

FIRST REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 152

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOSKINS.

0849S.03P

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 162.441, 162.720, 166.400, 166.410, 166.415, 166.420, 166.425, 166.435, 166.440, 166.456, 174.453, and 210.201, RSMo, and to enact in lieu thereof eighteen new sections relating to education with an emergency clause for certain sections.

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

Section A. Sections 162.441, 162.720, 166.400, 166.410, 2 166.415, 166.420, 166.425, 166.435, 166.440, 166.456, 174.453, 3 and 210.201, RSMo, are repealed and eighteen new sections 4 enacted in lieu thereof, to be known as sections 160.560, 5 161.229, 161.380, 161.385, 162.441, 162.720, 162.1255, 166.400, 6 166.410, 166.415, 166.420, 166.425, 166.435, 166.440, 166.456, 7 167.625, 174.453, and 210.201, to read as follows:

160.560. 1. The department of elementary and 2 secondary education shall establish the "Show Me Success 3 Diploma Program".

4 2. Under the show me success diploma program, the 5 department of elementary and secondary education shall 6 develop the "Show Me Success Diploma" as an alternative 7 pathway to graduation for high school students that may be 8 earned at any point between the end of a student's tenth

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

9 grade year and the conclusion of the student's twelfth grade
10 year.

11 3. By July 1, 2022, the department of elementary and
12 secondary education shall develop detailed requirements for
13 students to become eligible for the show me success diploma
14 that include at least the following:

15 (1) Demonstrated skills and knowledge in English,
16 science, and mathematical literacy to be successful in
17 college level courses offered by the community colleges in
18 this state that count toward a degree or certificate without
19 taking remedial or developmental coursework; and

20 (2) Satisfactory grades on approved examinations in
21 subjects determined to be necessary to prepare a student to
22 enter postsecondary education without remedial or
23 developmental coursework.

24 4. School districts and charter schools may offer a
25 course of study designed to meet the requirements to obtain
26 a show me success diploma to students entering the ninth
27 grade. Students who elect to pursue a show me success
28 diploma shall participate in a course of study designed by
29 the school district to meet the requirements established
30 pursuant to subsection 3 of this section. The show me
31 success diploma shall be available to any such student until
32 the end of that student's twelfth grade year.

33 5. Students who earn a show me success diploma may
34 remain in high school and participate in programs of study
35 available through the school district or charter school
36 until that pupil would otherwise have graduated at the end
37 of grade twelve. For purposes of calculation and
38 distribution of state aid, the school district or charter
39 school of a pupil having earned a show me success diploma
40 who remains enrolled in the school district or charter

41 school shall continue to include the pupil in the pupil
42 enrollment of each such school district or charter school
43 and shall continue to receive funding for a pupil who earns
44 a show me success diploma until that pupil would otherwise
45 have graduated at the end of grade twelve. Students who
46 elect to remain in high school pursuant to this subsection
47 shall be eligible to participate in extracurricular
48 activities, including interscholastic sports, through the
49 end of grade twelve.

50 6. Students who pursue but do not meet the eligibility
51 requirements for a show me success diploma at the end of
52 grade ten or eleven shall receive a customized program of
53 assistance during the next school year that addresses areas
54 in which the student demonstrated deficiencies in the course
55 requirements. Students may choose to return to a
56 traditional academic program without completing the show me
57 success diploma.

58 7. The department of elementary and secondary
59 education shall provide training, guidance, and assistance
60 to teachers and administrators of the schools offering the
61 show me success diploma and shall closely monitor the
62 progress of the schools in the development of the program.

63 8. Pupils who earn a show me success diploma and do
64 not remain enrolled in the district or charter school and
65 instead enroll, or show proof that they will enroll, in a
66 postsecondary educational institution eligible to
67 participate in a student aid program administered by the
68 U.S. Department of Education, shall be included in the
69 district's or charter school's state aid calculation under
70 section 163.031, until such time that the pupil would have
71 completed their twelfth grade year had they not earned a
72 show me success diploma. The funding assigned to a pupil

73 under this subsection shall be calculated as if the
74 student's attendance percentage equaled the district or
75 charter school's prior year average attendance percentage.
76 For a pupil who, as provided in this subsection, is included
77 in the district's or charter school's state aid calculation
78 but who is not enrolled in the district or charter school,
79 an amount equal to ninety percent of the pupil's
80 proportionate share of the state, local, and federal aid
81 that the district or charter school receives for said pupil
82 under this subsection, shall be deposited into an account
83 established under sections 166.400 to 166.455 that lists the
84 pupil as the beneficiary. The state treasurer shall provide
85 guidance and assist school districts, charter schools,
86 pupils, and pupil's parents or guardians with the creation,
87 maintenance, and use of an account that has been established
88 under sections 166.400 to 166.455.

89 9. The department of elementary and secondary
90 education shall promulgate all necessary rules and
91 regulations for the administration of this section. Any
92 rule or portion of a rule, as that term is defined in
93 section 536.010, that is created under the authority
94 delegated in this section shall become effective only if it
95 complies with and is subject to all of the provisions of
96 chapter 536 and, if applicable, section 536.028. This
97 section and chapter 536 are nonseverable and if any of the
98 powers vested with the general assembly pursuant to chapter
99 536 to review, to delay the effective date, or to disapprove
100 and annul a rule are subsequently held unconstitutional,
101 then the grant of rulemaking authority and any rule proposed
102 or adopted after August 28, 2021, shall be invalid and void.

