

FIRST REGULAR SESSION

HOUSE BILL NO. 473

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES JONES (63) (Sponsor), COOKSON, DIECKHAUS, TILLEY,
RIDDLE, CARTER, HUBBARD, NASHEED, TALBOY, JONES (89) AND COLONA (Co-sponsors).

0963L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 160.400, 160.405, 160.410, 160.415, and 160.420, RSMo, and to enact in lieu thereof six new sections relating to charter schools.

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

Section A. Sections 160.400, 160.405, 160.410, 160.415, and 160.420, RSMo, are
2 repealed and six new sections enacted in lieu thereof, to be known as sections 160.400, 160.405,
3 160.410, 160.415, 160.420, and 160.425, to read as follows:

160.400. 1. A charter school is an independent public school.

2 2. Charter schools may be operated [only in a metropolitan school district or in an urban
3 school district containing most or all of a city with a population greater than three hundred fifty
4 thousand inhabitants and] **in any school district in the state.**

5 **3. Charter schools** may be sponsored by any of the following:

6 (1) The school board of the district;

7 (2) A public four-year college or university [with its primary campus in the school
8 district or in a county adjacent to the county in which the district is located,] with an approved
9 teacher education program that meets regional or national standards of accreditation;

10 (3) A community college [located in] , **the service area of which encompasses some**
11 **portion of** the district; or

12 (4) Any private four-year college or university [located in a city not within a county] with
13 an enrollment of at least one thousand students, **with its primary campus in Missouri**, and with
14 an approved teacher preparation program;

15 **(5) The Missouri charter public school commission created in section 160.425;**

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.

16 **(6) A nonprofit corporation organized under chapter 355 that has existed for at**
17 **least ten years and is in compliance with the annual filing requirements of the secretary of**
18 **state under section 355.011; or**

19 **(7) Under the sponsorship of the mayor of a city not within a county in a**
20 **metropolitan school district.**

21 [3.] **4.** The mayor of a city not within a county may request a sponsor under subdivision
22 (2), (3), [or] (4), **(5), or (6)** of subsection [2] **3** of this section to consider sponsoring **or the**
23 **mayor may sponsor** a "workplace charter school", which is defined for purposes of sections
24 160.400 to [160.420] **160.425** as a charter school with the ability to target prospective students
25 whose parent or parents are employed in a business district, as defined in the charter, which is
26 located in the city.

27 [4.] **5.** No sponsor shall receive from an applicant for a charter school any fee of any type
28 for the consideration of a charter, nor may a sponsor condition its consideration of a charter on
29 the promise of future payment of any kind.

30 [5.] **6.** The charter school shall be a Missouri nonprofit corporation incorporated pursuant
31 to chapter 355. The charter provided for herein shall constitute a contract between the sponsor
32 and the charter school.

33 [6.] **7.** As a nonprofit corporation incorporated pursuant to chapter 355, the charter
34 school shall select the method for election of officers pursuant to section 355.326 based on the
35 class of corporation selected. Meetings of the governing board of the charter school shall be
36 subject to the provisions of sections 610.010 to 610.030, the open meetings law.

37 [7.] **8.** A sponsor of a charter school, its agents and employees are not liable for any acts
38 or omissions of a charter school that it sponsors, including acts or omissions relating to the
39 charter submitted by the charter school, the operation of the charter school and the performance
40 of the charter school.

41 [8.] **9.** A charter school may affiliate with a four-year college or university, including a
42 private college or university, or a community college as otherwise specified in subsection [2] **3**
43 of this section when its charter is granted by a sponsor other than such college, university or
44 community college. Affiliation status recognizes a relationship between the charter school and
45 the college or university for purposes of teacher training and staff development, curriculum and
46 assessment development, use of physical facilities owned by or rented on behalf of the college
47 or university, and other similar purposes. [The primary campus of the college or university must
48 be located within the county in which the school district lies wherein the charter school is located
49 or in a county adjacent to the county in which the district is located.] A university, college or
50 community college may not charge or accept a fee for affiliation status.

