriation,  
85 moneys in the fund shall be used solely for the  
86 administration of this section.

          160.518. 1. Consistent with the provisions contained  
2 in section 160.526, the state board of education shall  
3 develop, modify, and revise, as necessary, a statewide  
4 assessment system [that provides maximum flexibility] for  
5 local school districts to determine the degree to which  
6 students in the public schools of the state are proficient  
7 in the knowledge, skills, and competencies adopted by such

8 board pursuant to section 160.514. The statewide assessment  
9 system shall assess problem solving, analytical ability,  
10 evaluation, creativity, and application ability in the  
11 different content areas and shall be performance-based to  
12 identify what students know, as well as what they are able  
13 to do, and shall enable teachers to evaluate actual academic  
14 performance. The statewide assessment system shall neither  
15 promote nor prohibit rote memorization and shall not include  
16 existing versions of tests approved for use pursuant to the  
17 provisions of section 160.257, nor enhanced versions of such  
18 tests. After the state board of education adopts and  
19 implements academic performance standards as required under  
20 section 161.855, the state board of education shall develop  
21 and adopt a standardized assessment instrument under this  
22 section based on the academic performance standards adopted  
23 under section 161.855. The statewide assessment system  
24 shall measure, where appropriate by grade level, a student's  
25 knowledge of academic subjects including, but not limited  
26 to, reading skills, writing skills, mathematics skills,  
27 world and American history, forms of government, geography  
28 and science.

29 2. [The statewide assessment system shall only permit  
30 the academic performance of students in each school in the  
31 state to be tracked against prior academic performance in  
32 the same school.

33 3.] The state board of education shall suggest, but not  
34 mandate, criteria for a school to demonstrate that its  
35 students learn the knowledge, skills and competencies at  
36 exemplary levels worthy of imitation by students in other  
37 schools in the state and nation. Exemplary levels shall be  
38 measured by the statewide assessment system developed  
39 pursuant to subsection 1 of this section, or until said  
40 statewide assessment system is available, by indicators

41 approved for such use by the state board of education. The  
42 provisions of other law to the contrary notwithstanding, the  
43 commissioner of education may, upon request of the school  
44 district, present a plan for the waiver of rules and  
45 regulations to any such school, to be known as "Outstanding  
46 Schools Waivers", consistent with the provisions of  
47 subsection [4] 3 of this section.

48 [4.] 3. For any school that meets the criteria  
49 established by the state board of education for three  
50 successive school years pursuant to the provisions of  
51 subsection [3] 2 of this section, by August first following  
52 the third such school year, the commissioner of education  
53 shall present a plan to the superintendent of the school  
54 district in which such school is located for the waiver of  
55 rules and regulations to promote flexibility in the  
56 operations of the school and to enhance and encourage  
57 efficiency in the delivery of instructional services. The  
58 provisions of other law to the contrary notwithstanding, the  
59 plan presented to the superintendent shall provide a summary  
60 waiver, with no conditions, for the pupil testing  
61 requirements pursuant to section 160.257, in the school.  
62 Further, the provisions of other law to the contrary  
63 notwithstanding, the plan shall detail a means for the  
64 waiver of requirements otherwise imposed on the school  
65 related to the authority of the state board of education to  
66 classify school districts pursuant to subdivision (9) of  
67 subsection 2 of section 161.092 and such other rules and  
68 regulations as determined by the commissioner of education,  
69 excepting such waivers shall be confined to the school and  
70 not other schools in the district unless such other schools  
71 meet the criteria established by the state board of  
72 education consistent with subsection [3] 2 of this section  
73 and the waivers shall not include the requirements contained

74 in this section and section 160.514. Any waiver provided to  
75 any school as outlined in this subsection shall be void on  
76 June thirtieth of any school year in which the school fails  
77 to meet the criteria established by the state board of  
78 education consistent with subsection ~~[3]~~ 2 of this section.

79 ~~[5.]~~ 4. The score on any assessment test developed  
80 pursuant to this section or this chapter of any student for  
81 whom English is a second language shall not be counted until  
82 such time as such student has been educated for three full  
83 school years in a school in this state, or in any other  
84 state, in which English is the primary language.

85 ~~[6.]~~ 5. The state board of education shall identify  
86 or, if necessary, establish one or more developmentally  
87 appropriate alternate assessments for students who receive  
88 special educational services, as that term is defined  
89 pursuant to section 162.675. In the development of such  
90 alternate assessments, the state board shall establish an  
91 advisory panel consisting of a majority of active special  
92 education teachers residing in Missouri and other education  
93 professionals as appropriate to research available  
94 assessment options. The advisory panel shall attempt to  
95 identify preexisting developmentally appropriate alternate  
96 assessments but shall, if necessary, develop alternate  
97 assessments and recommend one or more alternate assessments  
98 for adoption by the state board. The state board shall  
99 consider the recommendations of the advisory council in  
100 establishing such alternate assessment or assessments. Any  
101 student who receives special educational services, as that  
102 term is defined pursuant to section 162.675, shall be  
103 assessed by an alternate assessment established pursuant to  
104 this subsection upon a determination by the student's  
105 individualized education program team that such alternate  
106 assessment is more appropriate to assess the student's

107 knowledge, skills and competencies than the assessment  
108 developed pursuant to subsection 1 of this section. The  
109 alternate assessment shall evaluate the student's  
110 independent living skills, which include how effectively the  
111 student addresses common life demands and how well the  
112 student meets standards for personal independence expected  
113 for someone in the student's age group, sociocultural  
114 background, and community setting.

115 [7.] 6. The state board of education shall also  
116 develop recommendations regarding alternate assessments for  
117 any military dependent who relocates to Missouri after the  
118 commencement of a school term, in order to accommodate such  
119 student while ensuring that [he or she] such student is  
120 proficient in the knowledge, skills, and competencies  
121 adopted under section 160.514.

160.545. 1. There is hereby established within the  
2 department of elementary and secondary education the "A+  
3 Schools Program" to be administered by the commissioner of  
4 education. The program shall consist of grant awards made  
5 to public secondary schools that demonstrate a commitment to  
6 ensure that:

7 (1) All students be graduated from school;

8 (2) All students complete a selection of high school  
9 studies that is challenging and for which there are  
10 identified learning expectations; and

11 (3) All students:

12 (a) Earn credits toward any type of college degree  
13 while in high school; or

14 (b) Proceed from high school graduation to a college  
15 or postsecondary vocational or technical school or high-wage  
16 job with work place skill development opportunities.

17           2. The state board of education shall promulgate rules  
18 and regulations for the approval of grants made under the  
19 program to schools that:

20           (1) Establish measurable districtwide performance  
21 standards for the goals of the program outlined in  
22 subsection 1 of this section; and

23           (2) Specify the knowledge, skills and competencies, in  
24 measurable terms, that students must demonstrate to  
25 successfully complete any individual course offered by the  
26 school, and any course of studies [which] that will qualify  
27 a student for graduation from the school; and

28           (3) Do not offer a general track of courses that, upon  
29 completion, can lead to a high school diploma; and

30           (4) Require rigorous coursework with standards of  
31 competency in basic academic subjects for students pursuing  
32 vocational and technical education as prescribed by rule and  
33 regulation of the state board of education; and

34           (5) Have a partnership plan developed in cooperation  
35 and with the advice of local business persons, labor  
36 leaders, parents, and representatives of college and  
37 postsecondary vocational and technical school  
38 representatives, with the plan then approved by the local  
39 board of education. The plan shall specify a mechanism to  
40 receive information on an annual basis from those who  
41 developed the plan in addition to senior citizens, community  
42 leaders, and teachers to update the plan in order to best  
43 meet the goals of the program as provided in subsection 1 of  
44 this section. Further, the plan shall detail the procedures  
45 used in the school to identify students that may drop out of  
46 school and the intervention services to be used to meet the  
47 needs of such students. The plan shall outline counseling  
48 and mentoring services provided to students who will enter  
49 the work force upon graduation from high school, address

50 apprenticeship and intern programs, and shall contain  
51 procedures for the recruitment of volunteers from the  
52 community of the school to serve in schools receiving  
53 program grants.

54         3. Any nonpublic school in this state may apply to the  
55 state board of education for certification that it meets the  
56 requirements of this section subject to the same criteria as  
57 public high schools. Every nonpublic school that applies  
58 and has met the requirements of this section shall have its  
59 students eligible for reimbursement of postsecondary  
60 education under subsection 8 of this section on an equal  
61 basis to students who graduate from public schools that meet  
62 the requirements of this section. Any nonpublic school that  
63 applies shall not be eligible for any grants under this  
64 section. Students of certified nonpublic schools shall be  
65 eligible for reimbursement of postsecondary education under  
66 subsection 8 of this section so long as they meet the other  
67 requirements of such subsection. For purposes of  
68 subdivision (5) of subsection 2 of this section, the  
69 nonpublic school shall be included in the partnership plan  
70 developed by the public school district in which the  
71 nonpublic school is located. For purposes of subdivision  
72 (1) of subsection 2 of this section, the nonpublic school  
73 shall establish measurable performance standards for the  
74 goals of the program for every school and grade level over  
75 which the nonpublic school maintains control.

76         4. A school district may participate in the program  
77 irrespective of its accreditation classification by the  
78 state board of education, provided it meets all other  
79 requirements.

80         5. By rule and regulation, the state board of  
81 education may determine a local school district variable  
82 fund match requirement in order for a school or schools in

83 the district to receive a grant under the program. However,  
84 no school in any district shall receive a grant under the  
85 program unless the district designates a salaried employee  
86 to serve as the program coordinator, with the district  
87 assuming a minimum of one-half the cost of the salary and  
88 other benefits provided to the coordinator. Further, no  
89 school in any district shall receive a grant under the  
90 program unless the district makes available facilities and  
91 services for adult literacy training as specified by rule of  
92 the state board of education.