103 10. The provisions of this section shall expire on
104 August 28, 2028.

161.229. 1. The department of elementary and
2 secondary education shall maintain and publish on its
3 website any data or report sent to the department from any
4 federal agency within thirty days of receipt of such data or
5 report in an accessible format.

6 2. The department shall maintain and publish on its
7 website in an accessible format the full text of all state
8 administrative rules and regulations related to elementary
9 and secondary education and shall update such information
10 within thirty days of the publication in the Missouri
11 Register of any final order of rulemaking related to such
12 rules and regulations.

13 3. The information published pursuant to subsections 1
14 and 2 of this section shall be made available to the public
15 and shall be accessible and searchable from various devices
16 including, but not limited to, computers, tablets, and other
17 electronic communication devices.

18 4. By December thirty-first in every even-numbered
19 year, the state auditor shall review the department's
20 website for compliance with this section.

161.380. 1. Subject to appropriations, the department
2 of elementary and secondary education shall establish the
3 "Competency-Based Education Grant Program".

4 2. (1) There is hereby created in the state treasury
5 the "Competency-Based Education Grant Program Fund". The
6 fund shall consist of any appropriations to such fund and
7 any gifts, contributions, grants, or bequests received from
8 private or other sources for the purpose of providing
9 competency-based education programs. The state treasurer
10 shall be custodian of the fund. In accordance with sections
11 30.170 and 30.180, the state treasurer may approve
12 disbursements of public moneys in accordance with

13 distribution requirements and procedures developed by the
14 department of elementary and secondary education. The fund
15 shall be a dedicated fund and, upon appropriation, moneys in
16 the fund shall be used solely for the administration of this
17 section.

18 (2) Notwithstanding the provisions of section 33.080
19 to the contrary, any moneys remaining in the fund at the end
20 of the biennium shall not revert to the credit of the
21 general revenue fund.

22 (3) The state treasurer shall invest moneys in the
23 fund in the same manner as other funds are invested. Any
24 interest and moneys earned on such investments shall be
25 credited to the fund.

26 3. The department of elementary and secondary
27 education shall award grants from the competency-based
28 education grant program fund to eligible school districts
29 for the purpose of providing competency based education
30 programs. A school district wishing to receive such a grant
31 shall submit an application to the department of elementary
32 and secondary education addressing:

33 (1) A core mission that competency-based education
34 courses shall help achieve;

35 (2) A plan that outlines competency-based education
36 courses and key metrics that will show success;

37 (3) Resources available to the school and in the
38 community that will assist in creating successful competency-
39 based outcomes; and

40 (4) Resources and support needed to help the school
41 succeed in implementing competency-based education courses.

42 4. The department of elementary and secondary
43 education shall facilitate the creation, sharing, and
44 development of course assessments, curriculum, training and

45 guidance for teachers, and best practices for the school
46 districts that offer competency-based education courses.

47 5. For purposes of this section, the term "competency-
48 based education program" means an educational program that:

49 (1) Affords students flexibility to progress and earn
50 course credit upon demonstration of mastery, including
51 through early high school graduation;

52 (2) Provides individual learning and assessment
53 options, including through experiential and project-based
54 learning, online or blended learning, additional remedial
55 education time, and accelerated-pace curricula;

56 (3) Assesses student proficiency based on graduate
57 profiles describing meaningful and critical knowledge and
58 skills that students should have upon graduation; or

59 (4) Assesses student proficiency through tasks
60 developed both locally and at the state level, performance
61 of which demonstrate mastery.

62 6. The department of elementary and secondary
63 education shall promulgate all necessary rules and
64 regulations for the administration of this section. Any
65 rule or portion of a rule, as that term is defined in
66 section 536.010, that is created under the authority
67 delegated in this section shall become effective only if it
68 complies with and is subject to all of the provisions of
69 chapter 536 and, if applicable, section 536.028. This
70 section and chapter 536 are nonseverable and if any of the
71 powers vested with the general assembly pursuant to chapter
72 536 to review, to delay the effective date, or to disapprove
73 and annul a rule are subsequently held unconstitutional,
74 then the grant of rulemaking authority and any rule proposed
75 or adopted after August 28, 2021, shall be invalid and void.

76 7. The provisions of this section shall expire on
77 August 28, 2028.

 161.385. 1. There is hereby established the
2 "Competency-Based Education Task Force" to study and develop
3 competency-based education programs in public schools. Task
4 force members shall be chosen to represent the geographic
5 diversity of the state. All task force members shall be
6 appointed before October 31, 2021. The task force members
7 shall be appointed as follows:

8 (1) Two members of the house of representatives
9 appointed by the speaker of the house of representatives;

10 (2) Two members of the senate appointed by the
11 president pro tempore of the senate;

12 (3) The commissioner of the department of elementary
13 and secondary education or his or her designee; and

14 (4) Four members appointed by the governor. Two
15 members shall each represent a separate school district that
16 offers competency-based education courses.

17 2. The members of the task force established under
18 subsection 1 of this section shall elect a chair from among
19 the membership of the task force. The task force shall meet
20 as needed to complete its consideration of its objectives as
21 established in subsections 4 and 5 of this section. Any
22 vacancy on the task force shall be filled in the same manner
23 as the original appointment. Members of the task force
24 shall serve without compensation, but shall be entitled to
25 reimbursement for actual and necessary expenses incurred in
26 the performance of their official duties.