51 [9.] **10.** The expenses associated with sponsorship of charter schools shall be defrayed
52 by the department of elementary and secondary education retaining one and five-tenths percent
53 of the amount of state and local funding allocated to the charter school under section 160.415,
54 not to exceed one hundred twenty-five thousand dollars, adjusted for inflation. [Such amount
55 shall not be withheld when the sponsor is a school district or the state board of education.] The
56 department of elementary and secondary education shall remit the retained funds for each charter
57 school to the school's sponsor, provided the sponsor remains in good standing by fulfilling its
58 sponsorship obligations under sections 160.400 to [60.420] **160.425** and 167.349 with regard to
59 each charter school it sponsors, including appropriate demonstration of the following:

60 (1) Expends no less than ninety percent of its charter school sponsorship funds in support
61 of its charter school sponsorship program, or as a direct investment in the sponsored schools;

62 (2) Maintains a comprehensive application process that follows fair procedures and
63 rigorous criteria and grants charters only to those developers who demonstrate strong capacity
64 for establishing and operating a quality charter school;

65 (3) Negotiates contracts with charter schools that clearly articulate the rights and
66 responsibilities of each party regarding school autonomy, expected outcomes, measures for
67 evaluating success or failure, performance consequences, and other material terms;

68 (4) Conducts contract oversight that evaluates performance, monitors compliance,
69 informs intervention and renewal decisions, and ensures autonomy provided under applicable
70 law; and

71 (5) Designs and implements a transparent and rigorous process that uses comprehensive
72 data to make merit-based renewal decisions.

73 [10.] **11.** No university, college or community college shall grant a charter to a nonprofit
74 corporation if an employee of the university, college or community college is a member of the
75 corporation's board of directors.

76 [11.] **12.** No sponsor shall grant a charter under sections 160.400 to [160.420] **160.425**
77 and 167.349 without ensuring that a criminal background check and [child abuse] **family care**
78 **safety** registry check are conducted for all members of the governing board of the charter schools
79 or the incorporators of the charter school if initial directors are not named in the articles of
80 incorporation, nor shall a sponsor renew a charter without ensuring a criminal background check
81 and [child abuse] **family care safety** registry check are conducted for each member of the
82 governing board of the charter school.

83 [12.] **13.** No member of the governing board of a charter school shall hold any office or
84 employment from the board or the charter school while serving as a member, nor shall the
85 member have any substantial interest, as defined in section 105.450, in any entity employed by
86 or contracting with the board. No board member shall be an employee of a company that

87 provides substantial services to the charter school. All members of the governing board of the
88 charter school shall be considered decision-making public servants as defined in section 105.450
89 for the purposes of the financial disclosure requirements contained in sections 105.483, 105.485,
90 105.487, and 105.489.

91 [13.] **14.** A sponsor shall provide timely submission to the state board of education of
92 all data necessary to demonstrate that the sponsor is in material compliance with all requirements
93 of sections 160.400 to [160.420] **160.425** and 167.349.

94 [14.] **15. A sponsor shall develop the policies and procedures for:**

95 (1) **The review of a charter school proposal;**

96 (2) **The granting of a charter;**

97 (3) **The criteria that the sponsor will use for ongoing oversight of the charter; and**

98 (4) **Procedures to be implemented if a charter school should close, including but not**
99 **limited to:**

100 (a) **A notification plan to inform parents or guardians of students, the local school**
101 **district, the retirement system in which the charter school's employees participate, and the**
102 **state board of education upon closure;**