93 6. For any school that meets the requirements for the  
94 approval of the grants authorized by this section and  
95 specified in subsection 2 of this section for three  
96 successive school years, by August first following the third  
97 such school year, the commissioner of education shall  
98 present a plan to the superintendent of the school district  
99 in which such school is located for the waiver of rules and  
100 regulations to promote flexibility in the operations of the  
101 school and to enhance and encourage efficiency in the  
102 delivery of instructional services in the school. The  
103 provisions of other law to the contrary notwithstanding, the  
104 plan presented to the superintendent shall provide a summary  
105 waiver, with no conditions, for the pupil testing  
106 requirements pursuant to section 160.257 in the school.  
107 Further, the provisions of other law to the contrary  
108 notwithstanding, the plan shall detail a means for the  
109 waiver of requirements otherwise imposed on the school  
110 related to the authority of the state board of education to  
111 classify school districts pursuant to subdivision (9) of  
112 subsection 2 of section 161.092 and such other rules and  
113 regulations as determined by the commissioner of education,  
114 except such waivers shall be confined to the school and not  
115 other schools in the school district unless such other

116 schools meet the requirements of this subsection. However,  
117 any waiver provided to any school as outlined in this  
118 subsection shall be void on June thirtieth of any school  
119 year in which the school fails to meet the requirements for  
120 the approval of the grants authorized by this section as  
121 specified in subsection 2 of this section.

122 7. For any school year, grants authorized by  
123 subsections 1, 2, and 5 of this section shall be funded with  
124 the amount appropriated for this program, less those funds  
125 necessary to reimburse eligible students pursuant to  
126 subsection 8 or 9 of this section.

127 8. The department of higher education and workforce  
128 development shall, by rule, establish a procedure for the  
129 reimbursement of the cost of tuition, books and fees to any  
130 public community college or vocational or technical school  
131 or within the limits established in subsection 11 of this  
132 section for any two-year private vocational or technical  
133 school for any student:

134 (1) Who has attended a high school in the state for at  
135 least two years that meets the requirements of subsection 2  
136 of this section and who has graduated from such a school;  
137 except that, students who are active duty military  
138 dependents, and students who are dependents of retired  
139 military who relocate to Missouri within one year of the  
140 date of the parent's retirement from active duty who meet  
141 all other requirements of this subsection and are attending  
142 a school that meets the requirements of subsection 2 of this  
143 section shall be exempt from the two-year attendance  
144 requirement of this subdivision; and

145 (2) Who has made a good faith effort to first secure  
146 all available federal sources of funding that could be  
147 applied to the reimbursement described in this subsection;  
148 and

149           (3) Who has earned a minimal grade average while in  
150 high school or through the semester immediately before  
151 taking the course for which reimbursement is sought as  
152 determined by rule of the department of higher education and  
153 workforce development, and other requirements for the  
154 reimbursement authorized by this subsection as determined by  
155 rule and regulation of the department; and

156           (4) Who is a citizen or permanent resident of the  
157 United States.

158           9. The department of higher education and workforce  
159 development shall, by rule, establish a procedure for the  
160 reimbursement of the cost of tuition, and fees for any dual-  
161 credit or dual-enrollment course offered to a student in  
162 high school in association with an institution of higher  
163 education or vocational or technical school, subject to the  
164 requirements of subsection 11 of this section, for any  
165 student who meets the requirements established in subsection  
166 8 of this section immediately before taking the course for  
167 which reimbursement is sought.

168           10. The commissioner of education shall develop a  
169 procedure for evaluating the effectiveness of the program  
170 described in this section. Such evaluation shall be  
171 conducted annually with the results of the evaluation  
172 provided to the governor, speaker of the house, and  
173 president pro tempore of the senate.

174           11. For a two-year private vocational or technical  
175 school to obtain reimbursements under subsection 8 or 9 of  
176 this section, the following requirements shall be satisfied:

177           (1) Such two-year private vocational or technical  
178 school shall be a member of the North Central Association  
179 and be accredited by the Higher Learning Commission as of  
180 July 1, 2008, and maintain such accreditation;

181 (2) Such two-year private vocational or technical  
182 school shall be designated as a 501(c)(3) nonprofit  
183 organization under the Internal Revenue Code of 1986, as  
184 amended;

185 (3) No two-year private vocational or technical school  
186 shall receive tuition reimbursements in excess of the  
187 tuition rate charged by a public community college for  
188 course work offered by the private vocational or technical  
189 school within the service area of such college; and

190 (4) The reimbursements provided to any two-year  
191 private vocational or technical school shall not violate the  
192 provisions of Article IX, Section 8, or Article I, Section  
193 7, of the Missouri Constitution or the first amendment of  
194 the United States Constitution.

195 12. The department of higher education and workforce  
196 development shall distribute reimbursements in the following  
197 manner:

198 (1) To community college or vocational or technical  
199 school students;

200 (2) After all students from subdivision (1) of this  
201 subsection have been reimbursed, to any dual-credit or dual-  
202 enrollment student on the basis of financial need.

2 161.092. 1. As used in this section, "attendance  
3 center" means any individual public elementary or secondary  
4 school or charter school.

5 2. The state board of education shall:

6 (1) Adopt rules governing its own proceedings and  
7 formulate policies for the guidance of the commissioner of  
8 education and the department of elementary and secondary  
9 education;

10 (2) Carry out the educational policies of the state  
11 relating to [public schools] attendance centers and school  
districts that are provided by law and supervise instruction

12 in the [public schools] attendance centers and school  
13 districts;

14 (3) Direct the investment of all moneys received by  
15 the state to be applied to the capital of any permanent fund  
16 established for the support of public education within the  
17 jurisdiction of the department of elementary and secondary  
18 education and see that the funds are applied to the branches  
19 of educational interest of the state that by grant, gift,  
20 devise or law they were originally intended, and if  
21 necessary institute suit for and collect the funds and  
22 return them to their legitimate channels;

23 (4) Cause to be assembled information which will  
24 reflect continuously the condition and management of the  
25 [public schools] attendance centers and school districts of  
26 the state;

27 (5) Require of county clerks or treasurers, boards of  
28 education or other [school] attendance center or school  
29 district officers, recorders and treasurers of cities, towns  
30 and villages, copies of all records required to be made by  
31 them and all other information in relation to the funds and  
32 condition of [schools] attendance centers and school  
33 districts and the management thereof that is deemed  
34 necessary;

35 (6) Provide blanks suitable for use by officials in  
36 reporting the information required by the board;

37 (7) When conditions demand, cause the laws relating to  
38 [schools] attendance centers and school districts to be  
39 published in a separate volume, with pertinent notes and  
40 comments, for the guidance of those charged with the  
41 execution of the laws;

42 (8) Grant, without fee except as provided in section  
43 168.021, certificates of qualification and licenses to teach  
44 in any of the [public schools] attendance centers or school

45 districts of the state, establish requirements therefor,  
46 formulate regulations governing the issuance thereof, and  
47 cause the certificates to be revoked for the reasons and in  
48 the manner provided in section 168.071;

49 (9) Classify the [public schools] attendance centers  
50 and school districts of the state, subject to limitations  
51 provided by law and subdivision (14) of this [section]  
52 subsection, establish requirements for the [schools]  
53 attendance centers of each class, and formulate rules  
54 governing the inspection and accreditation of [schools]  
55 attendance centers and school districts preparatory to  
56 classification, with such requirements taking effect not  
57 less than [two years] one year from the date of adoption of  
58 the proposed rule by the state board of education, provided  
59 that this condition shall not apply to any requirement for  
60 which a time line for adoption is mandated in either federal  
61 or state law. Such rules shall include a process to allow  
62 any attendance center or school district that is accredited  
63 without provision that does not meet the state board's  
64 promulgated criteria for a classification designation of  
65 accredited with distinction to propose alternative criteria,  
66 subject to the limitations provided in subdivision (14) of  
67 this subsection, to the state board to be classified as  
68 accredited with distinction;

69 (10) Make an annual report on or before the first  
70 Wednesday after the first day of January to the general  
71 assembly or, when it is not in session, to the governor for  
72 publication and transmission to the general assembly. The  
73 report shall be for the last preceding school year, and  
74 shall include:

75 (a) A statement of the number of [public schools]  
76 attendance centers in the state~~[, ]~~; the number of pupils

77 attending the [schools,] attendance centers; their sex,  
78 race, and ethnicity; and the branches taught;

79 (b) A statement of the number of teachers employed[,];  
80 their sex, race, and ethnicity; their professional  
81 training[,]; and their average salary;

82 (c) A statement of the receipts and disbursements of  
83 [public school] attendance center and school district funds  
84 of every description, their sources, and the purposes for  
85 which they were disbursed;

86 (d) Research-based and cited suggestions for the  
87 improvement of [public schools] attendance centers and  
88 school districts; and

89 (e) Any other information relative to the educational  
90 interests of the state that the law requires or the board  
91 deems important;

92 (11) Make an annual report to the general assembly and  
93 the governor concerning coordination with other agencies and  
94 departments of government that support family literacy  
95 programs and other services [which] that influence  
96 educational attainment of children of all ages;

97 (12) Require from the chief officer of each division  
98 of the department of elementary and secondary education, on  
99 or before the thirty-first day of August of each year,  
100 reports containing information the board deems important and  
101 desires for publication;

102 (13) Cause fifty copies of its annual report to be  
103 reserved for the use of each division of the state  
104 department of elementary and secondary education, and ten  
105 copies for preservation in the state library;

106 (14) Promulgate rules under which the board shall  
107 classify the [public schools] attendance centers and school  
108 districts of the state; provided that:

109           (a) For purposes of accreditation, such  
110 classifications shall include only the categories of  
111 unaccredited, provisionally accredited, accredited, and  
112 accredited with distinction;

113           (b) At least seventy percent of any rubric or scoring  
114 methodology used to make an accreditation determination  
115 shall be based on academic performance as measured by  
116 achievement on state standardized tests and measures of  
117 student growth;

118           (c) Any attendance center or school district  
119 performing in the bottom ten percent of the state  
120 distribution of accreditation scores shall be classified as  
121 unaccredited;

122           (d) Any attendance center or school district  
123 performing in the bottom twenty-five percent of the state  
124 distribution of accreditation scores shall be classified as  
125 provisionally accredited or unaccredited;

126           (e) Only attendance centers or school districts  
127 performing in the top ten percent of the total accreditation  
128 score shall be classified as accredited with distinction; and

129           (f) The appropriate scoring guides, instruments, and  
130 procedures used in determining the accreditation status of  
131 [a] an attendance center or school district shall be subject  
132 to a public meeting upon notice in a newspaper of general  
133 circulation in each of the three most populous cities in the  
134 state and also a newspaper that is a certified minority  
135 business enterprise or woman-owned business enterprise in  
136 each of the two most populous cities in the state, and  
137 notice to each attendance center and each school district  
138 board of education, each superintendent of a school  
139 district, and to the speaker of the house of  
140 representatives, the president pro tem of the senate, and  
141 the members of the joint committee on education, at least

142 fourteen days in advance of the meeting, which shall be  
143 conducted by the department of elementary and secondary  
144 education not less than ninety days prior to their  
145 application in accreditation, with all comments received to  
146 be reported to the state board of education;

147 (15) Have other powers and duties prescribed by law.