27 3. The department of elementary and secondary
28 education shall provide such legal, research, clerical, and
29 technical services as the task force may require in the
30 performance of its duties.

31 4. The task force shall:

32 (1) Work toward implementing competency-based
33 education courses statewide and devising a plan for Missouri
34 to lead the way in competency-based education courses;

35 (2) Solicit input from individuals and organizations
36 with information or expertise relevant to the task force's
37 objective, including experts and educators with experience
38 related to competency-based education programs;

39 (3) Hold at least three public hearings to provide an
40 opportunity to receive public testimony including, but not
41 limited to, testimony from educators, local school boards,
42 parents, representatives from business and industry, labor
43 and community leaders, members of the general assembly, and
44 the general public;

45 (4) Identify promising competency-based education
46 programs, including programs that:

47 (a) Afford students flexibility to progress and earn
48 course credit upon demonstration of mastery, including
49 through early high school graduation;

50 (b) Provide individual learning and assessment
51 options, including through experiential and project-based
52 learning, online or blended learning, additional remedial
53 education time, and accelerated-pace curricula;

54 (c) Assess student proficiency through tasks developed
55 both locally and at the state level, performance of which
56 demonstrate mastery;

57 (5) Identify obstacles to implementing competency-
58 based education programs in Missouri public schools;

59 (6) Develop comprehensive graduate profiles which
60 describe meaningful and critical knowledge skills that
61 students should have upon graduation that can be implemented
62 into a diploma designation;

63 (7) Develop findings and recommendations for
64 implementing competency-based education models and practices
65 in Missouri public schools, including recommending changes
66 to existing legislation, rules, and regulations;

67 (8) Develop findings and recommendations for
68 implementing a competency-based performance assessment that:

69 (a) Is consistent with the most effective competency-
70 based education programs identified by the task force
71 pursuant to subdivision (3) of this subsection;

72 (b) Assesses students based on both locally-developed
73 and common statewide performance tasks tied to grade and
74 course competencies aligned with state content standards; and

75 (c) Complies with all applicable federal law,
76 including 20 U.S.C. Section 6311(b)(1)(B). To the extent
77 that implementing a competency-based performance assessment
78 would require the department of elementary and secondary
79 education to obtain innovative assessment and accountability
80 demonstration authority under 20 U.S.C. Section 6364, the
81 task force shall develop findings and recommendations for
82 obtaining such authority.

83 5. The task force shall present its findings and
84 recommendations to the speaker of the house of
85 representatives, the president pro tempore of the senate,
86 the joint committee on education, and the state board of
87 education by December first annually.

88 6. The provisions of this section shall expire on
89 August 28, 2028.

162.441. 1. If any school district desires to be
2 attached to a community college district organized under
3 sections 178.770 to 178.890 or to one or more adjacent seven-
4 director school districts for school purposes, upon the
5 receipt of a petition setting forth such fact, signed either

6 by voters of the district equal in number to ten percent of
7 those voting in the last school election at which school
8 board members were elected or by a majority of the voters of
9 the district, whichever is the lesser, the school board of
10 the district desiring to be so attached shall submit the
11 question to the voters.

12 2. As an alternative to the procedure in subsection 1
13 of this section, a seven-director district may, by a
14 majority vote of its board of education, propose a plan to
15 the voters of the district to attach the district to one or
16 more adjacent seven-director districts and call an election
17 upon the question of such plan.

18 3. As an alternative to the procedures in subsection 1
19 or 2 of this section, a community college district organized
20 under sections 178.770 to 178.890 may, by a majority vote of
21 its board of trustees, propose a plan to the voters of the
22 school district to attach the school district to the
23 community college district, levy the tax rate applicable to
24 the community college district at the time of the vote of
25 the board of trustees, and call an election upon the
26 question of such plan. The tax rate applicable to the
27 community college district shall not be levied as to the
28 school district until the proposal by the board of trustees
29 of the community college district has been approved by a
30 majority vote of the voters of the school district at the
31 election called for that purpose. The community college
32 district shall be responsible for the costs associated with
33 the election.

34 4. A plat of the proposed changes to all affected
35 districts shall be published and posted with the notice of
36 election.

37 5. The question shall be **approved by the county**
38 **commission in which the school district is located and the**
39 **ballot language shall include the tax rate and assessed**
40 **valuation of the school district prior to and after approval**
41 **of the question.** [submitted in substantially the following
42 form:

43 Shall the _____ school district be annexed
44 to the _____ school districts effective the
45 _____ day of _____, _____?]

46 6. If a majority of the votes cast in the district
47 proposing annexation favor annexation, the secretary shall
48 certify the fact, with a copy of the record, to the board of
49 the district and to the boards of the districts to which
50 annexation is proposed; whereupon the boards of the seven-
51 director districts to which annexation is proposed shall
52 meet to consider the advisability of receiving the district
53 or a portion thereof, and if a majority of all the members
54 of each board favor annexation, the boundary lines of the
55 seven-director school districts from the effective date
56 shall be changed to include the district, and the board
57 shall immediately notify the secretary of the district which
58 has been annexed of its action.