103 (b) **The transfer or repository of student records upon closure;**

104 (c) **The transfer or repository of personnel records upon closure;**

105 (d) **The disposition of the charter school's assets upon closure.**

106 **16.** The state board of education shall ensure each sponsor is in compliance with all
107 requirements under sections 160.400 to [160.420] **160.425** and 167.349 for each charter school
108 sponsored by any sponsor. The state board shall notify each sponsor of the standards for
109 sponsorship of charter schools, delineating both what is mandated by statute and what best
110 practices dictate. The state board, after a public hearing, may require remedial action for a
111 sponsor that it finds has not fulfilled its obligations of sponsorship, such remedial actions
112 including withholding the sponsor's funding and suspending for a period of up to one year the
113 sponsor's authority to sponsor a school that it currently sponsors or to sponsor any additional
114 school. If the state board removes the authority to sponsor a currently operating charter school,
115 the state board shall become the interim sponsor of the school for a period of up to three years
116 until the school finds a new sponsor or until the charter contract period lapses. **During such**
117 **time, if the charter school fails to meet academic performance or other goals as prescribed**
118 **in the school's charter, the state board may revoke the charter.**

160.405. 1. A person, group or organization seeking to establish a charter school shall
2 submit the proposed charter, as provided in this section, to a sponsor. If the sponsor is not a
3 school board, the applicant shall give a copy of its application to the school board of the district
4 in which the charter school is to be located and to the state board of education, within five

5 business days of the date the application is filed with the proposed sponsor. The school board
6 may file objections with the proposed sponsor, and, if a charter is granted, the school board may
7 file objections with the state board of education. The charter shall include a mission statement
8 for the charter school, a description of the charter school's organizational structure and bylaws
9 of the governing body, which will be responsible for the policy and operational decisions of the
10 charter school, a financial plan for the first three years of operation of the charter school
11 including provisions for annual audits, a description of the charter school's policy for securing
12 personnel services, its personnel policies, personnel qualifications, and professional development
13 plan, a description of the grades or ages of students being served, the school's calendar of
14 operation, which shall include at least the equivalent of a full school term as defined in section
15 160.011, and an outline of criteria specified in this section designed to measure the effectiveness
16 of the school. The charter shall also state:

17 (1) [The educational goals and objectives to be achieved by the charter school] **An**
18 **accountability plan, which shall contain a complete set of indicators, measures, metrics,**
19 **and targets in the following areas: academic program performance; operational program**
20 **performance, including governance; and, if applicable, elements related specifically to the**
21 **charter school's mission and vision;**

22 (2) A description of the charter school's educational program and curriculum;

23 (3) The term of the charter, which shall be not less than five years, nor greater than ten
24 years and shall be renewable;

25 (4) A description of the charter school's pupil performance standards, which must meet
26 the requirements of subdivision (6) of subsection 5 of this section. The charter school program
27 must be designed to enable each pupil to achieve such standards;

28 (5) A description of the governance and operation of the charter school, including the
29 nature and extent of parental, professional educator, and community involvement in the
30 governance and operation of the charter school; [and]

31 (6) A description of the charter school's policies on student discipline and student
32 admission, which shall include a statement, where applicable, of the validity of attendance of
33 students who do not reside in the district but who may be eligible to attend under the terms of
34 judicial settlements;

35 (7) **A description of the charter school's grievance procedure for parents or**
36 **guardians; and**

37 (8) **Procedures to be implemented if the charter school should close, as provided in**
38 **subdivision (4) of subsection 15 of section 160.400.**

39 2. Proposed charters shall be subject to the following requirements:

40 (1) A charter shall be submitted to the sponsor by October first of the year prior
41 to the proposed opening date of the charter school;

42 (2) A charter may be approved when the sponsor determines that the requirements of this
43 section are met and determines that the applicant is sufficiently qualified to operate a charter
44 school. The sponsor's decision of approval or denial shall be made within ninety days of the
45 filing of the proposed charter;

46 [(2)] (3) If the charter is denied, the proposed sponsor shall notify the applicant in writing
47 as to the reasons for its denial and forward a copy to the state board of education within five
48 business days following the denial;

