

Empowerment Scholarship Accounts Tax Credit Program

Guidelines for Educational Assistance Organizations

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<u>Section I – Introduction and Purpose</u>

The Missouri Empowerment Scholarship Accounts (ESA) program, MOScholars, was created to promote educational opportunities and quality of educational services for Missouri children. The program provides options for eligible families, allowing them to seek an array of alternative educational services ranging from private schools to therapeutic education services.

Under sections 135.712 to 135.719, RSMo and sections 166.700 to 166.720, RSMo, MOScholars is administered by the Missouri State Treasurer's Office (STO). Tax credits may be awarded to individuals and businesses that file a Missouri income tax return and make an eligible contribution to an educational assistance organization (EAO). These private contributions for tax credits fund scholarship accounts for students with Individual Education Plans (IEPs) and students living in low-income households.

Eligible donors may receive a tax credit equal to 100% of a contribution to a certified EAO, not to exceed 50% of the donor's state tax liability for the tax year the credit is claimed.

The purpose of these guidelines is to establish the process whereby an EAO may be certified by the State Treasurer's Office to administer an ESA program.

<u>Section II – What is an ESA Program?</u>

A. The Missouri ESA program, MOScholars, has the following characteristics:

1. Provides scholarship accounts for qualified students using tax creditleveraged contributions from private donors.

2. Defines qualified students, in order of priority, as:

Any elementary or secondary school student who is a resident of Missouri and resides in an <u>eligible city or county</u> (a county with a charter form of government, or any city with at least 30,000 residents), who:

- a) Has an approved "individualized education plan" (IEP) developed under the federal Individuals with Disabilities Education Act (IDEA). The term "individualized education plan" means:
 - i. An individualized education program (IEP) as defined in 20 U.S.C. §1414(d)(I)(A)(i); or
 - ii. An individual service plan (ISP) that is developed in cooperation with a local educational agency under the IDEA, specifically those provisions pertaining to parentally placed private school children found in 20 U.S.C. §1412(a)(10) and 34 CFR §300.132(b).

Any IEP or ISP that is proffered for program eligibility must be dated within thirty-six months of the date of the student's application to the program. Students with ISPs that are not developed under the IDEA are not eligible.

OR

- b) Lives in a household whose total annual income does not exceed 100% of the free and reduced lunch rate; and,
 - Attended a public school as a full-time student for at least one (1) semester during the previous twelve (12) months; or
 - Is a child who is eligible to begin kindergarten or first grade.

If funding remains available after all students who meet these qualifications have been served, then the next category of qualified student is any student who:

- a) Is a member of a household whose total annual income does not exceed 200% of the standard used to qualify for free and reduced lunches and meets at least one of the following qualifications:
 - Attended a public school as a full-time student for at least one (1) semester during the previous twelve (12) months; or
 - Is a child who is eligible to begin kindergarten or first grade.
- 3. Scholarship funds may be used only for eligible program expenses, including:
 - a) Tuition or fees at a qualified school;
 - b) Textbooks required by a qualified school;
 - c) Educational therapies or services from a licensed or accredited practitioner or provider including, but not limited to, licensed or accredited paraprofessionals or educational aides;
 - d) Tutoring services;
 - e) Curriculum;
 - f) Tuition or fees for a private virtual school;
 - g) Fees for a nationally standardized norm-referenced achievement test, advanced placement examinations, international baccalaureate examinations, or any examinations related to college or university admission;
 - h) Fees for management of the Missouri empowerment scholarship account by firms selected by the EAO;
 - i) Services provided by a public school including, but not limited to, individual classes and extracurricular programs;
 - j) Computer hardware or other technological devices that are used to help meet the qualified student's educational needs and that are approved by an EAO:

- Fees for summer education programs and specialized after-school education programs;
- 1) Transportation costs for mileage to and from a qualified school.

B. Funding Scholarship Accounts

Certified EAOs will utilize MOScholars tax credits to solicit contributions from eligible donors. Donors reserve tax credits through the MOScholars online system, then make a contribution to the certified EAO. The contribution is used to fund scholarships, and the donor receives a tax credit that is used to offset their Missouri tax liability under sections 143 and 153.