148 3. Rules promulgated under this section shall address  
149 the following:

150 (1) Rules relating to academic achievement and  
151 academic performance under paragraph (b) of subdivision (14)  
152 of subsection 2 of this section shall require that:

153 (a) Academic growth shall account for no less than  
154 forty percent of the total accreditation score;

155 (b) Points shall be awarded for statistically  
156 significant positive growth only if such growth has a normal  
157 curve equivalent of greater than fifty; and

158 (c) The total academic performance shall be computed  
159 by dividing the points gained for academic achievement and  
160 the points gained for academic growth by the total possible  
161 points in each category and adding the two quotients;

162 (2) Rules related to local educational agencies under  
163 paragraph (c) of subdivision (14) of subsection 2 of this  
164 section shall require that:

165 (a) For every unaccredited attendance center, the  
166 local education agency in partnership with independent  
167 school improvement experts shall produce a research-based  
168 improvement plan to achieve at least provisional  
169 accreditation in collaboration with parents and teachers.  
170 Such plan shall be presented to the school district board or  
171 the governing board no later than sixty days after the  
172 designation is received. Plans shall contain three-year  
173 goals for math and reading proficiency and three-year goals

174 for growth by subgroup and by grade level, and shall be  
175 approved by the school district board or governing board;

176 (b) Local education agencies shall be encouraged to  
177 place unaccredited schools into an innovation zone governed  
178 by a nonprofit board and to partner with nonprofit  
179 organizations with expertise in school redesign and  
180 improvement. Any attendance center that is a charter school  
181 and that is unaccredited for four consecutive years shall be  
182 reconstituted in partnership with an accredited charter  
183 organization or be closed; and

184 (c) Any local education agency with fifty percent or  
185 more of its attendance centers classified as unaccredited  
186 shall be classified only as "unaccredited";

187 (3) Rules related to local educational agencies under  
188 paragraph (d) of subdivision (14) of subsection 2 of this  
189 section shall require that:

190 (a) For every provisionally accredited attendance  
191 center, the local education agency in partnership with  
192 independent school improvement experts shall produce a  
193 research-based improvement plan to achieve accreditation in  
194 collaboration with parents and teachers. Such plan shall be  
195 presented to the school district board or governing board no  
196 later than sixty days after the designation is received.

197 Plans shall contain three-year goals for math and reading  
198 proficiency and three-year goals for growth by subgroup and  
199 grade level, and shall be approved by the school district  
200 board or governing board;

201 (b) Local education agencies shall be encouraged to  
202 place provisionally accredited schools into an innovation  
203 zone governed by a nonprofit board and to partner with  
204 nonprofit organizations with expertise in school redesign  
205 and improvement;

206 (c) Local education agencies provide students  
207 attending any attendance center that has been provisionally  
208 accredited for five consecutive years the option to transfer  
209 to an accredited attendance center within the district; and

210 (d) Any local education agency with fifty percent or  
211 more of its attendance centers classified as provisionally  
212 accredited or unaccredited shall be classified only as  
213 provisionally accredited or unaccredited. Any local  
214 education agency with twenty-five percent or more of its  
215 attendance centers classified as unaccredited shall be  
216 classified only as provisionally accredited or unaccredited;  
217 and

218 (4) Rules relating to attendance centers or school  
219 districts classified as accredited with distinction under  
220 paragraph (e) of subdivision (14) of subsection 2 of this  
221 section shall require the department of elementary and  
222 secondary education to recognize and publish, on its own or  
223 in partnership, the top ten percent of attendance centers as  
224 measured by statistically significant academic growth in  
225 both mathematics and reading as "fast improving schools" and  
226 to produce an annual report highlighting the lessons from  
227 these schools so that others may learn about the practices  
228 that are driving learning growth.

161.097. 1. The state board of education shall  
2 establish standards and procedures by which it will evaluate  
3 all teacher training institutions in this state for the  
4 approval of teacher education programs. The state board of  
5 education shall not require teacher training institutions to  
6 meet national or regional accreditation as a part of its  
7 standards and procedures in making those evaluations, but it  
8 may accept such accreditations in lieu of such approval if  
9 standards and procedures set thereby are at least as  
10 stringent as those set by the board. The state board of

11 education's standards and procedures for evaluating teacher  
12 training institutions shall equal or exceed those of  
13 national or regional accrediting associations.

14 2. There is hereby established within the department  
15 of elementary and secondary education the "Missouri Advisory  
16 Board for Educator Preparation", hereinafter referred to as  
17 "MABEP". The MABEP shall advise the state board of  
18 education and the coordinating board for higher education  
19 regarding matters of mutual interest in the area of quality  
20 educator preparation programs in Missouri.

21 3. Upon approval by the state board of education of  
22 the teacher education program at a particular teacher  
23 training institution, any person who graduates from that  
24 program, and who meets other requirements which the state  
25 board of education shall prescribe by rule, regulation and  
26 statute shall be granted a certificate or license to teach  
27 in the public schools of this state. However, no such rule  
28 or regulation shall require that the program from which the  
29 person graduates be accredited by any national or regional  
30 accreditation association.

31 4. The state board of education shall require literacy  
32 and reading instruction coursework for teacher education  
33 programs aligned to certification in early childhood  
34 education, elementary education, middle school education  
35 with subject area certification in language arts, secondary  
36 education with subject area certification in English,  
37 special reading, and special education to include training  
38 in:

39 (1) The core components of reading, such as phonemic  
40 awareness, phonics, fluency, comprehension, morphology,  
41 syntax, and vocabulary;

42 (2) Oral and written language development;

43           (3) Identification of reading deficiencies, dyslexia,  
44 and other language difficulties; and

45           (4) The administration and interpretation of  
46 assessments and how to translate assessment results into  
47 effective practice in the classroom specific to the needs of  
48 students.

49           5. Any rule or portion of a rule, as that term is  
50 defined in section 536.010, that is created under the  
51 authority delegated in this section shall become effective  
52 only if it complies with and is subject to all of the  
53 provisions of chapter 536 and, if applicable, section  
54 536.028. This section and chapter 536 are nonseverable and  
55 if any of the powers vested with the general assembly  
56 pursuant to chapter 536 to review, to delay the effective  
57 date, or to disapprove and annul a rule are subsequently  
58 held unconstitutional, then the grant of rulemaking  
59 authority and any rule proposed or adopted after August 28,  
60 2014, shall be invalid and void.

162.084. If any attendance center, individual public  
2 elementary or secondary school, charter school, or school  
3 district is classified or reclassified as provisionally  
4 accredited or unaccredited, such attendance center, school,  
5 or district shall mail a letter to the parents and guardians  
6 of each student in such attendance center, school, or  
7 district informing such parents and guardians:

8           (1) That the attendance center, school, or district is  
9 classified as provisionally accredited or unaccredited;

10           (2) What options are available to such students as a  
11 result of the classification or reclassification; and

12           (3) What plans the attendance center, school, or  
13 district has for school improvement including, but not  
14 limited to, academic proficiency and growth goals in reading  
15 and math for the next three years.

162.720. 1. (1) This subdivision shall apply to all  
2 school years ending on or before June 30, 2023. Where a  
3 sufficient number of children are determined to be gifted  
4 and their development requires programs or services beyond  
5 the level of those ordinarily provided in regular public  
6 school programs, districts may establish special programs  
7 for such gifted children.

8 (2) For all school years beginning on or after July 1,  
9 2023, if three percent or more of students enrolled in a  
10 school district are determined to be gifted and their  
11 development requires programs or services beyond the level  
12 of those ordinarily provided in regular public school  
13 programs, the district shall establish a state-approved  
14 gifted program for gifted children.

15 2. For all school years beginning on or after July 1,  
16 2023, any teacher providing gifted services to students in  
17 districts with an average daily attendance of more than  
18 three hundred fifty students shall be certificated in gifted  
19 education. In districts with an average daily attendance of  
20 three hundred fifty students or fewer, any teacher providing  
21 gifted services shall not be required to be certificated to  
22 teach gifted education but such teacher shall annually  
23 participate in at least six clock hours of professional  
24 development focused on gifted services.

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

32 **[3.]** 4. No district shall make a determination as to  
33 whether a child is gifted based on the child's participation

34 in an advanced placement course or international  
35 baccalaureate course. Districts shall determine a child is  
36 gifted only if the child meets the definition of gifted  
37 children as provided in section 162.675.

38 [4.] 5. Any district with a gifted education program  
39 approved under subsection [2] 3 of this section shall have a  
40 policy, approved by the board of education of the district,  
41 that establishes a process that outlines the procedures and  
42 conditions under which parents or guardians may request a  
43 review of the decision that determined that their child did  
44 not qualify to receive services through the district's  
45 gifted education program.

46 [5.] 6. School districts and school district employees  
47 shall be immune from liability for any and all acts or  
48 omissions relating to the decision that a child did not  
49 qualify to receive services through the district's gifted  
50 education program.

51 7. The department of elementary and secondary  
52 education may promulgate rules to implement the provisions  
53 of this section and may develop a process to certify  
54 teachers in gifted education. Any rule or portion of a  
55 rule, as that term is defined in section 536.010, that is  
56 created under the authority delegated in this section shall  
57 become effective only if it complies with and is subject to  
58 all of the provisions of chapter 536 and, if applicable,  
59 section 536.028. This section and chapter 536 are  
60 nonseverable and if any of the powers vested with the  
61 general assembly pursuant to chapter 536 to review, to delay  
62 the effective date, or to disapprove and annul a rule are  
63 subsequently held unconstitutional, then the grant of  
64 rulemaking authority and any rule proposed or adopted after  
65 August 28, 2021, shall be invalid and void.