49 [(3)] (4) If a proposed charter is denied by a sponsor, the proposed charter may be
50 submitted to the state board of education, along with the sponsor's written reasons for its denial.
51 If the state board determines that the applicant meets the requirements of this section, that the
52 applicant is sufficiently qualified to operate the charter school, and that granting a charter to the
53 applicant would be likely to provide educational benefit to the children of the district, the state
54 board may grant a charter and act as sponsor of the charter school. The state board shall review
55 the proposed charter and make a determination of whether to deny or grant the proposed charter
56 within sixty days of receipt of the proposed charter, provided that any charter to be considered
57 by the state board of education under this subdivision shall be submitted no later than March first
58 prior to the school year in which the charter school intends to begin operations. The state board
59 of education shall notify the applicant in writing as the reasons for its denial, if applicable; and

60 [(4)] (5) The sponsor of a charter school shall give priority to charter school applicants
61 that propose a school oriented to high-risk students and to the reentry of dropouts into the school
62 system. If a sponsor grants three or more charters, at least one-third of the charters granted by
63 the sponsor shall be to schools that actively recruit dropouts or high-risk students as their student
64 body and address the needs of dropouts or high-risk students through their proposed mission,
65 curriculum, teaching methods, and services. For purposes of this subsection, a "high-risk"
66 student is one who is at least one year behind in satisfactory completion of course work or
67 obtaining credits for graduation, pregnant or a parent, homeless or has been homeless sometime
68 within the preceding six months, has limited English proficiency, has been suspended from
69 school three or more times, is eligible for free or reduced-price school lunch, or has been referred
70 by the school district for enrollment in an alternative program. "Dropout" shall be defined
71 through the guidelines of the school core data report. The provisions of this subsection do not
72 apply to charters sponsored by the state board of education.

73 3. If a charter is approved by a sponsor, the charter application shall be submitted to the
74 state board of education, along with a statement of finding that the application meets the
75 requirements of sections 160.400 to 160.420 and section [167.439] **167.349** and a monitoring

76 plan under which the charter sponsor will evaluate the academic performance of students
77 enrolled in the charter school. The state board of education may, within sixty days, disapprove
78 the granting of the charter. The state board of education may disapprove a charter on grounds
79 that the application fails to meet the requirements of sections 160.400 to 160.420 and section
80 167.349 or that a charter sponsor previously failed to meet the statutory responsibilities of a
81 charter sponsor.

82 4. Any disapproval of a charter pursuant to subsection 3 of this section shall be subject
83 to judicial review pursuant to chapter 536.

84 5. A charter school shall, as provided in its charter:

85 (1) Be nonsectarian in its programs, admission policies, employment practices, and all
86 other operations;

87 (2) Comply with laws and regulations of the state, county, or city relating to health,
88 safety, and state minimum educational standards, as specified by the state board of education,
89 including the requirements relating to student discipline under sections 160.261, 167.161,
90 167.164, and 167.171, notification of criminal conduct to law enforcement authorities under
91 sections 167.115 to 167.117, academic assessment under section 160.518, transmittal of school
92 records under section 167.020, [and] the minimum number of school days and hours required
93 under section 160.041, **and the employee criminal history background check and the family
94 care safety registry check under section 168.133;**

95 (3) Except as provided in sections 160.400 to 160.420, be exempt from all laws and rules
96 relating to schools, governing boards and school districts;

97 (4) Be financially accountable, use practices consistent with the Missouri financial
98 accounting manual, provide for an annual audit by a certified public accountant, publish audit
99 reports and annual financial reports [as provided in chapter 165, RSMo, provided that the annual
100 financial report may be published] **on the charter school's internet website or** on the
101 department of elementary and secondary education's internet website [in addition to other
102 publishing requirements], and provide liability insurance to indemnify the school, its board, staff
103 and teachers against tort claims. A charter school that receives local educational agency status
104 under subsection [6] **7** of this section shall meet the requirements imposed by the Elementary and
105 Secondary Education Act for audits of such agencies. For purposes of an audit by petition under
106 section 29.230, a charter school shall be treated as a political subdivision on the same terms and
107 conditions as the school district in which it is located. For the purposes of securing such
108 insurance, a charter school shall be eligible for the Missouri public entity risk management fund
109 pursuant to section 537.700. A charter school that incurs debt [must] **shall** include a repayment
110 plan in its financial plan;

