

FIRST REGULAR SESSION

HOUSE BILL NO. 1221

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SMITH (68).

2664H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 166.705, RSMo, and to enact in lieu thereof one new section relating to the use of moneys in Missouri empowerment scholarship accounts.

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

Section A. Section 166.705, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 166.705, to read as follows:

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

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

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

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

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

(a) Tuition or fees at a qualified school;

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 18 (b) Textbooks required by a qualified school;
- 19 (c) Educational therapies or services from a licensed or accredited practitioner or
20 provider including, but not limited to, licensed or accredited paraprofessionals or educational
21 aides;
- 22 (d) Tutoring services;
- 23 (e) Curriculum;
- 24 (f) Tuition or fees for a private virtual school;
- 25 (g) Fees for a nationally standardized norm-referenced achievement test, advanced
26 placement examinations, international baccalaureate examinations, or any examinations
27 related to college or university admission;
- 28 (h) Fees for management of the Missouri empowerment scholarship account by firms
29 selected by the educational assistance organization;
- 30 (i) Services provided by a public school including, but not limited to, individual
31 classes and extracurricular programs;
- 32 (j) Computer hardware or other technological devices that are used to help meet the
33 qualified student's educational needs and that are approved by an educational assistance
34 organization;
- 35 (k) Fees for summer education programs and specialized after-school education
36 programs;
- 37 (l) Transportation costs for mileage to and from a qualified school; and
- 38 **(m) Reimbursing a qualified student for up to one thousand dollars of costs and**
39 **fees incurred for driver education instruction, training, and testing; and**
- 40 (5) Moneys deposited in the qualified student's Missouri empowerment scholarship
41 account shall not be used for the following:
- 42 (a) Consumable educational supplies including, but not limited to, paper, pens,
43 pencils, or markers;
- 44 (b) Tuition at a private school located outside of the state of Missouri; and
- 45 (c) Payments or reimbursements to any person related within the third degree of
46 consanguinity or affinity to a qualified student.
- 47 2. Missouri empowerment scholarship accounts are renewable on an annual basis
48 upon request of the parent of a qualified student. Notwithstanding any changes to the
49 qualified student's multidisciplinary evaluation team plan, a student who has previously
50 qualified for a Missouri empowerment scholarship account shall remain eligible to apply for
51 renewal until the student completes high school and submits scores to the state treasurer from
52 a nationally standardized norm-referenced achievement test, advanced placement
53 examination, international baccalaureate examination, or any examination related to college
54 or university admission purchased with Missouri empowerment scholarship account funds.

55 3. A signed agreement under this section shall satisfy the compulsory school
56 attendance requirements of section 167.031.

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

60 5. If a qualified student withdraws from the program by enrolling in a school other
61 than a qualified school or is disqualified from the program under the provisions of section
62 166.710, the qualified student's Missouri empowerment scholarship account shall be closed
63 and any remaining funds shall be returned to the educational assistance organization for
64 redistribution to other qualified students. Under such circumstances, the obligation to provide
65 an education for such student shall transfer back to the student's district of residence.

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

71 7. Moneys received under sections 166.700 to 166.720 shall not constitute Missouri
72 taxable income to the parent of the qualified student.

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