163.011. As used in this chapter unless the context  
2 requires otherwise:

3 (1) "Adjusted operating levy", the sum of tax rates  
4 for the current year for teachers' and incidental funds for  
5 a school district as reported to the proper officer of each  
6 county pursuant to section 164.011;

7 (2) "Average daily attendance", the quotient or the  
8 sum of the quotients obtained by dividing the total number  
9 of hours attended in a term by resident pupils between the  
10 ages of five and twenty-one by the actual number of hours  
11 school was in session in that term. To the average daily  
12 attendance of the following school term shall be added the  
13 full-time equivalent average daily attendance of summer  
14 school students. "Full-time equivalent average daily  
15 attendance of summer school students" shall be computed by  
16 dividing the total number of hours, except for physical  
17 education hours that do not count as credit toward  
18 graduation for students in grades nine, ten, eleven, and  
19 twelve, attended by all summer school pupils by the number  
20 of hours required in section 160.011 in the school term.  
21 For purposes of determining average daily attendance under  
22 this subdivision, the term "resident pupil" shall include  
23 all children between the ages of five and twenty-one who are  
24 residents of the school district and who are attending  
25 kindergarten through grade twelve in such district. If a  
26 child is attending school in a district other than the  
27 district of residence and the child's parent is teaching in  
28 the school district or is a regular employee of the school  
29 district which the child is attending, then such child shall  
30 be considered a resident pupil of the school district which  
31 the child is attending for such period of time when the  
32 district of residence is not otherwise liable for tuition.  
33 Average daily attendance for students below the age of five

34 years for which a school district may receive state aid  
35 based on such attendance shall be computed as regular school  
36 term attendance unless otherwise provided by law;

37 (3) "Current operating expenditures":

38 (a) For the fiscal year 2007 calculation, "current  
39 operating expenditures" shall be calculated using data from  
40 fiscal year 2004 and shall be calculated as all expenditures  
41 for instruction and support services except capital outlay  
42 and debt service expenditures minus the revenue from federal  
43 categorical sources; food service; student activities;  
44 categorical payments for transportation costs pursuant to  
45 section 163.161; state reimbursements for early childhood  
46 special education; the career ladder entitlement for the  
47 district, as provided for in sections 168.500 to 168.515;  
48 the vocational education entitlement for the district, as  
49 provided for in section 167.332; and payments from other  
50 districts;

51 (b) In every fiscal year subsequent to fiscal year  
52 2007, current operating expenditures shall be the amount in  
53 paragraph (a) of this subdivision plus any increases in  
54 state funding pursuant to sections 163.031 and 163.043  
55 subsequent to fiscal year 2005, not to exceed five percent,  
56 per recalculation, of the state revenue received by a  
57 district in the 2004-05 school year from the foundation  
58 formula, line 14, gifted, remedial reading, exceptional  
59 pupil aid, fair share, and free textbook payments for any  
60 district from the first preceding calculation of the state  
61 adequacy target;

62 (4) "District's tax rate ceiling", the highest tax  
63 rate ceiling in effect subsequent to the 1980 tax year or  
64 any subsequent year. Such tax rate ceiling shall not  
65 contain any tax levy for debt service;

66 (5) "Dollar-value modifier", an index of the relative  
67 purchasing power of a dollar, calculated as one plus fifteen  
68 percent of the difference of the regional wage ratio minus  
69 one, provided that the dollar value modifier shall not be  
70 applied at a rate less than 1.0:

71 (a) "County wage per job", the total county wage and  
72 salary disbursements divided by the total county wage and  
73 salary employment for each county and the City of St. Louis  
74 as reported by the Bureau of Economic Analysis of the United  
75 States Department of Commerce for the fourth year preceding  
76 the payment year;

77 (b) "Regional wage per job":

78 a. The total Missouri wage and salary disbursements of  
79 the metropolitan area as defined by the Office of Management  
80 and Budget divided by the total Missouri metropolitan wage  
81 and salary employment for the metropolitan area for the  
82 county signified in the school district number or the City  
83 of St. Louis, as reported by the Bureau of Economic Analysis  
84 of the United States Department of Commerce for the fourth  
85 year preceding the payment year and recalculated upon every  
86 decennial census to incorporate counties that are newly  
87 added to the description of metropolitan areas; or if no  
88 such metropolitan area is established, then:

89 b. The total Missouri wage and salary disbursements of  
90 the micropolitan area as defined by the Office of Management  
91 and Budget divided by the total Missouri micropolitan wage  
92 and salary employment for the micropolitan area for the  
93 county signified in the school district number, as reported  
94 by the Bureau of Economic Analysis of the United States  
95 Department of Commerce for the fourth year preceding the  
96 payment year, if a micropolitan area for such county has  
97 been established and recalculated upon every decennial

98 census to incorporate counties that are newly added to the  
99 description of micropolitan areas; or

100 c. If a county is not part of a metropolitan or  
101 micropolitan area as established by the Office of Management  
102 and Budget, then the county wage per job, as defined in  
103 paragraph (a) of this subdivision, shall be used for the  
104 school district, as signified by the school district number;

105 (c) "Regional wage ratio", the ratio of the regional  
106 wage per job divided by the state median wage per job;

107 (d) "State median wage per job", the fifty-eighth  
108 highest county wage per job;

109 (6) "Free and reduced price lunch pupil count", for  
110 school districts not eligible for and those that do not  
111 choose the USDA Community Eligibility Option, the number of  
112 pupils eligible for free and reduced price lunch on the last  
113 Wednesday in January for the preceding school year who were  
114 enrolled as students of the district, as approved by the  
115 department in accordance with applicable federal  
116 regulations. For eligible school districts that choose the  
117 USDA Community Eligibility Option, the free and reduced  
118 price lunch pupil count shall be the percentage of free and  
119 reduced price lunch students calculated as eligible on the  
120 last Wednesday in January of the most recent school year  
121 that included household applications to determine free and  
122 reduced price lunch count multiplied by the district's  
123 average daily attendance figure;

124 (7) "Free and reduced price lunch threshold" shall be  
125 calculated by dividing the total free and reduced price  
126 lunch pupil count of every performance district that falls  
127 entirely above the bottom five percent and entirely below  
128 the top five percent of average daily attendance, when such  
129 districts are rank-ordered based on their current operating  
130 expenditures per average daily attendance, by the total

131 average daily attendance of all included performance  
132 districts;

133 (8) "Limited English proficiency pupil count", the  
134 number in the preceding school year of pupils aged three  
135 through twenty-one enrolled or preparing to enroll in an  
136 elementary school or secondary school who were not born in  
137 the United States or whose native language is a language  
138 other than English or are Native American or Alaskan native,  
139 or a native resident of the outlying areas, and come from an  
140 environment where a language other than English has had a  
141 significant impact on such individuals' level of English  
142 language proficiency, or are migratory, whose native  
143 language is a language other than English, and who come from  
144 an environment where a language other than English is  
145 dominant; and have difficulties in speaking, reading,  
146 writing, or understanding the English language sufficient to  
147 deny such individuals the ability to meet the state's  
148 proficient level of achievement on state assessments  
149 described in Public Law [107-10] 107-110, the ability to  
150 achieve successfully in classrooms where the language of  
151 instruction is English, or the opportunity to participate  
152 fully in society;

153 (9) "Limited English proficiency threshold" shall be  
154 calculated by dividing the total limited English proficiency  
155 pupil count of every performance district that falls  
156 entirely above the bottom five percent and entirely below  
157 the top five percent of average daily attendance, when such  
158 districts are rank-ordered based on their current operating  
159 expenditures per average daily attendance, by the total  
160 average daily attendance of all included performance  
161 districts;

162 (10) "Local effort":

163           (a) For the fiscal year 2007 calculation, "local  
164 effort" shall be computed as the equalized assessed  
165 valuation of the property of a school district in calendar  
166 year 2004 divided by one hundred and multiplied by the  
167 performance levy less the percentage retained by the county  
168 assessor and collector plus one hundred percent of the  
169 amount received in fiscal year 2005 for school purposes from  
170 intangible taxes, fines, escheats, payments in lieu of taxes  
171 and receipts from state-assessed railroad and utility tax,  
172 one hundred percent of the amount received for school  
173 purposes pursuant to the merchants' and manufacturers' taxes  
174 under sections 150.010 to 150.370, one hundred percent of  
175 the amounts received for school purposes from federal  
176 properties under sections 12.070 and 12.080 except when such  
177 amounts are used in the calculation of federal impact aid  
178 pursuant to P.L. 81-874, fifty percent of Proposition C  
179 revenues received for school purposes from the school  
180 district trust fund under section 163.087, and one hundred  
181 percent of any local earnings or income taxes received by  
182 the district for school purposes. Under this paragraph, for  
183 a special district established under sections 162.815 to  
184 162.940 in a county with a charter form of government and  
185 with more than one million inhabitants, a tax levy of zero  
186 shall be utilized in lieu of the performance levy for the  
187 special school district;

188           (b) In every year subsequent to fiscal year 2007,  
189 "local effort" shall be the amount calculated under  
190 paragraph (a) of this subdivision plus any increase in the  
191 amount received for school purposes from fines. If a  
192 district's assessed valuation has decreased subsequent to  
193 the calculation outlined in paragraph (a) of this  
194 subdivision, the district's local effort shall be calculated  
195 using the district's current assessed valuation in lieu of

196 the assessed valuation utilized in the calculation outlined  
197 in paragraph (a) of this subdivision. When a change in a  
198 school district's boundary lines occurs because of a  
199 boundary line change, annexation, attachment, consolidation,  
200 reorganization, or dissolution under section 162.071,  
201 162.081, sections 162.171 to 162.201, section 162.221,  
202 162.223, 162.431, 162.441, or 162.451, or in the event that  
203 a school district assumes any territory from a district that  
204 ceases to exist for any reason, the department of elementary  
205 and secondary education shall make a proper adjustment to  
206 each affected district's local effort, so that each  
207 district's local effort figure conforms to the new boundary  
208 lines of the district. The department shall compute the  
209 local effort figure by applying the calendar year 2004  
210 assessed valuation data to the new land areas resulting from  
211 the boundary line change, annexation, attachment,  
212 consolidation, reorganization, or dissolution and otherwise  
213 follow the procedures described in this subdivision;