59 7. Upon the effective date of the annexation, all
60 indebtedness, property and money on hand belonging thereto
61 shall immediately pass to the seven-director school
62 district. If the district is annexed to more than one
63 district, the provisions of sections 162.031 and 162.041
64 shall apply.

 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 or charter school are determined to be
11 gifted and their development requires programs or services
12 beyond the level of those ordinarily provided in regular
13 public school programs, the district or charter school shall
14 establish a state-approved gifted program for gifted
15 children.

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

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

34 [3.] 4. No district shall make a determination as to
35 whether a child is gifted based on the child's participation
36 in an advanced placement course or international

37 baccalaureate course. Districts shall determine a child is
38 gifted only if the child meets the definition of gifted
39 children as provided in section 162.675.

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

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

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

162.1255. 1. For purposes of this section, the following terms shall mean:

(1) "Competency-based credit", credit awarded by school districts and charter schools to high school students upon demonstration of competency as determined by a school district. Such credit shall be awarded upon receipt of "proficient" or "advanced" on an end-of-course assessment;

(2) "Prior year average attendance percentage", the quotient of the district or charter school's prior year average daily attendance divided by the district or charter school's prior year average yearly enrollment.

2. School districts and charter schools shall receive state school funding under sections 163.031, 163.043, 163.044, and 163.087 for resident pupils enrolled in the school district or charter school and taking competency-based courses offered by the school district.

3. For purposes of calculation and distribution of state aid under section 163.031, attendance of a student enrolled in a district's or charter school's competency-based courses shall equal, upon course completion, the product of the district or charter school's prior year average attendance percentage multiplied by the total number of attendance hours normally allocable to a noncompetency-based course of equal credit value.

4. The provisions of this section shall expire on August 28, 2028.

166.400. Sections 166.400 to [166.455] **166.456** shall be known and may be cited as the "Missouri Education [Savings] Program".

166.410. [Definitions.] As used in sections 166.400 to [166.455] **166.456**, except where the context clearly requires another interpretation, the following terms mean:

4 (1) "Beneficiary", any individual designated by a
5 participation agreement to benefit from payments for
6 qualified education expenses at an eligible educational
7 institution;

8 (2) "Benefits", the payment of qualified education
9 expenses on behalf of a beneficiary from a savings account
10 during the beneficiary's attendance at an eligible
11 educational institution;

12 (3) "Board", the Missouri education [savings] program
13 board established in section 166.415;

14 (4) "Eligible educational institution", an
15 [institution of postsecondary education] **eligible**
16 **educational institution** as defined in Section 529[(e)(5)] of
17 the Internal Revenue Code, [and institutions of elementary
18 and secondary education as provided in Sections 529(c)(7)
19 and 529(e)(3) of the Internal Revenue Code,] as amended;

20 (5) "Financial institution", a bank, insurance company
21 or registered investment company;

22 (6) "Internal Revenue Code", the Internal Revenue Code
23 of 1986, as amended;

24 (7) "Missouri education [savings] program" or
25 "[savings] program", the program created pursuant to
26 sections 166.400 to [166.455] **166.456**;

27 (8) "Participant", a person who has entered into a
28 participation agreement pursuant to sections 166.400 to
29 [166.455] **166.456** for the advance payment of qualified
30 education expenses on behalf of a beneficiary;

31 (9) "Participation agreement", an agreement between a
32 participant and the board pursuant to and conforming with
33 the requirements of sections 166.400 to [166.455] **166.456**;
34 and

35 (10) "Qualified higher education expenses" or
36 "qualified education expenses", the qualified costs of
37 tuition and fees and other expenses for attendance at an
38 eligible educational institution, as defined in Section
39 [529(e)(3)] **529** of the Internal Revenue Code, as amended.

166.415. 1. There is hereby created the "Missouri
2 Education [Savings] Program". The program shall be
3 administered by the Missouri education [savings] program
4 board which shall consist of the Missouri state treasurer
5 who shall serve as chairman, the commissioner of the
6 department of higher education and workforce development,
7 the commissioner of education, the commissioner of the
8 office of administration, the director of the department of
9 economic development, two persons having demonstrable
10 experience and knowledge in the areas of finance or the
11 investment and management of public funds, one of whom is
12 selected by the president pro tem of the senate and one of
13 whom is selected by the speaker of the house of
14 representatives, and one person having demonstrable
15 experience and knowledge in the area of banking or deposit
16 rate determination and placement of depository certificates
17 of deposit or other deposit investments. Such member shall
18 be appointed by the governor with the advice and consent of
19 the senate. The three appointed members shall be appointed
20 to serve for terms of four years from the date of
21 appointment, or until their successors shall have been
22 appointed and shall have qualified. The members of the
23 board shall be subject to the conflict of interest
24 provisions of section 105.452. Any member who violates the
25 conflict of interest provisions shall be removed from the
26 board. In order to establish and administer the [savings]

27 program, the board, in addition to its other powers and
28 authority, shall have the power and authority to:

29 (1) Develop and implement the Missouri education
30 [savings] program and, notwithstanding any provision of
31 sections 166.400 to [166.455] **166.456** to the contrary, the
32 [savings] programs and services consistent with the purposes
33 and objectives of sections 166.400 to [166.455] **166.456**;