The certified EAO is responsible for accepting eligible contributions and submitting supporting documentation from eligible donors, then providing donors with an STO-approved receipt for the contribution.

Figure 1.1 The Donation Process

Donor visits the STO website to reserve MOScholars tax credits and receives a confirmation

Within 30 days, the donor submits the donation and confirmation to the EAO The EAO submits the confirmation, along with proof of the donation, to the STO

The STO processes the tax credit, then sends the tax credit receipt to the EAO, for forwarding to the donor

Monthly, the EAO sends a remittance report and supporting documents to the STO

Donor uses the tax credits against taxes owed to the MO Department of

C. Eligible Contributions

Eligible contributions are monetary donations of \$500 or more, including:

- 1. Checks drawn on a US banking institution
- 2. Money orders
- 3. Electronic funds transfers

D. MOScholars Tax Credits - Special Features and Limitations

- 1. The credit is equal to 100% of a contribution to a certified EAO, not to exceed 50% of the donor's state tax liability for the tax year the credit is used.
- 2. Any portion of the tax credit not used against Missouri tax liability in the year it was first claimed may be carried forward for four (4) subsequent tax years.
- 3. The contribution date is the date the funds are deposited in the EAO's account.
- 4. Tax credit contributions cannot be designated for a particular student.
- 5. The tax credit is not sellable, transferrable, or refundable.
- 6. Prior to issuing tax credits to donors, the Missouri Department of Revenue will check for tax delinquencies and offset any donor credits accordingly.

<u>Section III – Educational Assistance Organizations (EAOs)</u>

A. MOScholars Organization Eligibility

An EAO is a nonprofit organization that, after being certified by the Missouri State Treasurer's Office, can receive qualified contributions from individuals and businesses to award scholarship accounts to qualified Missouri students. The EAO establishes and maintains relationships with eligible schools to create a network of schools students may use scholarship funds to attend.

An organization that desires to be an EAO must meet the following eligibility criteria:

- 1. The organization is exempt from federal income tax under Section 501(c)(3).
- 2. The organization is registered to do business and is in Good Standing with the Missouri Secretary of State's Office.
- 3. The organization has a physical presence in Missouri.
- 4. The organization has not been through a Chapter 7 or Chapter 11 bankruptcy in the seven years immediately preceding the application for certification.
- 5. The organization participates in E-Verify.

E-Verify is a web-based system that allows enrolled employers to confirm employee eligibility to work in the United States. E-Verify employers verify the identity and employment eligibility of newly hired employees by matching information provided by employees on the Form I-9 against records available to the Social Security Administration (SSA) and the Department of Homeland Security (DHS). Entities receiving allocations of Missouri state tax credits are

required to participate in the employment verification program. To learn more about E-Verify or to register, visit: https://www.e-verify.gov/

- 6. An EAO may not have a president, officer, or director who owns or operates a qualified school that is participating in the program. Additionally, an EAO may not provide a scholarship account to a child of: a president, officer, or director; a member of the board; or, an employee of the EAO.
- 7. Organizations expecting MOScholars donations of \$50,000 or more during the school year must be able to provide either:
 - a) A surety bond, within 30 days of notification of certification and allocation (unless granted an extension by the STO), with the STO named as obligee, in an amount equal to 25% of the aggregate amount of contributions expected to be received during the school year; or,
 - b) Pledge collateral, in an amount equal to 25% of the aggregate amount of contributions expected to be received during the school year. Collateral in the form of a letter of credit is acceptable but may not be issued by the bank at which tax credit contributions will be deposited and held.

B. MOScholars EAO Application Process

For 2022, \$25 million in state tax credits are available for allocation to certified EAOs. A 2023 total will be available later this year. In any single school year, up to ten (10) EAOs may be certified, with no more than six (6) having their principal place of business in any of the following: Greene County, Jackson County, St. Charles County, St. Louis County, or St. Louis City.

