HOUSE BILL NO. 1324

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FOGLE.

1487H.01I   JOSEPH ENGLER, Chief Clerk

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Section A. Sections 166.700 and 166.720, RSMo, are repealed and two new sections
2 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:
2 (1) "Curriculum", a complete course of study for a particular content area or grade
3 level, including any supplemental materials;
4 (2) "District", the same meaning as used in section 160.011;
5 (3) "Educational assistance organization", the same meaning as used in section
6 135.712;
7 (4) "Illegal alien", any person who is not lawfully present in the United States or any
8 person who gained illegal entry into the United States;
9 (5) "Parent", the same meaning as used in section 135.712;
10 (6) "Private school", a school that is not a part of the public school system of the state
11 of Missouri and that charges tuition for the rendering of elementary or secondary educational
12 services;
13 (7) "Program", the same meaning as used in section 135.712;
14 (8) "Qualified school", an FPE school or any of the following entities that is
15 incorporated in Missouri and that does not discriminate on the basis of race, color, **religion,**
16 **sexual orientation, gender identity or expression,** or national origin:
17 (a) A charter school as defined in section 160.400;

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.

18   (b) A private school;

19   (c) A public school as defined in section 160.011; or

20   (d) A public or private virtual school;

21   (9) "Qualified student", any elementary or secondary school student who is a resident

22   of this state, who is not an illegal alien, and who:

23   (a) Has an approved "individualized education **[plan] program**" (IEP) developed

24   under the federal Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Section 1400

25   et seq., as amended; or

26   (b) Is a member of a household whose total annual income does not exceed an amount

27   equal to three hundred percent of the income standard used to qualify for free and reduced

28   price lunches, and that meets at least one of the following qualifications:

29   a. Attended a public school as a full-time student for at least one semester during the

30   previous twelve months;

31   b. Is a child who is eligible to begin kindergarten or first grade under sections 160.051

32   to 160.055; or

33   c. Is a sibling of a qualified student who received a scholarship grant in the previous

34   school year and will receive a scholarship grant in the current school year.

          166.720. 1. Sections 166.700 to 166.720 shall not be construed to permit any

2   governmental agency to exercise control or supervision over any qualified school in which a

3   qualified student enrolls other than a qualified school that is a public school.

4   2. A qualified school, other than a qualified school that is a public school, that accepts

5   a payment from a parent under sections 166.700 to 166.720 shall not be considered an agent

6   of the state or federal government due to its acceptance of the payment.

7   3. **[A] An otherwise** qualified school **[shall not be required to alter its] that**

8   **subscribes to or follows any** creed, practices, admissions policy, or curriculum **[in order to**

9   **accept students whose parents pay tuition or fees from a Missouri empowerment scholarship**

10   **account] that discriminates against an individual based on such individual's race, color,**

11   **religion, sexual orientation, gender identity or expression, or national origin shall not be**

12   **deemed to be eligible** to participate as a qualified school.

13   4. (1) Any qualified student receiving a Missouri empowerment scholarship who

14   leaves a public school or charter school, as such terms are defined in chapter 160, in the

15   qualified student's resident school district to enroll in a qualified school that is not the

16   qualified student's resident school district shall continue to be counted in the resident public

17   school or charter school's weighted average daily attendance as a resident student for the

18   purposes of determining state and federal aid for the qualified student's resident school district

19   or charter school.

20   (2) The qualified student will continue to be counted for such purpose as provided:

21   (a) For five years after the qualified student no longer attends school in the qualified
22 student's resident school district;
23   (b) Until any calendar year that the qualified student no longer receives grant money
24 in their scholarship account;
25   (c) Until the qualified student is counted in the weighted average daily attendance for
26 a public school or charter that they are a resident student in; or
27   (d) Until the qualified student graduates.
28   (3) The educational assistance organization and the state treasurer shall provide the
29 necessary information to the department of elementary and secondary education to allow the
30 federal and state aid to continue to the public school or charter school in the qualified
31 student's resident school district previously attended by the qualified student.
32   (4) The provisions of this subsection shall terminate five years after August 28, 2021.
33   5. In any legal proceeding challenging the application of sections 166.700 to 166.720
34 to a qualified school, the state shall bear the burden of establishing that the law is necessary
35 and does not impose any undue burden on qualified schools.
36   6. The provisions of section 23.253 of the Missouri sunset act shall not apply to
37 sections 166.700 to 166.720.

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