214 (11) "Membership" shall be the average of:

215 (a) The number of resident full-time students and the  
216 full-time equivalent number of part-time students who were  
217 enrolled in the public schools of the district on the last  
218 Wednesday in September of the previous year and who were in  
219 attendance one day or more during the preceding ten school  
220 days; and

221 (b) The number of resident full-time students and the  
222 full-time equivalent number of part-time students who were  
223 enrolled in the public schools of the district on the last  
224 Wednesday in January of the previous year and who were in  
225 attendance one day or more during the preceding ten school  
226 days, plus the full-time equivalent number of summer school  
227 pupils. "Full-time equivalent number of part-time students"  
228 is determined by dividing the total number of hours for

229 which all part-time students are enrolled by the number of  
230 hours in the school term. "Full-time equivalent number of  
231 summer school pupils" is determined by dividing the total  
232 number of hours for which all summer school pupils were  
233 enrolled by the number of hours required pursuant to section  
234 160.011 in the school term. Only students eligible to be  
235 counted for average daily attendance shall be counted for  
236 membership;

237 (12) "Operating levy for school purposes", the sum of  
238 tax rates levied for teachers' and incidental funds plus the  
239 operating levy or sales tax equivalent pursuant to section  
240 162.1100 of any transitional school district containing the  
241 school district, in the payment year, not including any  
242 equalized operating levy for school purposes levied by a  
243 special school district in which the district is located;

244 (13) "Performance district", any district that has met  
245 performance standards and indicators as established by the  
246 department of elementary and secondary education for  
247 purposes of accreditation under section 161.092 and as  
248 reported on the final annual performance report for that  
249 district each year; for calculations to be utilized for  
250 payments in fiscal years subsequent to fiscal year 2018, the  
251 number of performance districts shall not exceed twenty-five  
252 percent of all public school districts;

253 (14) "Performance levy", three dollars and forty-three  
254 cents;

255 (15) "School purposes" pertains to teachers' and  
256 incidental funds;

257 (16) "Special education pupil count", the number of  
258 public school students with a current individualized  
259 education program or services plan and receiving services  
260 from the resident district as of December first of the  
261 preceding school year, except for special education services

262 provided through a school district established under  
263 sections 162.815 to 162.940 in a county with a charter form  
264 of government and with more than one million inhabitants, in  
265 which case the sum of the students in each district within  
266 the county exceeding the special education threshold of each  
267 respective district within the county shall be counted  
268 within the special district and not in the district of  
269 residence for purposes of distributing the state aid derived  
270 from the special education pupil count;

271 (17) "Special education threshold" shall be calculated  
272 by dividing the total special education pupil count of every  
273 performance district that falls entirely above the bottom  
274 five percent and entirely below the top five percent of  
275 average daily attendance, when such districts are rank-  
276 ordered based on their current operating expenditures per  
277 average daily attendance, by the total average daily  
278 attendance of all included performance districts;

279 (18) "State adequacy target", the sum of the current  
280 operating expenditures of every performance district that  
281 falls entirely above the bottom five percent and entirely  
282 below the top five percent of average daily attendance, when  
283 such districts are rank-ordered based on their current  
284 operating expenditures per average daily attendance, divided  
285 by the total average daily attendance of all included  
286 performance districts. The department of elementary and  
287 secondary education shall first calculate the state adequacy  
288 target for fiscal year 2007 and recalculate the state  
289 adequacy target every two years using the most current  
290 available data. The recalculation shall never result in a  
291 decrease from the state adequacy target as calculated for  
292 fiscal years 2017 and 2018 and any state adequacy target  
293 figure calculated subsequent to fiscal year 2018. Should a  
294 recalculation result in an increase in the state adequacy

295 target amount, fifty percent of that increase shall be  
296 included in the state adequacy target amount in the year of  
297 recalculation, and fifty percent of that increase shall be  
298 included in the state adequacy target amount in the  
299 subsequent year. The state adequacy target may be adjusted  
300 to accommodate available appropriations as provided in  
301 subsection 7 of section 163.031;

302 (19) "Teacher", any teacher, teacher-secretary,  
303 substitute teacher, supervisor, principal, supervising  
304 principal, superintendent or assistant superintendent,  
305 school nurse, social worker, counselor or librarian who  
306 shall, regularly, teach or be employed for no higher than  
307 grade twelve more than one-half time in the public schools  
308 and who is certified under the laws governing the  
309 certification of teachers in Missouri;

310 (20) "Weighted average daily attendance", the average  
311 daily attendance plus the product of [twenty-five  
312 hundredths] two hundred seventy-five thousandths multiplied  
313 by the free and reduced price lunch pupil count that exceeds  
314 the free and reduced price lunch threshold, plus the product  
315 of seventy-five hundredths multiplied by the number of  
316 special education pupil count that exceeds the special  
317 education threshold, plus the product of six-tenths  
318 multiplied by the number of limited English proficiency  
319 pupil count that exceeds the limited English proficiency  
320 threshold. For special districts established under sections  
321 162.815 to 162.940 in a county with a charter form of  
322 government and with more than one million inhabitants,  
323 weighted average daily attendance shall be the average daily  
324 attendance plus the product of [twenty-five hundredths] two  
325 hundred seventy-five thousandths multiplied by the free and  
326 reduced price lunch pupil count that exceeds the free and  
327 reduced price lunch threshold, plus the product of seventy-

328 five hundredths multiplied by the sum of the special  
329 education pupil count that exceeds the threshold for each  
330 county district, plus the product of six-tenths multiplied  
331 by the limited English proficiency pupil count that exceeds  
332 the limited English proficiency threshold. None of the  
333 districts comprising a special district established under  
334 sections 162.815 to 162.940 in a county with a charter form  
335 of government and with more than one million inhabitants[,]  
336 shall use any special education pupil count in calculating  
337 their weighted average daily attendance.

163.023. 1. Commencing September 1, 1997, a school  
2 district that has an operating levy for school purposes as  
3 defined in section 163.011, of less than the minimum value  
4 required by section 163.021, shall be classified as  
5 unaccredited by the state board of education and shall be  
6 deemed to be an unclassified school district for all  
7 purposes under force of law, pursuant to the authority of  
8 the state board of education to classify school districts  
9 pursuant to section 161.092, except that no school district  
10 shall be classified as unaccredited or deemed to be an  
11 unclassified school district pursuant to this section if  
12 such district is ineligible to receive state aid under  
13 section 163.031, exclusive of categorical add-ons, because  
14 the district's local effort is greater than its weighted  
15 average daily attendance multiplied by the state adequacy  
16 target multiplied by the dollar value modifier. No school  
17 district, except a district [which] that is ineligible to  
18 receive state aid under section 163.031, exclusive of  
19 categorical add-ons, because the district's local effort is  
20 greater than its weighted average daily attendance  
21 multiplied by the state adequacy target multiplied by the  
22 dollar value modifier, may be classified or reclassified as  
23 accredited until such district has an operating levy for

24 school purposes [which] that is equal to or greater than the  
25 minimum value required by section 163.021. Beginning July  
26 1, 1998, the state board of education shall consider the  
27 results for a school district from the statewide assessment  
28 system developed pursuant to the provisions of section  
29 160.518 when classifying a school district as authorized by  
30 subdivision (9) of subsection 2 of section 161.092.  
31 Further, the state board of education shall consider the  
32 condition and adequacy of facilities of a school district  
33 when determining such classification.

34 2. For any school district classified unaccredited for  
35 any school year, the state board of education shall conduct  
36 procedures to classify said school district for the first  
37 school year following.

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

3 (1) "Board", the Missouri empowerment scholarship  
4 board established in section 135.712;

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

8 (3) "Department", the department of elementary and  
9 secondary education;

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

12 (5) "Parent", the same meaning as used in section  
13 135.712;

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

18 (7) "Program", the Missouri empowerment scholarship  
19 accounts program;

20           (8) "Qualified school", a charter school as defined in  
21 section 160.400, a home school as defined in section  
22 167.031, a private school as defined in this subsection, a  
23 public school as defined in section 160.011, or a public or  
24 private virtual school that is incorporated in Missouri.  
25 Charter schools, public schools, and public virtual schools  
26 are "qualified schools" only to the extent that moneys  
27 deposited in a qualified student's scholarship account shall  
28 be used for specific services or individual classes  
29 consistent with the provisions of subdivision (4) of  
30 subsection 1 of section 166.705;

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

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

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

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

38           (d) Is attending school for the first time;

39           (e) Is a child of a parent in active military service;

40 or

41           (f) Attended a public school as a full-time student  
42 for any period of time during the 2019-2020 or 2020-2021  
43 school years.

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 designated by the board  
5 to administer the qualified student's scholarship account.  
6 The agreement shall provide that:

7           (1) The qualified student shall enroll in a qualified  
8 school and receive an education in at least the subjects of

9 English language arts, mathematics, social studies, and  
10 science;

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

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

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

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

28 (b) Textbooks required by a qualified school;

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

33 (d) Tutoring services;

34 (e) Curriculum;

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

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

40 (h) Fees for management of the empowerment scholarship  
41 account by firms selected by the board or the educational

42 assistance organization designated to administer the  
43 scholarship account;  
44 (i) Services provided by a public school, including  
45 individual classes and extracurricular programs;  
46 (j) Computer hardware or other technological devices  
47 that are used to help meet a qualified student's educational  
48 needs and that are approved by the boardarship account;  
49 (k) Fees for summer education programs and specialized  
50 after-school education programs; and  
51 (l) Other expenses related to home school instruction;  
52 (5) Moneys deposited in the qualified student's  
53 account shall not be used for the following:  
54 (a) Consumable educational supplies including, but not  
55 limited to, paper, pens, pencils, or markers; and  
56 (b) Tuition at a private school located outside of the  
57 state of Missouri.