34 (2) Promulgate reasonable rules and regulations and
35 establish policies and procedures to implement sections
36 166.400 to [166.455] **166.456**, to permit the [savings]
37 program to qualify as a "qualified state tuition program"
38 pursuant to Section 529 of the Internal Revenue Code and to
39 ensure the [savings] program's compliance with all
40 applicable laws;

41 (3) Develop and implement educational programs and
42 related informational materials for participants, either
43 directly or through a contractual arrangement with a
44 financial institution for investment services, and their
45 families, including special programs and materials to inform
46 families with young children regarding methods for financing
47 education and training;

48 (4) Enter into agreements with any financial
49 institution, the state or any federal or other agency or
50 entity as required for the operation of the [savings]
51 program pursuant to sections 166.400 to [166.455] **166.456**;

52 (5) Enter into participation agreements with
53 participants;

54 (6) Accept any grants, gifts, legislative
55 appropriations, and other moneys from the state, any unit of
56 federal, state, or local government or any other person,
57 firm, partnership, or corporation for deposit to the account
58 of the [savings] program;

59 (7) Invest the funds received from participants in
60 appropriate investment instruments to achieve long-term
61 total return through a combination of capital appreciation
62 and current income;

63 (8) Make appropriate payments and distributions on
64 behalf of beneficiaries pursuant to participation agreements;

65 (9) Make refunds to participants upon the termination
66 of participation agreements pursuant to the provisions,
67 limitations, and restrictions set forth in sections 166.400
68 to [166.455] **166.456** and the rules adopted by the board;

69 (10) Make provision for the payment of costs of
70 administration and operation of the [savings] program;

71 (11) Effectuate and carry out all the powers granted
72 by sections 166.400 to [166.455] **166.456**, and have all other
73 powers necessary to carry out and effectuate the purposes,
74 objectives and provisions of sections 166.400 to [166.455]
75 **166.456** pertaining to the [savings] program; and

76 (12) Procure insurance, guarantees or other
77 protections against any loss in connection with the assets
78 or activities of the [savings] program.

79 2. Any member of the board may designate a proxy for
80 that member who will enjoy the full voting privileges of
81 that member for the one meeting so specified by that member.

82 No more than three proxies shall be considered members of
83 the board for the purpose of establishing a quorum.

84 3. Four members of the board shall constitute a
85 quorum. No vacancy in the membership of the board shall
86 impair the right of a quorum to exercise all the rights and
87 perform all the duties of the board. No action shall be
88 taken by the board except upon the affirmative vote of a
89 majority of the members present.

90 4. The board shall meet within the state of Missouri
91 at the time set at a previously scheduled meeting or by the
92 request of any four members of the board. Notice of the
93 meeting shall be delivered to all other trustees in person
94 or by depositing notice in a United States post office in a
95 properly stamped and addressed envelope not less than six
96 days prior to the date fixed for the meeting. The board may
97 meet at any time by unanimous mutual consent. There shall
98 be at least one meeting in each quarter.

99 5. The funds shall be invested only in those
100 investments which a prudent person acting in a like capacity
101 and familiar with these matters would use in the conduct of
102 an enterprise of a like character and with like aims, as
103 provided in section 105.688. For new contracts entered into
104 after August 28, 2012, board members shall study investment
105 plans of other states and contract with or negotiate to
106 provide benefit options the same as or similar to other
107 states' qualified plans for the purpose of offering
108 additional options for members of the plan. The board may
109 delegate to duly appointed investment counselors authority
110 to act in place of the board in the investment and
111 reinvestment of all or part of the moneys and may also
112 delegate to such counselors the authority to act in place of
113 the board in the holding, purchasing, selling, assigning,
114 transferring or disposing of any or all of the securities
115 and investments in which such moneys shall have been
116 invested, as well as the proceeds of such investments and
117 such moneys. Such investment counselors shall be registered
118 as investment advisors with the United States Securities and
119 Exchange Commission. In exercising or delegating its
120 investment powers and authority, members of the board shall
121 exercise ordinary business care and prudence under the facts

122 and circumstances prevailing at the time of the action or
123 decision. No member of the board shall be liable for any
124 action taken or omitted with respect to the exercise of, or
125 delegation of, these powers and authority if such member
126 shall have discharged the duties of his or her position in
127 good faith and with that degree of diligence, care and skill
128 which a prudent person acting in a like capacity and
129 familiar with these matters would use in the conduct of an
130 enterprise of a like character and with like aims.

131 6. No investment transaction authorized by the board
132 shall be handled by any company or firm in which a member of
133 the board has a substantial interest, nor shall any member
134 of the board profit directly or indirectly from any such
135 investment.

136 7. No trustee or employee of the [savings] program
137 shall receive any gain or profit from any funds or
138 transaction of the [savings] program. Any trustee, employee
139 or agent of the [savings] program accepting any gratuity or
140 compensation for the purpose of influencing such trustee's,
141 employee's or agent's action with respect to the investment
142 or management of the funds of the [savings] program shall
143 thereby forfeit the office and in addition thereto be
144 subject to the penalties prescribed for bribery.