Organizations meeting the eligibility requirements identified in Section III.A. may submit an online application to the STO for approval. The online application includes:

- 1) Responses to application questions.
- 2) A projected program budget MOScholars Budget Page.
- 3) A copy of the organization's 501(c)(3) tax exempt letter from the IRS.
- 4) A list of all board members, including board member name, board position, address, and email.
- 5) A copy of the organization's most recent year audited financial statements or Form 990.
- 6) A copy of the completed E-Verify MOU.

To access application materials, organizations must first create a MOScholars <u>EAO</u> <u>portal account</u>. Once completed, the online application should be submitted no later than October 31, 2022 at 5:00 p.m.

C. The MOScholars Budget

Organizations submitting an application to the program must prepare and submit a projected budget for the school year for which scholarships will be provided. The MOScholars budget will reflect all costs of implementing the MOScholars program and all revenues, including the revenue to be received from the organization's requested tax credit allocation.

The scholarship and overhead expenses listed on the budget page must align with statutory requirements. Specifically:

- 1. At least 90% of revenues from qualifying MOScholars contributions are spent on scholarship accounts; and
- 2. Marketing and administrative expenses do not exceed the following limits of the remaining revenue from contributions:
 - 10% of the first \$250,000;
 - 8% of the next \$500,000; and
 - 3% of all amounts thereafter.
- 3. EAOs submit 4% of contributions received to the STO for program administration.

Important note – the rule requiring 90% of contributions to be directed to scholarships is applied after the 4% remittance is sent to the STO.

Budget page example:

An organization wishes to request an allocation of \$2M in MOScholars tax credits/contributions. The organization has chosen to secure a surety bond to establish financial viability versus providing other collateral. Under these conditions, the organization's MOScholars Budget page may resemble the example on the next page.

EXAMPLE: MOScholars Budget Page

Revenue				
MOScholars tax credit contrib	butions received	\$2,000,000		
Other, non-tax credit revenue	2		\$150,000	
Total		\$2,000,000	\$150,000	
Less: Payment to ST	O @ 4% of total tax credit contributions (4% x			
\$2,000,000)		\$80,000		
Total tax credit reve	nue	\$1,920,000		
	pplied to scholarships @ 90% of tax credit 4% STO remittance (\$1,920,000 x 90%)	\$1,728,000		
Expenses	At least 90% of contributions must be used for scholarship funds, but may	Amount funded by MOScholars Contributions	Amount funded b	
Scholarship funds	exceed as in this example.	\$1,819,900		
Program administration & marketing Surety bond @ 25% of anticipated contributions (approximate 1.5% cost) Salaries Marketing Technology Accounting and audit Outcomes and tracking Other		\$7,500 \$72,500 \$7,500 \$0 \$5,000 \$7,600	\$75,000 \$5,000 \$50,000 \$15,000 \$5,000	
Payment to STO @ 4% of tota	I contributions	\$80,000	G.	
Total		\$2,000,000	\$150,000	
Statutory Calculation	Must equal total anticipated contributions s for Preparing the MOScholars Budget:			
Scholarship funding (must	be equal to or greater than 90% of tax credit	\$1,819,900		
	remittance to the STO) MOScholars tax credit contributions that can be and marketing costs should be calculated as	Q1,013,300		
	\$250,000 in contributions	\$25,000	10% of \$250,000	
8% of the next \$500,000		\$40,000	8% of \$500,000	
3% of all amounts thereafter		\$35,100	3% of remaining \$1,170,000	
Total MOScholars Funds Available for Administrative and Marketing Costs		\$100,100		
amount acceptable to the amount equal to the tax cr	y bond to the STO, OR pledge collateral in an Treasurer, which shall be no more than 25% of an redits allocated to the EAO. The costs of obtaining ral are considered administrative costs.	\$7,500	25% of anticipated contributions @ 1.5% cost for this example	

Reminder - the rule requiring 90% of contributions to be directed to scholarships is applied after the 4% remittance is sent to the STO.