58 2. Missouri empowerment scholarship accounts are  
59 renewable on an annual basis upon request of the parent of a  
60 qualified student. Notwithstanding any changes to the  
61 qualified student's multidisciplinary evaluation team plan,  
62 a student who has previously qualified for a Missouri  
63 empowerment scholarship account shall remain eligible to  
64 apply for renewal until the student completes high school  
65 and submits scores from a nationally standardized norm-  
66 referenced achievement test, advanced placement examination,  
67 international baccalaureate examination, or any exam related  
68 to college or university admission purchased with Missouri  
69 empowerment scholarship account funds to the board or to the  
70 educational assistance organization assigned to administer  
71 the student's scholarship account.

72 3. A signed agreement under this section shall satisfy  
73 the compulsory school attendance requirements of section  
74 167.031.

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

79           5. If a qualified student withdraws from the program  
80 by enrolling in a school other than a qualified school, or  
81 is disqualified from the program under the provisions of  
82 section 166.710, the qualified student's Missouri  
83 empowerment scholarship account shall be closed and any  
84 remaining funds shall be returned to the Missouri  
85 empowerment scholarship accounts program fund established  
86 under section 135.715. Under such circumstances, the  
87 obligation to provide an education for such student shall  
88 transfer back to the student's district of residence.

89           6. Any funds remaining in a qualified student's  
90 scholarship account at the end of a school year shall remain  
91 in the account. Any funds remaining in a qualified  
92 student's scholarship account upon graduation from a  
93 qualified school shall be returned to the Missouri  
94 empowerment scholarship accounts program fund.

95           7. Moneys received under sections 135.712 to 135.719  
96 and 166.700 to 166.725 shall not constitute Missouri taxable  
97 income to the parent to the qualified student.

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

9           2. A parent or qualified student or vendor may be  
10 disqualified from program participation if the board finds

11 the party has committed an intentional program violation  
12 consisting of any misrepresentation or other act that  
13 materially violates any law or rule governing the program.  
14 The board may remove any parent or qualified student from  
15 eligibility for a Missouri empowerment scholarship program  
16 account. A parent may appeal the board's decision to the  
17 administrative hearing commission. A parent may appeal the  
18 administrative hearing commission's decision to the circuit  
19 court of the county in which the student resides.

20 3. The board may refer cases of substantial misuse of  
21 moneys to the attorney general for investigation if the  
22 board obtains evidence of fraudulent use of an account.

23 4. The board shall promulgate the following rules to  
24 implement and administer the Missouri empowerment  
25 scholarship accounts program:

26 (1) Rules for conducting examinations of use of  
27 account funds;

28 (2) Rules for conducting random, quarterly, and annual  
29 reviews of accounts;

30 (3) Creating an online anonymous fraud reporting  
31 service; and

32 (4) Creating an anonymous telephone hotline for fraud  
33 reporting.

34 5. Any rule or portion of a rule, as that term is  
35 defined in section 536.010, that is created under the  
36 authority delegated in this section shall become effective  
37 only if it complies with and is subject to all of the  
38 provisions of chapter 536 and, if applicable, section  
39 536.028. This section and chapter 536 are nonseverable and  
40 if any of the powers vested with the general assembly  
41 pursuant to chapter 536 to review, to delay the effective  
42 date, or to disapprove and annul a rule are subsequently  
43 held unconstitutional, then the grant of rulemaking

44 authority and any rule proposed or adopted after August 28,  
45 2021, shall be invalid and void.

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

2. No financial institution shall be liable in any  
6 civil action for providing a savings account's financial  
7 information to the board unless the information provided is  
8 false and the financial institution providing the false  
9 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.

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.

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

19 2. A school district which contains such eligible  
20 schools may apply to the department of elementary and  
21 secondary education for a state financial supplement to  
22 employ teacher assistants in those schools named in the  
23 application and in no other schools of the district. The  
24 state full-time equivalent financial supplement shall be  
25 three thousand dollars per teacher assistant. No more than  
26 one assistant per classroom shall be supplemented by the  
27 state pursuant to this section. Teacher assistants thus  
28 employed pursuant to this section shall assist teachers in

29 grades kindergarten through three and in no other grades.  
30 School districts shall not apply for or assign teacher  
31 assistants employed pursuant to this section in classrooms  
32 designated as special education or compensatory education  
33 classrooms.

34 3. The state board of education shall promulgate rules  
35 and regulations for the implementation of this section.  
36 Such rules shall include identifying minimum qualifications  
37 for teacher assistants which may include teacher education  
38 students, determining the minimum number of pupils per  
39 classroom to be eligible for a teacher assistant,  
40 establishing application procedures for school districts,  
41 and determining a method of awarding state financial  
42 supplements in the event that the number of applications  
43 exceeds the amounts appropriated therefor. No rule or  
44 portion of a rule promulgated under the authority of this  
45 chapter shall become effective unless it has been  
46 promulgated pursuant to the provisions of section 536.024.

167.268. 1. The state board of education, in  
2 collaboration with the coordinating board for higher  
3 education and the literacy advisory council established  
4 pursuant to section 186.080, shall develop a plan to  
5 establish a comprehensive system of services for reading  
6 instruction.

7 2. Each local school district and charter school shall  
8 have on file a policy for reading ~~[intervention]~~ success  
9 plans for any pupils of the district or charter school in  
10 grades kindergarten through ~~[three]~~ four pursuant to the  
11 provisions of this section. Such plans shall identify  
12 strategies to be followed by the district or charter school  
13 teachers to raise a pupil identified as reading below grade  
14 level by recognized methods to reading at grade level by the  
15 end of the ~~[third]~~ fourth grade. Recognized methods of

16 identification may include but need not be limited to the  
17 scores of the pupil obtained through any established  
18 standardized testing program currently administered by the  
19 district or charter school, observations of classroom  
20 teachers, and documented classroom performance. The local  
21 policy shall be aligned with the guidelines developed by the  
22 department of elementary and secondary education for reading  
23 success plans.

24 [2.] 3. The [state board of] department of elementary  
25 and secondary education shall develop guidelines to assist  
26 districts and charter schools in formulating policies for  
27 reading [intervention] success plans. Such guidelines may  
28 include, but are not limited to, measures of reading  
29 proficiency, strategies for addressing reading deficiencies  
30 and disorders, timelines for measuring pupil improvement in  
31 reading[, ] and information on screening for and treatment of  
32 [auditory] dyslexia[, and information on the Lindamood  
33 Auditory Conceptualization Test and the Auditory  
34 Discrimination in Depth Program] and other reading  
35 deficiencies. In addition, any guidelines for instruction  
36 shall meet the needs of the students by ensuring that  
37 instruction is explicit, systematic, and diagnostic and  
38 based on phonological awareness, phonics, fluency,  
39 vocabulary, comprehension, morphology, syntax, and  
40 semantics. Such guidelines may also identify performance  
41 levels for pupils identified as handicapped or severely  
42 handicapped and conditions under which such pupils [are] may  
43 be exempt from the provisions of this section.

44 [3.] 4. Each local school district [enrolling a pupil  
45 identified as reading below grade level shall develop an  
46 individual plan of reading intervention for such pupil. The  
47 individual pupil's plan may include individual or group  
48 reading development activities. The plan may be developed

49 after consultation with the pupil's parent or legal  
50 guardian] and charter school shall provide supplemental  
51 reading instruction under a reading success plan created  
52 pursuant to section 167.645 to any enrolled student who  
53 exhibits a reading deficiency.

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

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

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

9 (a) Objective data that any evaluator would identify  
10 and interpret similarly;

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

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

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

19 (3) "Reading assessment", a recognized method of  
20 judging a student's reading ability, with results expressed  
21 as reading at a particular grade level. The term reading  
22 assessment shall include, but is not limited to, standard  
23 checklists designed for use as a student reads out loud,  
24 paper-and-pencil tests promulgated by nationally recognized  
25 organizations and other recognized methods of determining a  
26 student's reading accuracy, expression, fluency and  
27 comprehension in order to make a determination of the  
28 student's grade-level reading ability. Assessments [which]

29 that do not give a grade-level result may be used in  
30 combination with other assessments to reach a grade-level  
31 determination. Districts and charter schools are encouraged  
32 but not required to select assessment methods identified  
33 pursuant to section 167.346. Districts and charter schools  
34 are [also] encouraged to use multiple methods of assessment;

35 [(2)] (4) "Structured literacy", an evidence-based  
36 reading instruction that addresses phonology, sound-symbol  
37 association, syllable instruction, morphology, syntax, and  
38 semantics when such instruction is taught through  
39 systematic, cumulative, explicit, and diagnostic methods;

40 (5) "Summer school", for reading instruction purposes,  
41 a minimum of forty hours of reading instruction and  
42 practice. A school district or charter school may arrange  
43 the hours and days of instruction to coordinate with its  
44 regular program of summer school.

45 2. For purposes of this section, methods of reading  
46 assessment shall be determined by each school district and  
47 charter school. Each school district and charter school  
48 shall provide training on the administration of reading  
49 assessments to all kindergarten through fifth grade teachers  
50 and any other personnel who provide literacy instruction.

51 Unless a student has been determined in the [current]  
52 previous school year to be reading at grade level or above,  
53 each school district and charter school shall administer a  
54 reading assessment or set of assessments to each student  
55 within [forty-five days of the end of the third-grade year]  
56 the first thirty calendar days of school for grades one  
57 through four, and by January thirty-first for kindergarten,  
58 except that the provisions of this subsection shall not  
59 apply to students receiving special education services under  
60 an individualized education plan pursuant to sections  
61 162.670 to 162.999, to students receiving services pursuant

62 to Section 504 of the Rehabilitation Act of 1973 whose  
63 services plan includes an element addressing reading or to  
64 students determined to have limited English proficiency or  
65 to students who have been determined, prior to the beginning  
66 of any school year, to have a cognitive ability insufficient  
67 to meet the reading requirement set out in this section,  
68 provided that districts and charter schools shall provide  
69 reading [improvement] success plans for students with an  
70 individualized education plan that have a reading  
71 deficiency, for students receiving services under Section  
72 504 of the Rehabilitation Act of 1973 whose service plan  
73 includes an element addressing reading, and to students  
74 determined to have such insufficient cognitive ability. The  
75 assessment required by this subsection shall also be  
76 required for students who enter a school district or charter  
77 school in grades four, five, or six unless such student has  
78 been determined in the current school year to be reading at  
79 grade level or above.