166.420. 1. The board may enter into [savings]
2 program participation agreements with participants on behalf
3 of beneficiaries pursuant to the provisions of sections
4 166.400 to [166.455] **166.456**, including the following terms
5 and conditions:

6 (1) A participation agreement shall stipulate the
7 terms and conditions of the [savings] program in which the
8 participant makes contributions;

9 (2) A participation agreement shall specify the method
10 for calculating the return on the contribution made by the
11 participant;

12 (3) The execution of a participation agreement by the
13 board shall not guarantee that the beneficiary named in any
14 participation agreement will be admitted to an eligible
15 educational institution, be allowed to continue to attend an
16 eligible educational institution after having been admitted
17 or will graduate from an eligible educational institution;

18 (4) A participation agreement shall clearly and
19 prominently disclose to participants the risk associated
20 with depositing moneys with the board;

21 (5) Participation agreements shall be organized and
22 presented in a way and with language that is easily
23 understandable by the general public; and

24 (6) A participation agreement shall clearly and
25 prominently disclose to participants the existence of any
26 load charge or similar charge assessed against the accounts
27 of the participants for administration or services.

28 2. The board shall establish the maximum amount which
29 may be contributed annually [by a participant] with respect
30 to a beneficiary.

31 3. The board shall establish a total contribution
32 limit for savings accounts established under the [savings]
33 program with respect to a beneficiary to permit the
34 [savings] program to qualify as a "qualified state tuition
35 program" pursuant to Section 529 of the Internal Revenue
36 Code. No contribution may be made to a savings account for
37 a beneficiary if it would cause the balance of all savings
38 accounts of the beneficiary to exceed the total contribution
39 limit established by the board. The board may establish
40 other requirements that it deems appropriate to provide

41 adequate safeguards to prevent contributions on behalf of a
42 beneficiary from exceeding what is necessary to provide for
43 the qualified education expenses of the beneficiary.

44 4. The board shall establish the minimum length of
45 time that contributions and earnings must be held by the
46 [savings] program to qualify pursuant to section 166.435.
47 Any contributions or earnings that are withdrawn or
48 distributed from a savings account prior to the expiration
49 of the minimum length of time, as established by the board,
50 shall be subject to a penalty pursuant to section 166.430.

166.425. All money paid by a participant in connection
2 with participation agreements shall be deposited as received
3 and shall be promptly invested by the board. Contributions
4 and earnings thereon accumulated on behalf of participants
5 in the [savings] program may be used, as provided in the
6 participation agreement, for qualified education expenses.
7 Such contributions and earnings shall not be considered
8 income for purposes of determining a participant's
9 eligibility for financial assistance under any state student
10 aid program.

166.435. 1. Notwithstanding any law to the contrary,
2 the assets of the [savings] program held by the board, the
3 assets of any deposit program authorized in section 166.500,
4 and the assets of any qualified tuition [savings] program
5 established pursuant to Section 529 of the Internal Revenue
6 Code and any income therefrom shall be exempt from all
7 taxation by the state or any of its political subdivisions.
8 Income earned or received from the [savings] program,
9 deposit, or other qualified tuition [savings] programs
10 established under Section 529 of the Internal Revenue Code,
11 or refunds of qualified education expenses received by a
12 beneficiary from an eligible educational institution in

13 connection with withdrawal from enrollment at such
14 institution which are contributed within sixty days of
15 withdrawal to a qualified tuition [savings] program of which
16 such individual is a beneficiary shall not be subject to
17 state income tax imposed pursuant to chapter 143 and shall
18 be eligible for any benefits provided in accordance with
19 Section 529 of the Internal Revenue Code. The exemption
20 from taxation pursuant to this section shall apply only to
21 assets and income maintained, accrued, or expended pursuant
22 to the requirements of the [savings] program established
23 pursuant to sections 166.400 to [166.455] **166.456**, the
24 deposit program established pursuant to sections 166.500 to
25 166.529, and other qualified tuition [savings] programs
26 established under Section 529 of the Internal Revenue Code,
27 and no exemption shall apply to assets and income expended
28 for any other purposes. Annual contributions made to the
29 [savings] program held by the board, the deposit program,
30 and any qualified tuition [savings] program established
31 under Section 529 of the Internal Revenue Code up to and
32 including eight thousand dollars per [participating]
33 taxpayer, and up to sixteen thousand dollars for married
34 individuals filing a joint tax return, shall be subtracted
35 in determining Missouri adjusted gross income pursuant to
36 section 143.121.

37 2. If any deductible contributions to or earnings from
38 any such program referred to in this section are distributed
39 and not used to pay qualified education expenses, not
40 transferred as allowed by 26 U.S.C. Section 529(c) (3) (C) (i),
41 as amended, and any Internal Revenue Service regulations or
42 guidance issued in relation thereto, or are not held for the
43 minimum length of time established by the appropriate
44 Missouri board, then the amount so distributed shall be

45 included in the Missouri adjusted gross income of the
46 participant, or, if the participant is not living, the
47 beneficiary.

48 3. The provisions of this section shall apply to tax
49 years beginning on or after January 1, 2008, and the
50 provisions of this section with regard to sections 166.500
51 to 166.529 shall apply to tax years beginning on or after
52 January 1, 2004.

166.440. The assets of the [savings] program shall at
2 all times be preserved, invested and expended only for the
3 purposes set forth in this section and in accordance with
4 the participation agreements, and no property rights therein
5 shall exist in favor of the state.

166.456. All personally identifiable information
2 concerning participants and beneficiaries of accounts
3 established within the Missouri education [savings] program
4 pursuant to sections 166.400 to 166.456 shall be
5 confidential, and any disclosure of such information shall
6 be restricted to purposes directly connected with the
7 administration of the program.