111 (5) Provide a comprehensive program of instruction for at least one grade or age group
112 from kindergarten through grade twelve, which may include early childhood education if funding
113 for such programs is established by statute, as specified in its charter;

114 (6) (a) Design a method to measure pupil progress toward the pupil academic standards
115 adopted by the state board of education pursuant to section 160.514, [collect baseline data during
116 at least the first three years for determining how the charter school is performing] **establish**
117 **baseline student performance during the first year of operation, collect student**
118 **performance data as defined by the annual performance report throughout the duration**
119 **of the charter to annually monitor student academic performance,** and to the extent
120 applicable **based upon grade levels offered by the charter school,** participate in the statewide
121 system of assessments, comprised of the essential skills tests and the nationally standardized
122 norm-referenced achievement tests, as designated by the state board pursuant to section 160.518,
123 complete and distribute an annual report card as prescribed in section 160.522, which shall also
124 include a statement that background checks have been completed on the charter school's board
125 members, report to its sponsor, the local school district, and the state board of education as to
126 its teaching methods and any educational innovations and the results thereof, and provide data
127 required for the study of charter schools pursuant to subsection 4 of section 160.410. No charter
128 school will be considered in the Missouri school improvement program review of the district in
129 which it is located for the resource or process standards of the program.

130 (b) For proposed high risk or alternative charter schools, sponsors shall approve
131 performance measures based on mission, curriculum, teaching methods, and services. Sponsors
132 shall also approve comprehensive academic and behavioral measures to determine whether
133 students are meeting performance standards on a different time frame as specified in that school's
134 charter. Student performance shall be assessed comprehensively to determine whether a high
135 risk or alternative charter school has documented adequate student progress. Student
136 performance shall be based on sponsor-approved comprehensive measures as well as
137 standardized public school measures. Annual presentation of charter school report card data to
138 the department of elementary and secondary education, the state board, and the public shall
139 include comprehensive measures of student progress.

140 (c) Nothing in this [paragraph] **subdivision** shall be construed as permitting a charter
141 school to be held to lower performance standards than other public schools within a district;
142 however, the charter of a charter school may permit students to meet performance standards on
143 a different time frame as specified in its charter;

144 (7) Assure that the needs of special education children are met in compliance with all
145 applicable federal and state laws and regulations;

146 (8) Provide along with any request for review by the state board of education the
147 following:

148 (a) Documentation that the applicant has provided a copy of the application to the school
149 board of the district in which the charter school is to be located, except in those circumstances
150 where the school district is the sponsor of the charter school; and

151 (b) A statement outlining the reasons for approval or disapproval by the sponsor,
152 specifically addressing the requirements of sections 160.400 to [160.420] **160.425** and 167.349.

153 **6. (1) Proposed or existing high risk or alternative charter schools may include**
154 **alternative arrangements for students to obtain credit for satisfying graduation**
155 **requirements in the school's charter application and charter. Alternative arrangements**
156 **may include, but not be limited to, credit for off-campus instruction, embedded credit,**
157 **work experience through an internship arranged through the school, and independent**
158 **studies. When the state board of education approves the charter, any such alternative**
159 **arrangements shall be approved at such time.**

160 **(2) The department of elementary and secondary education shall conduct a study**
161 **of any charter school granted alternative arrangements for students to obtain credit under**
162 **this subsection after three years of operation to assess student performance, graduation**
163 **rates, educational outcomes, and entry into the workforce or higher education.**

