AN ACT

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

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

Section A. Sections 166.700 and 166.720, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 166.700 and 166.720, to read as follows:

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

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

(2) "District", the same meaning as used in section 160.011;

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

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

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

(6) "Program", the same meaning as used in section 135.712;

(7) "Qualified school", a home school as defined in section 167.031 or any of the following entities that is incorporated in Missouri and that does not discriminate on the basis of race, color, religion, sexual orientation, gender identity or expression, or national origin:

(a) A charter school as defined in section 160.400;

(b) A private school;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.
(c) A public school as defined in section 160.011; or
(d) A public or private virtual school;
(8) "Qualified student", any elementary or secondary school student who is a resident
of this state and resides in any county with a charter form of government or any city with at
least thirty thousand inhabitants who:
(a) Has an approved "individualized education plan" (IEP) developed under the
federal Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Section 1400, et seq.,
as amended; or
(b) Is a member of a household whose total annual income does not exceed an amount
equal to two hundred percent of the income standard used to qualify for free and reduced
price lunches, and meets at least one of the following qualifications:
   a. Attended a public school as a full-time student for at least one semester during the
      previous twelve months; or
   b. Is a child who is eligible to begin kindergarten or first grade under sections 160.051
to 160.055.

166.720. 1. Sections 166.700 to 166.720 shall not be construed to permit any
governmental agency to exercise control or supervision over any qualified school in which a
qualified student enrolls other than a qualified school that is a public school.
2. A qualified school, other than a qualified school that is a public school, that accepts
a payment from a parent under sections 166.700 to 166.720 shall not be considered an agent
of the state or federal government due to its acceptance of the payment.
3. [A] An otherwise qualified school [shall not be required to alter its] that
subscribes to or follows any creed, practices, admissions policy, or curriculum [in order to
accept students whose parents pay tuition or fees from a Missouri empowerment scholarship
account] that discriminates against an individual based on such individual's race, color,
religion, sexual orientation, gender identity or expression, or national origin shall not be
deemed to be eligible to participate as a qualified school.
4. (1) Any qualified student receiving a Missouri empowerment scholarship who
leaves a public school or charter school, as such terms are defined in chapter 160, in the
qualified student's resident school district to enroll in a qualified school that is not the
qualified student's resident school district shall continue to be counted in the resident public
school or charter school's weighted average daily attendance as a resident student for the
purposes of determining state and federal aid for the qualified student's resident school district
or charter school.
   (2) The qualified student will continue to be counted for such purpose as provided:
      (a) For five years after the qualified student no longer attends school in the qualified
         student's resident school district;
(b) Until any calendar year that the qualified student no longer receives grant money in their scholarship account;
(c) Until the qualified student is counted in the weighted average daily attendance for a public school or charter that they are a resident student in; or
(d) Until the qualified student graduates.

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

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

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

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