80 3. [Beginning with school year 2002-03, for each  
81 student whose third-grade reading assessment determines that  
82 such student is reading below second-grade level, the school  
83 district shall design a reading improvement plan for the  
84 student's fourth-grade year. Such reading improvement plan  
85 shall include, at a minimum, thirty hours of additional  
86 reading instruction or practice outside the regular school  
87 day during the fourth-grade year.]

88 (1) School districts and charter schools shall offer a  
89 reading success plan to each student in grades kindergarten  
90 through four who exhibits a reading deficiency, has been  
91 identified as being at risk for dyslexia in the statewide  
92 dyslexia screening requirement, or has a formal diagnosis of  
93 dyslexia to ensure students can read at or above grade level  
94 by the end of the fourth grade. The reading success plan

95 shall be provided in addition to core reading instruction  
96 that is provided to all students in the general education  
97 classroom. The reading success plan shall:

98 (a) Include, at a minimum, thirty hours of additional  
99 reading instruction or practice outside the regular school  
100 day during the fourth-grade year;

101 (b) Be provided to all students in grades kindergarten  
102 through four identified with a reading deficiency as  
103 determined by the school district or charter school using  
104 local or statewide screening assessments administered within  
105 the first thirty days of school for grades one through four,  
106 and by January thirty-first for kindergarten;

107 (c) Provide explicit and systematic multisensory  
108 instruction in phonological awareness, phonics, fluency,  
109 vocabulary, and comprehension as applicable to each student;

110 (d) Monitor the reading progress of each student's  
111 reading skills throughout the school year and adjust  
112 instruction according to the student's needs; and

113 (e) Be implemented during regular school hours.

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

118 (3) If a student who is provided a reading success  
119 plan is determined to not be reading at or above grade level  
120 by the end of second grade, the student shall receive  
121 structured literacy instruction as well as additional  
122 support and services including but not limited to:

123 (a) Frequent, targeted reading intervention based on  
124 the student's needs and provided in a small-group or one-on-  
125 one setting;

126 (b) Frequent monitoring of the student's reading  
127 skills throughout the school year; and

128           (c) Adjustment of the structured literacy instruction  
129 and reading interventions according to the student's needs.

130           (4) For students in grades six through twelve, school  
131 districts and charter schools shall continue to address the  
132 reading deficiencies of any student for whom the deficiency  
133 creates a barrier to success in school.

134           4. A reading success plan shall be created for a  
135 student within forty-five days following the identification  
136 of a reading deficiency by such student's teacher and other  
137 pertinent school personnel, after consultation with the  
138 student's parent or legal guardian, and shall describe the  
139 evidence-based reading intervention services the student  
140 shall receive to remedy the deficiency. The reading success  
141 plan shall specify whether the student was found to be at  
142 risk for dyslexia in the local or statewide dyslexia  
143 screening requirement or whether the student has a formal  
144 diagnosis of dyslexia. Each student shall receive  
145 appropriate reading intervention until the student no longer  
146 has a deficiency in reading.

147           5. The school district or charter school shall  
148 determine the [method of reading instruction] specific  
149 structured literacy curriculum necessary to enforce this  
150 subsection. The school district or charter school may also  
151 require the student to attend summer school for reading  
152 instruction as a condition of promotion to fourth grade.  
153 The department of elementary and secondary education may,  
154 from funds appropriated for the purpose, reimburse school  
155 districts and charter schools for additional instructional  
156 personnel costs incurred in the implementation and execution  
157 of the thirty hours of additional reading instruction minus  
158 the revenue generated by the school district or charter  
159 school through the foundation formula for the additional  
160 reading instruction average daily attendance.

161           [4.] 6. Each student for whom a reading [improvement]  
162 success plan has been designed pursuant to subsection 3 of  
163 this section shall be given another reading assessment, to  
164 be administered within forty-five days of the end of such  
165 student's fourth-grade year. If such student is determined  
166 to be reading below third-grade level at the end of the  
167 third grade, the student shall be [required to attend summer  
168 school to receive reading instruction. At the end of such  
169 summer school instruction, such student shall be given  
170 another reading assessment. If such student is determined  
171 to be reading below third-grade level, the district shall  
172 notify the student's parents or guardians, and the student  
173 shall not be promoted to fifth grade. No student shall be  
174 denied promotion more than once solely for inability to meet  
175 the reading standards set out in this section.

176           5. The process described in subsections 3 and 4 of  
177 this section shall be repeated as necessary through the end  
178 of the sixth grade, with the target grade level rising  
179 accordingly. Mandatory retention in grade shall not apply  
180 to grades subsequent to fourth grade] referred for an  
181 evaluation for an individualized education plan (IEP) and  
182 the district shall provide appropriate intensive structured  
183 literacy instruction on a one-to-one individualized basis.  
184 If the student does not qualify for an IEP under the state  
185 guidelines for qualification, the student shall continue to  
186 receive appropriate intensive structured literacy  
187 instruction on a one-to-one individualized basis until the  
188 student is reading at grade level.

189           [6. The mandatory process of additional reading  
190 instruction pursuant to this section shall cease at the end  
191 of the sixth grade. The permanent record of students who  
192 are determined to be reading below the fifth-grade level at  
193 the end of sixth grade shall carry a notation advising that

194 such student has not met minimal reading standards. The  
195 notation shall stay on the student's record until such time  
196 as the district determines that a student has met minimal  
197 reading standards.]

198 7. Each school district and charter school shall be  
199 required to offer summer school reading instruction to any  
200 student with a reading [improvement] success plan.  
201 Districts and charter schools may fulfill the requirement of  
202 this section through cooperative arrangements with  
203 neighboring districts[; provided that such districts shall  
204 timely make all payments provided pursuant to such  
205 cooperative agreements].

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

211 9. Nothing in this section shall preclude a school  
212 district or charter school from retaining any student in  
213 grade when a determination is made in accordance with  
214 district or charter school policy that retention is in the  
215 best interests of the student.

216 10. The state board of education shall not incorporate  
217 information about the number of students receiving  
218 additional instruction pursuant to this section into any  
219 element of any standard of the Missouri school improvement  
220 program or its successor accreditation program; provided,  
221 however, each district or charter school shall make  
222 available, upon the request of any parent, patron, advocacy  
223 group, or media outlet [within the district], the number and  
224 percentage of students receiving remediation pursuant to  
225 this section. The information shall be presented in a way

226 that does not permit personal identification of any student  
227 or educational personnel.

228 11. Each school district and charter school shall make  
229 a systematic effort to inform parents of the methods and  
230 materials used to teach reading in kindergarten through  
231 ~~[fourth]~~ fifth grade, in terms understandable to a layperson  
232 [and shall similarly inform parents of students for whom a  
233 reading improvement plan is required pursuant to this  
234 section]. The parent or legal guardian of any student in  
235 kindergarten through the fifth grade who exhibits a  
236 deficiency in reading or has screened positive for the  
237 characteristics of dyslexia at any time during the school  
238 year, as determined by the school, shall be notified in  
239 writing that the child has a reading deficiency or has  
240 screened positive for the characteristics of dyslexia no  
241 later than thirty calendar days after the identification of  
242 the reading deficiency as determined by the school district  
243 or charter school. Such written notification shall include  
244 the following:

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

250 (2) A description of the current services that are  
251 provided to the student;

252 (3) A description of the proposed evidence-based  
253 interventions and supplemental instructional services and  
254 supports that shall be provided to the student that are  
255 designed to remedy the identified area or areas of reading  
256 deficiency;

257 (4) A statement that the parent or legal guardian  
258 shall be informed in writing of the student's progress

259 toward grade-level reading on a quarterly basis, at a  
260 minimum; and

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

263 12. The department of elementary and secondary  
264 education may promulgate rules to implement the provisions  
265 of this section. Any rule or portion of a rule, as that  
266 term is defined in section 536.010, that is created under  
267 the authority delegated in this section shall become  
268 effective only if it complies with and is subject to all of  
269 the provisions of chapter 536 and, if applicable, section  
270 536.028. This section and chapter 536 are nonseverable, and  
271 if any of the powers vested with the general assembly  
272 pursuant to chapter 536 to review, to delay the effective  
273 date, or to disapprove and annul a rule are subsequently  
274 held unconstitutional, then the grant of rulemaking  
275 authority and any rule proposed or adopted after August 28,  
276 2021, shall be invalid and void.

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 This subdivision shall not be construed as applying to seat  
22 time or the number of classes taken or required unless a  
23 specific class is required for the participation and is  
24 directly related to the participation in an association  
25 activity or in a club, extracurricular activity, or sport.

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

34 3. A statewide activities association shall not  
35 prohibit or restrict any school district which is a member  
36 of such association from participating in any events  
37 sanctioned, authorized, or regulated by such association  
38 with any school that is not a member of the association.

170.341. 1. Any school district may offer students:

2 (1) An elective social studies course on the Hebrew  
3 Scriptures, the Old Testament of the Bible;

4 (2) An elective social studies course on the New  
5 Testament of the Bible; or

6 (3) An elective social studies course on the Hebrew  
7 Scriptures and the New Testament of the Bible.

8 2. The purpose of a course under this section is to:

9 (1) Teach students knowledge of biblical content,  
10 characters, poetry, and narratives that are prerequisites to

11 understanding contemporary society and culture, including  
12 literature, art, music, mores, oratory, and public policy;  
13 and

14 (2) Familiarize students with, as applicable:

15 (a) The contents of the Hebrew Scriptures or New  
16 Testament;

17 (b) The history of the Hebrew Scriptures or New  
18 Testament;

19 (c) The literary style and structure of the Hebrew  
20 Scriptures or New Testament; and

21 (d) The influence of the Hebrew Scriptures or New  
22 Testament on law, history, government, literature, art,  
23 music, customs, morals, values, and culture.