**167.625. 1. This section shall be known and may be
2 cited as "Will's Law".**

2. As used in this section, the following terms mean:

4 **(1) "Individualized emergency health care plan", a
5 document developed by a school nurse, in consultation with a
6 student's parent and other appropriate medical
7 professionals, that is consistent with the recommendations
8 of the student's health care providers, that describes
9 procedural guidelines that provide specific directions about
10 what to do in a particular emergency situation, and that is
11 signed by the parent and the school nurse or the school**

12 administrator or the administrator's designee in the absence
13 of the school nurse;

14 (2) "Individualized health care plan", a document
15 developed by a school nurse, in consultation with a
16 student's parent and other appropriate medical professionals
17 who may be providing epilepsy or seizure disorder care to
18 the student, that is consistent with the recommendations of
19 the student's health care providers, that describes the
20 health services needed by the student at school, and that is
21 signed by the parent and the school nurse or the school
22 administrator or the administrator's designee in the absence
23 of the school nurse;

24 (3) "Parent", a parent, guardian, or other person
25 having charge, control, or custody of a student;

26 (4) "School", any public elementary or secondary
27 school or charter school;

28 (5) "School employee", a person employed by a school;

29 (6) "Student", a student who has epilepsy or a seizure
30 disorder and who attends a school.

31 3. (1) The parent of a student who seeks epilepsy or
32 seizure disorder care while at school shall inform the
33 school nurse or the school administrator or the
34 administrator's designee in the absence of the school
35 nurse. The school nurse shall develop an individualized
36 health care plan and an individualized emergency health care
37 plan for the student. The parent of the student shall
38 annually provide to the school written authorization for the
39 provision of epilepsy or seizure disorder care as described
40 in the individualized plans.

41 (2) The individualized plans developed under
42 subdivision (1) of this subsection shall be updated by the
43 school nurse before the beginning of each school year and as

44 necessary if there is a change in the health status of the
45 student.

46 (3) Each individualized health care plan shall, and
47 each individualized emergency health care plan may, include
48 but not be limited to the following information:

49 (a) A notice about the student's condition for all
50 school employees who interact with the student;

51 (b) Written orders from the student's physician or
52 advanced practice nurse describing the epilepsy or seizure
53 disorder care;

54 (c) The symptoms of the epilepsy or seizure disorder
55 for that particular student and recommended care;

56 (d) Whether the student may fully participate in
57 exercise and sports, and any contraindications to exercise
58 or accommodations that shall be made for that particular
59 student;

60 (e) Accommodations for school trips, after-school
61 activities, class parties, and other school-related
62 activities;

63 (f) Information for such school employees about how to
64 recognize and provide care for epilepsy and seizure
65 disorders, epilepsy and seizure disorder first aid training,
66 when to call for assistance, emergency contact information,
67 and parent contact information;

68 (g) Medical and treatment issues that may affect the
69 educational process of the student;

70 (h) The student's ability to manage, and the student's
71 level of understanding of, the student's epilepsy or seizure
72 disorder; and

73 (i) How to maintain communication with the student,
74 the student's parent and health care team, the school nurse

75 or the school administrator or the administrator's designee
76 in the absence of the school nurse, and the school employees.

77 4. (1) The school nurse assigned to a particular
78 school or the school administrator or the administrator's
79 designee in the absence of the school nurse shall coordinate
80 the provision of epilepsy and seizure disorder care at that
81 school and ensure that all school employees are trained
82 every two years in the care of students with epilepsy and
83 seizure disorders including, but not limited to, school
84 employees working with school-sponsored programs outside of
85 the regular school day, as provided in the student's
86 individualized plans.

87 (2) The training required under subdivision (1) of
88 this subsection shall include an online or in-person course
89 of instruction approved by the department of health and
90 senior services that is provided by a reputable, local,
91 Missouri-based health care or nonprofit organization that
92 supports the welfare of individuals with epilepsy and
93 seizure disorders.

94 5. The school nurse or the school administrator or the
95 administrator's designee in the absence of the school nurse
96 shall obtain a release from a student's parent to authorize
97 the sharing of medical information between the student's
98 physician or advanced practice nurse and other health care
99 providers. The release shall also authorize the school
100 nurse or the school administrator or the administrator's
101 designee in the absence of the school nurse to share medical
102 information with other school employees in the school
103 district as necessary. No sharing of information under this
104 subsection shall be construed to be a violation of the
105 federal Health Insurance Portability and Accountability Act
106 of 1996 (HIPAA) (Pub. L. 104-191), as amended, if a

107 student's parent has provided a release under this
108 subsection.

109 6. No school employee including, but not limited to, a
110 school nurse, a school bus driver, a school bus aide, or any
111 other officer or agent of a school shall be held liable for
112 any good faith act or omission consistent with the
113 provisions of this section, nor shall an action before the
114 state board of nursing lie against a school nurse for any
115 such action taken by a school employee trained in good faith
116 by the school nurse under this section. "Good faith" shall
117 not be construed to include willful misconduct, gross
118 negligence, or recklessness.