D. Application Review and Scoring

- Applications will be reviewed for organization eligibility, then scored for experience, geographic coverage pertaining to eligible students and schools served, readiness to award scholarship grants, and the organization's anticipated administrative expenses. Refer to Appendix A, Scoring Rubric, for scoring details.
- 2. In the event of a tie score, the STO reserves the right to make final award determination based on organizational capacity and geographic need.
- 3. Deficiency Points Deficiency points may be assigned to applications from previously approved organizations that fell substantially short in meeting scholarship outcomes and utilizing tax credits.
- 4. Completed applications will be reviewed and determinations made by the STO within 30 days from the application due date. Organizations will be notified of the disposition of their application in writing, with approved organizations receiving contract offers. Decisions regarding application outcomes are final.

E. Renewal Applications

Previously certified organizations seeking a new allocation of tax credits must submit a renewal application. Renewal applications follow the same due date as new applications, but will submit a revised application.

Section IV – Certified EAOs

A. Requirements of Certified EAOs

An organization certified by the STO to administer a MOScholars account is responsible for fiscal and administrative oversight of the organizational and student accounts. Oversight includes, but is not limited to:

- 1. Ensuring that:
 - a. One hundred percent of its revenues from interest or investments is spent on scholarship accounts;
 - b. At least 90% of its revenues from qualifying contributions (after submitting the 4% remittance to the STO) is spent on scholarship accounts; and,
 - c. Marketing and administrative expenses do not exceed statutory limits set forth in Section IIIC.
- 2. Verifying receipt of donor contributions, collecting contribution documentation, and providing STO-approved receipts (tax credit certificates) to qualifying donors.

- Submitting monthly contribution remittance reports (in a format provided by the STO) listing all donations received for which tax credits are expected to be claimed by donors.
- 4. Submitting quarterly performance and investment reports, on forms provided by the STO, due no later than 30 days following the end of the quarter.
- 5. Submitting an annual financial audit and annual reports.
- 6. Utilizing, as needed and required, an STO-approved platform(s) for establishing student eligibility and distributing account funds.
- 7. Ensuring accreditation of eligible schools (except homeschools) and approving schools as "qualified".
- 8. Distributing scholarship account payments either four times per year or at the beginning of the year in a single lump sum, not to exceed the State adequacy target. The state adequacy target is currently set at \$6,375.
- 9. Having mechanisms and tools in place for measuring and tracking:
 - a) Rates of high school graduation, college attendance, and college graduation for participating students; and,
 - b) Student demographics.
- 10. Executing and maintaining parent participation agreements.
- 11. Distributing annual parent satisfaction surveys no later than March 1 each year and providing the results to the STO in the annual report.
- 12. Putting into place policies to address:
 - a) Parent/Student eligibility disputes;
 - b) The scholarship amount awarded to each student, up to the state adequacy target;
 - c) Rebates or refunds of scholarship monies for students who withdraw from a school prior to the end of the period for which tuition has been paid;
 - d) The maintenance of confidential information pertaining to student eligibility, including income information; and,
 - e) Information sharing and parent waivers with regard to academic outcomes.
- 13. Ensuring that participating students take state achievement tests or nationally norm-referenced tests that measure learning gains in math and English language arts, and provide for value-added assessment in grades that require testing under the statewide assessment system.

- a) Providing the parents of each student who was tested with a copy of the test results annually.
- 14. Providing to the STO, upon request, criminal background checks for all employees and board members.
 - a) The EAO will conduct a review of criminal history records, maintained by the Missouri State Highway Patrol in the Missouri criminal records repository, of all operators, directors, executives, board members, and employees. The EAO will exclude from employment or governance any individual who might reasonably pose a risk to the appropriate use of contributed funds or who is listed on the sex offender registry.
 - b) The EAO will conduct a review of criminal history records, maintained by the Federal Bureau of Investigation, of any employee who has signatory authority on any EAO bank account or who has access to the accounting system of the EAO, and will exclude from employment or governance any individual who might reasonably pose a risk to the appropriate use of contributed funds.
- 15. Maintaining complete and accurate records with respect to student demographics and eligibility, as well as the receipt of contributions from donors and expenditure of those contributions. Records must be maintained for a minimum of five (5) years.