24 3. A student shall not be required to use a specific  
25 translation as the sole text of the Hebrew Scriptures or New  
26 Testament and may use as the basic textbook a different  
27 translation of the Hebrew Scriptures or New Testament from  
28 that chosen by the school district.

29 4. A course offered under this section shall follow  
30 applicable law and all federal and state guidelines in  
31 maintaining religious neutrality and accommodating the  
32 diverse religious views, traditions, and perspectives of  
33 students in the school. A course offered under this section  
34 shall not endorse, favor, or promote, or disfavor or show  
35 hostility toward, any particular religion or nonreligious  
36 faith or religious perspective.

37 5. School districts, in complying with this section,  
38 shall not violate any provision of the Constitution of the  
39 United States or federal law, the Constitution of Missouri  
40 or any state law, or any administrative regulations of the  
41 department of elementary and secondary education or the  
42 United States Department of Education.

171.033. 1. "Inclement weather", for purposes of this section, shall be defined as ice, snow, extreme cold, excessive heat, flooding, or a tornado.

2. (1) A district shall be required to make up the first six days of school lost or cancelled due to inclement weather and half the number of days lost or cancelled in excess of six days if the makeup of the days is necessary to ensure that the district's students will attend a minimum of one hundred forty-two days and a minimum of one thousand forty-four hours for the school year except as otherwise provided in this section. Schools with a four-day school week may schedule such make-up days on Fridays.

(2) Notwithstanding subdivision (1) of this subsection, in school year 2019-20 and subsequent years, a district shall be required to make up the first thirty-six hours of school lost or cancelled due to inclement weather and half the number of hours lost or cancelled in excess of thirty-six if the makeup of the hours is necessary to ensure that the district's students attend a minimum of one thousand forty-four hours for the school year, except as otherwise provided under subsections 3 and 4 of this section.

3. (1) In the 2009-10 school year and subsequent years, a school district may be exempt from the requirement to make up days of school lost or cancelled due to inclement weather in the school district when the school district has made up the six days required under subsection 2 of this section and half the number of additional lost or cancelled days up to eight days, resulting in no more than ten total make-up days required by this section.

(2) In school year 2019-20 and subsequent years, a school district may be exempt from the requirement to make up school lost or cancelled due to inclement weather in the school district when the school district has made up the

34 thirty-six hours required under subsection 2 of this section  
35 and half the number of additional lost or cancelled hours up  
36 to forty-eight, resulting in no more than sixty total make-  
37 up hours required by this section.

38 4. The commissioner of education may provide, for any  
39 school district that cannot meet the minimum school calendar  
40 requirement of at least one hundred seventy-four days for  
41 schools with a five-day school week or one hundred forty-two  
42 days for schools with a four-day school week and one  
43 thousand forty-four hours of actual pupil attendance or, in  
44 school year 2019-20 and subsequent years, one thousand forty-  
45 four hours of actual pupil attendance, upon request, a  
46 waiver to be excused from such requirement. This waiver  
47 shall be requested from the commissioner of education and  
48 may be granted if the school was closed due to circumstances  
49 beyond school district control, including inclement weather  
50 or fire.

51 5. (1) Except as otherwise provided in this  
52 subsection, in school year 2020-21 and subsequent years, a  
53 district shall not be required to make up any hours of  
54 school lost or cancelled due to exceptional or emergency  
55 circumstances during a school year if the district has an  
56 alternative methods of instruction plan approved by the  
57 department of elementary and secondary education for such  
58 school year. Exceptional or emergency circumstances shall  
59 include, but not be limited to, inclement weather, a utility  
60 outage, or an outbreak of a contagious disease. The  
61 department of elementary and secondary education shall not  
62 approve any such plan unless the district demonstrates that  
63 the plan will not negatively impact teaching and learning in  
64 the district.

65 (2) If school is closed due to exceptional or  
66 emergency circumstances and the district has an approved

67 alternative methods of instruction plan, the district shall  
68 notify students and parents on each day of the closure  
69 whether the alternative methods of instruction plan is to be  
70 implemented for that day. If the plan is to be implemented  
71 on any day of the closure, the district shall ensure that  
72 each student receives assignments for that day in hard copy  
73 form or receives instruction through virtual learning or  
74 another method of instruction.

75 (3) A district with an approved alternative methods of  
76 instruction plan shall not use alternative methods of  
77 instruction as provided for in the plan for more than thirty-  
78 six hours during a school year. A district that has used  
79 such alternative methods of instruction for thirty-six hours  
80 during a school year shall be required, notwithstanding  
81 subsections 2 and 3 of this section, to make up any  
82 subsequent hours of school lost or cancelled due to  
83 exceptional or emergency circumstances during such school  
84 year.

85 (4) The department of elementary and secondary  
86 education shall give districts with approved alternative  
87 methods of instruction plans credit for the hours in which  
88 they use alternative methods of instruction by considering  
89 such hours as hours in which school was actually in session.

90 (5) Any district wishing to use alternative methods of  
91 instruction under this subsection shall submit an  
92 application to the department of elementary and secondary  
93 education. The application shall describe:

94 (a) The manner in which the district intends to  
95 strengthen and reinforce instructional content while  
96 supporting student learning outside the classroom  
97 environment;

98 (b) The process the district intends to use to  
99 communicate to students and parents the decision to

100 implement alternative methods of instruction on any day of a  
101 closure;

102 (c) The manner in which the district intends to  
103 communicate the purpose and expectations for a day in which  
104 alternative methods of instruction will be implemented to  
105 students and parents;

106 (d) The assignments and materials to be used within  
107 the district for days in which alternative methods of  
108 instruction will be implemented to effectively facilitate  
109 teaching and support learning for the benefit of the  
110 students;

111 (e) The manner in which student attendance will be  
112 determined for a day in which alternative methods of  
113 instruction will be implemented. The method chosen shall be  
114 linked to completion of lessons and activities;

115 (f) The instructional methods, which shall include  
116 instruction through electronic means and instruction through  
117 other means for students who have no access to internet  
118 services or a computer;

119 (g) Instructional plans for students with  
120 individualized education programs; and

121 (h) The role and responsibility of certified personnel  
122 to be available to communicate with students.

123 6. For the 2018-19 school year, a district shall be  
124 exempt from the requirements of subsections 2 and 3 of this  
125 section, and only be required to make up the first six days  
126 of school lost or cancelled due to inclement weather.

127 7. Notwithstanding the provisions of this section or  
128 section 171.031 to the contrary, in school year 2021-2022  
129 and subsequent years, no school district shall be granted a  
130 waiver of or exemption from any requirement for such  
131 district or any attendance center in such district to  
132 provide in-person instruction or to make up lost or

133 cancelled days of school, and the department of elementary  
134 and secondary education shall not approve or waive any  
135 requirement for an alternative methods of instruction plan  
136 pursuant to subsection 5 of this section for such district  
137 or attendance center, based on the COVID-19 pandemic unless  
138 such district demonstrates to the department:

139 (1) That the school district offers in-person  
140 instruction for at least four days per week as an option to  
141 all students who are not otherwise exempt from in-person  
142 instruction; or

143 (2) That the school district or attendance center has  
144 a specific need to temporarily suspend all in-person  
145 instruction based on district-specific or attendance center-  
146 specific data, including:

147 (a) The number of school personnel, including  
148 teachers, administrators, food service workers, bus drivers,  
149 and custodial staff, currently in quarantine due to COVID-19  
150 exposure or infection; and

151 (b) The availability of substitute teachers and other  
152 substitute personnel required to meet the day-to-day needs  
153 of the school district or attendance center.

154 8. For purposes of subsection 7 of this section,  
155 "COVID-19" shall mean any disease, health condition, or  
156 threat of harm caused by the severe acute respiratory  
157 syndrome coronavirus 2 or a virus mutating therefrom.

186.080. 1. There is hereby established within the  
2 department of elementary and secondary education the  
3 "Literacy Advisory Council", which shall be composed of at  
4 least twelve and no more than twenty members to be appointed  
5 by the commissioner of education. The members of the  
6 council shall include at least:

7 (1) One public school board member;

8 (2) One charter school representative;

- 9           (3) One public school district superintendent;  
10           (4) One elementary or secondary school principal;  
11           (5) Two teachers with expertise in reading  
12 instruction, each of whom has been certified by the Center  
13 for Effective Reading Instruction or has completed all  
14 levels of the Language Essentials for Teachers of Reading  
15 and Spelling training program;  
16           (6) One special education teacher;  
17           (7) One parent of an elementary or secondary school  
18 student who has been diagnosed with dyslexia;  
19           (8) One representative from Decoding Dyslexia Missouri;  
20           (9) One representative from an institution of  
21 postsecondary education which offers approved teacher  
22 preparation programs;  
23           (10) One representative from an independent private  
24 provider or nonprofit organization serving individuals with  
25 dyslexia;  
26           (11) One representative from the Missouri branch of  
27 the International Dyslexia Association;  
28           (12) One certified academic language therapist  
29 recommended by the Academic Language Therapy Association who  
30 is a resident of this state;  
31           (13) One professional with experience diagnosing  
32 dyslexia, such as a school psychologist or  
33 neuropsychologist, who is licensed under chapter 337; and  
34           (14) One dyslexia specialist from the department of  
35 elementary and secondary education.  
36           2. The advisory council shall meet biannually to  
37 review best practices in literacy instruction and related  
38 policies.  
39           3. The advisory council shall periodically provide  
40 recommendations to the commissioner and the state board of  
41 education regarding any identified improvements to literacy

42 instruction and policy for elementary and secondary  
43 students. The recommendations may include recommendations  
44 for changes to state law, and the commissioner shall furnish  
45 any such recommendations to the joint committee on education.

Section B. The enactment of sections 135.712, 135.713,  
2 135.714, 135.715, 135.716, 135.719, 166.700, 166.705,  
3 166.710, 166.715, 166.720, and 166.725 of section A of this  
4 act shall only become effective when the amount appropriated  
5 and expended for pupil transportation under section 163.161  
6 equals or exceeds forty percent of the allowable costs of  
7 providing pupil transportation as provided in said section  
8 and shall remain effective in all school years thereafter,  
9 irrespective of the amount appropriated under section  
10 163.161 in any succeeding year.