174.453. 1. Except as provided in section 174.450,
2 the board of governors shall be appointed as follows:

3 (1) Five voting members shall be selected from the
4 counties comprising the institution's historic statutory
5 service region as described in section 174.010, except that
6 no more than two members shall be appointed from any one
7 county with a population of less than two hundred thousand
8 inhabitants;

9 (2) Two voting members shall be selected from any of
10 the counties in the state which are outside of the
11 institution's historic service region; and

12 (3) One nonvoting member who is a student shall be
13 selected in the same manner as prescribed in section 174.055.

14 2. The term of service of the governors shall be as
15 follows:

16 (1) The voting members shall be appointed for terms of
17 six years; and

18 (2) The nonvoting student member shall serve a two-
19 year term.

20 3. Members of any board of governors selected pursuant
21 to this section and in office on May 13, 1999, shall serve
22 the remainder of their unexpired terms.

23 4. Notwithstanding the provisions of subsection 1 of
24 this section, the board of governors of Missouri Southern
25 State University shall be appointed as follows:

26 (1) Six voting members shall be selected from any of
27 the following counties: Barton, Jasper, Newton, McDonald,
28 Dade, Lawrence, and Barry provided that no more than three
29 of these six members shall be appointed from any one county;

30 (2) Two voting members shall be selected from any of
31 the counties in the state which are outside of the counties
32 articulated in subdivision (1) of this subsection;

33 (3) One nonvoting member who is a student shall be
34 selected in the same manner as prescribed in section
35 174.055; and

36 (4) The provisions of subdivisions (1) and (2) of this
37 subsection shall only apply to board members first appointed
38 after August 28, 2004.

39 5. Notwithstanding the provisions of subsection 1 of
40 this section, the board of governors of Missouri Western
41 State University shall be **composed of eight members**
42 appointed as follows:

43 (1) Five voting members shall be selected from any of
44 the following counties: Buchanan, Platte, Clinton, Andrew,
45 and DeKalb [provided that no more than three of these five
46 members shall be appointed from any one county];

47 (2) [Two voting members shall be selected from any of
48 the counties in the state which are outside of the counties
49 articulated in subdivision (1) of this subsection;

50 (3)] One nonvoting member who is a student shall be
51 selected in the same manner as prescribed in section
52 174.055; and

53 [(4)] (3) The provisions of subdivisions (1) and (2)
54 of this subsection shall only apply to board members first
55 appointed after August 28, 2005.

 210.201. As used in sections 210.201 to 210.257, the
2 following terms mean:

3 (1) "Child", an individual who is under the age of
4 seventeen;

5 (2) "Child care", care of a child away from his or her
6 home for any part of the twenty-four-hour day for
7 compensation or otherwise. "Child care" is a voluntary
8 supplement to parental responsibility for the child's
9 protection, development, and supervision;

10 (3) "Child-care facility" or "child care facility", a
11 house or other place conducted or maintained by any person
12 who advertises or holds himself or herself out as providing
13 child care for any part of the twenty-four-hour day for
14 compensation or otherwise if providing child care to more
15 than:

16 (a) Six children; or

17 (b) Three children under two years of age;

18 (4) "Child care provider" or "provider", the person or
19 persons licensed or required to be licensed under section
20 210.221 to establish, conduct, or maintain a child care
21 facility;

22 (5) "Montessori school", a child care program that
23 [subscribes to Maria Montessori's educational philosophy and
24 that is accredited by the American Montessori Society or the
25 Association Montessori Internationale] **is either accredited**
26 **by, actively seeking accreditation by, or maintains an**

27 **active school membership with the American Montessori**
28 **Society, the Association Montessori Internationale, the**
29 **International Montessori Counsel, or the Montessori**
30 **Educational Programs International;**

31 (6) "Neighborhood youth development program", as
32 described in section 210.278;

33 (7) "Nursery school", a program operated by a person
34 or an organization with the primary function of providing an
35 educational program for preschool-age children for no more
36 than four hours per day per child;

37 (8) "Person", any individual, firm, corporation,
38 partnership, association, agency, or an incorporated or
39 unincorporated organization regardless of the name used;

40 (9) "Religious organization", a church, synagogue or
41 mosque; an entity that has or would qualify for federal tax-
42 exempt status as a nonprofit religious organization under
43 Section 501(c) of the Internal Revenue Code; or an entity
44 whose real estate on which the child-care facility is
45 located is exempt from taxation because it is used for
46 religious purposes;

47 (10) "School system", a program established primarily
48 for education and that meets the following criteria:

49 (a) Provides education in at least the first to the
50 sixth grade; and

51 (b) Provides evidence that the school system's records
52 will be accepted by a public or private school for the
53 transfer of any student;

54 (11) "Summer camp", a program operated from May to
55 September by a person or organization with the primary
56 function of providing a summer recreational program for
57 children five years of age or older and providing no child

58 care for children under five years of age in the same
59 building or in the same outdoor play area.

Section B. Because immediate action is necessary to
2 provide individualized care plans for students with epilepsy
3 or seizure disorders who attend public schools and because
4 of the need to preserve safe and adequate access to
5 educational opportunities for Missouri children, the
6 enactment of section 167.625 and the repeal and reenactment
7 of section 210.201 of this act is deemed necessary for the
8 immediate preservation of the public health, welfare, peace
9 and safety, and is hereby declared to be an emergency act
10 within the meaning of the constitution, and the enactment of
11 section 167.625 and the repeal and reenactment of section
12 210.201 of this act shall be in full force and effect upon
13 its passage and approval.

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