B. Qualifying Schools

The certified EAO will, at its discretion, establish relationships with eligible schools at which student scholars will attend. Qualifying schools include:

- 1. A home school as defined in 167.031.2, RSMo;
- 2. A charter school as defined in 160.400, RSMo;
- 3. A public school as defined in 160.011, RSMo, that is not a public school operated by, or a charter school located within, the qualified student's district of residence (except for a qualified student in the custody of the state);
- 4. A private school; or,
- 5. A public or private virtual school.

Qualified schools must provide an education to qualified students in at least the subjects of English language arts, mathematics, social studies, and science. Qualified schools, except home schools, should also be accredited. A list of accrediting associations for non-public schools will be available on the MOScholars website.

Home school requirements:

In addition to meeting the requirements laid out in section 167.031.2, RSMo, a home school must submit a home school certification application with the student application to the selected EAO and:

- 1. Agree to not pay, share, refund, or rebate any MOScholars account funds in any manner with the parent, qualified student, or any other individual within three (3) degrees of consanguinity (kinship/relation) to the qualified student.
- 2. Submit a proposed curriculum plan, or provide the records required to be maintained by section 167.031.2(2)(a), RSMo;
- 3. Provide the STO with authorization to conduct a review of the criminal history records maintained by the Missouri State Highway Patrol in the Missouri criminal records repository for every adult who resides in the home school, if the home school is given initial approval from an EAO; and,
- 4. When requested, produce the records required to be maintained under section 167.031.2(2)(a), RSMo.

The EAO will review the documents for pre-approval within 15 days of receipt, then submit to the STO for final approval. Upon receipt of a home school certification application that has received initial approval from an EAO, the STO will review the certification documents and the criminal history records maintained by the Missouri State Highway Patrol in the Missouri criminal records repository for every adult who resides in the home school, then notify the EAO and home school parent(s) of final approval or denial.

C. Third-Party Contracts

The STO expects to contract with a third-party vendor for student application management and the distribution and tracking of student scholarship funds. The third-party vendor will allow eligible students access to a secure online account and marketplace to purchase allowable MOScholars goods and services. Certified EAOs agree to partner with the vendor under the STO contract to receive and approve student applications, facilitate the funding of student accounts and oversee student spending, and manage MOScholars reporting.

Section V – Reallocation of Tax Credits

The STO may reallocate to certified EAOs tax credits that are not obligated or expended.

Certified EAOs seeking tax credits in excess of their initial allocation must submit a request in writing to the STO for review, to include:

1. The amount of additional tax credits requested;

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- 2. The EAO's current outcomes with regard to tax credit utilization and number of scholarship accounts; and,
- 3. The estimated number of additional scholarship accounts to be funded.

An EAO receiving additional tax credits may be required to submit a new surety bond or other financial information to demonstrate financial viability.

Section VII – MOScholars Contact Information

Questions about the MOScholars program or completing the application?

Visit the MOScholars website at:

https://treasurer.mo.gov/content/MOScholars

Or contact us:

By email: MOScholars@treasurer.mo.gov

By Phone: (573) 751-8533

Appendix A (Scoring Guides) - New EAOs

MOScholars Scoring F	Rubric		
EAO applicants will reco on alignment with the or		e to specified questions in the applicat	ion. Points will be assigned based
Experience	5 points	3 points	1 point
Organization history and past programs	The organization is well established and has a history providing scholarship account programs of substantial scope.	The organization has some experience implementing programs of limited scope.	The organization has not previousl administered scholarship account or implemented programs or fundraising of similar scope; the organization is newly created.
Financial stability	The organization demonstrates a high degree of financial strength and an ability to subsidize any and all administrative expenses that may exceed the amounts authorized by the program.	The organization demonstrates an acceptable level of financial strength and an ability to subsidize some administrative expenses that may exceed the amounts authorized by the program.	The organization does not demonstrate financial strength or the ability to subsidize and administrative expenses that may exceed the amounts authorized by the program.
Geographic covera			
Service area Planned # of eligible schools	Statewide > 50 schools	Multiple regions 25-49 schools	One region < 25 schools
Existing relationships	Organization has existing relationships with most or all of the eligible sohools it will partner with.	Organization has existing relationships with some schools; organization has conducted outreach to determine interest from eligible schools.	Organization has no existing relationships with potential schools Organization is unsure of how it wi identify eligible schools.
Home school students		The organization will serve home school students.	
Readiness to awar	l scholarships		
Fundraising plan	Organization presents a strong plan with a reasonable timeline for utilization of allocated tax credits; Organization has already received pledges from donors.	Organization presents a reasonable plan, but the plan lacks some detail, timeline is unrealistically aggressive based on organization's fundraising history or is not sufficient to allow the EAO to grant scholarships for the 2022-2023 school year.	Organization presents a vague fundraising plan that lacks details on timelines or targeted donors.
Number of students served	> 500	200-500	< 200
Outcome tracking and reporting	Organization clearly describes tools for tracking and reporting on all performance and academic outcomes; tools will measure the desired outcomes; tracking takes place in real time and data can be provided for monthly, quarterly, annual and long term reporting.	Organization identified some but not all tools for tracking and reporting outcomes.	It is unclear how the organization w track and report outcomes.
Budget reasonabili	ty		
Budget	Budget is well put together and appears sufficient to successfully administer the program	Budget is well put together but leaves some question as to whether it is sufficient to successfully administer the program.	Budget is poorly put together and does not appear to be sufficient to successfully administer the program.

- Renewing EAOs

EAU applicants will receiv			
with the criteria outlined.	e up to a points for each response to ap	occified questions in the application. Poin	ts will be assigned based on alignment
Experience	5 points	3 points	1 point
Organization history and past programs	The organization is well established and has a history providing scholarship account programs of substantial scope.	The organization has some experience implementing programs of limited scope.	The organization has not previously administered scholarship accounts or implemented programs or fundraising of similar scope; the organization is newly created.
Financial stability	The organization demonstrates a high degree of financial strength and an ability to subcidize any and all administrative expenses that may exceed the amounts authorized by the program.	The organization demonstrates an acceptable level of financial strength and an ability to subsidize some administrative expenses that may exceed the amounts authorized by the program.	The organization does not demonstrate financial strength or the ability to subsidize any administrative expenses that may exceed the amounts authorized by the program.
***RENEWAL Previous Year 2 funds raised / tax credits allocated	>50%	49 - 35 %	< 34 %
Geographic coverag Service area	e Statewide	Multiple regions	One region
Planed Number of	> 50 schools	25-49 schools	< 25 schools
eligible schools Existing relationships	Organization has existing relationships with most or all of the eligible schools it will partner with.	Organization has existing relationships with some schools; organization has conducted outreach to determine interest from eligible schools.	Organization has no existing relationships with potential schools; Organization is unsure of how it will identify eligible schools.
Home school students		The organization will serve home school students.	
Readiness to award	scholarships	Organization presents a reasonable	76
Fundraising plan	Organization presents a strong plan with a reasonable timeline for utilization of allocated tax credits; Organization has already received pledges from donors.	plan, but the plan lacks some detail; timeline is unrealistically aggressive based on organization's fundarising history or is not sufficient to allow the EAO to grant scholarships for the 2022-2023 school year.	Organization presents a vague fundraizing plan that lacks details on timelines or targeted donors.
Number of students served	>500	200-500	< 200
Outcome tracking and reporting	Organization clearly describes tools for tracking and reporting on all performance and academic outcomes; tools will measure the desired outcomes; tracking takes place in real time and data can be provided for monthly, quarterly, annual and long term reporting.	Organization identified some but not all tools for tracking and reporting outcomes.	It is unclear how the organization will track and report outcomes.
Previous Year 2 awarded scholarships / tax credits allocated	>30%	30 - 15 %	< 15 %
""RENEWAL Previous Year Outcome tracking and reporting	Organization tracked and reported on all performance and academic outcomes; tools measured the desired outcomes; tracking and data was provided on time for monthly, quarterly, annual and long term reporting.	Organization provided most outcomes and tracking on time without requiring follow up for most items.	Organization provided incomplete outcomes and tracking and required follow up for most items.
Budget reasonabilit	A .	Budget is well put together but	Budget is poorly put together and