164 **7.** The charter of a charter school may be amended at the request of the governing body
165 of the charter school and on the approval of the sponsor. The sponsor and the governing board
166 and staff of the charter school shall jointly review the school's performance, management and
167 operations [at least once every two years] **during the first year of operation and then every**
168 **other year after the most recent review** or at any point where the operation or management of
169 the charter school is changed or transferred to another entity, either public or private. The
170 governing board of a charter school may amend the charter, if the sponsor approves such
171 amendment, or the sponsor and the governing board may reach an agreement in writing to reflect
172 the charter school's decision to become a local educational agency [for the sole purpose of
173 seeking direct access to federal grants]. In such case the sponsor shall give the department of
174 elementary and secondary education written notice no later than March first of any year, with the
175 agreement to become effective July first. The department may waive the March first notice date
176 in its discretion. The department shall identify and furnish a list of its regulations that pertain
177 to local educational agencies to such schools within thirty days of receiving such notice.

178 [7.] **8. (1)** A sponsor shall revoke a charter or take other appropriate remedial action,
179 which may include placing the charter school on probationary status, at any time if the charter
180 school commits a serious breach of one or more provisions of its charter or on any of the
181 following grounds: failure to meet academic performance standards as set forth in its charter,

182 failure to meet generally accepted standards of fiscal management, failure to provide information
183 necessary to confirm compliance with all provisions of the charter and sections 160.400 to
184 [160.420] **160.425** and 167.349 within forty-five days following receipt of written notice
185 requesting such information, or violation of law.

186 (2) The sponsor may place the charter school on probationary status to allow the
187 implementation of a remedial plan, which may require a change of methodology, a change in
188 leadership, or both, after which, if such plan is unsuccessful, the charter may be revoked.

189 (3) At least sixty days before acting to revoke a charter, the sponsor shall notify the
190 governing board of the charter school of the proposed action in writing. The notice shall state
191 the grounds for the proposed action. The school's governing board may request in writing a
192 hearing before the sponsor within two weeks of receiving the notice.

193 (4) The sponsor of a charter school shall establish procedures to conduct administrative
194 hearings upon determination by the sponsor that grounds exist to revoke a charter. Final
195 decisions of a sponsor from hearings conducted pursuant to this subsection are subject to judicial
196 review pursuant to chapter 536.

197 (5) A termination shall be effective only at the conclusion of the school year, unless the
198 sponsor determines that continued operation of the school presents a clear and immediate threat
199 to the health and safety of the children.

200 (6) A charter sponsor shall make available the school accountability report card
201 information as provided under section 160.522 and the results of the academic monitoring
202 required under subsection 3 of this section.

203 [8.] **9. (1)** A sponsor shall take all reasonable steps necessary to confirm that each
204 charter school sponsored by such sponsor is in material compliance and remains in material
205 compliance with all material provisions of the charter and sections 160.400 to [160.420] **160.425**
206 and 167.349. Every charter school shall provide all information necessary to confirm ongoing
207 compliance with all provisions of its charter and sections 160.400 to [160.420] **160.425** and
208 167.349 in a timely manner to its sponsor.

209 **(2) (a) Beginning January 1, 2012, during the year in which a charter is considered**
210 **for renewal, a charter school sponsor shall demonstrate to the state board of education that**
211 **the charter school is in compliance with federal and state laws on accountability;**
212 **transparency; maintenance of parent, student, and employee rights; performance of**
213 **charter requirements; and the following academic performance standards:**

214 **a. For a charter school the grade span of which includes high school grades, the**
215 **average graduation rate for the most recent three years is no lower than seventy percent**
216 **in any three of the last four years unless the school has as its mission dropout recovery and**
217 **enrolls students from the ages of seventeen to twenty-one; and**

218 **b. For all charter schools which are among the lowest achieving five percent of Title**
219 **I schools, its status in corrective action or restructuring.**

220 **(b) The state board of education shall determine if compliance with all standards**
221 **enumerated in paragraph (a) of this subdivision has been achieved. If compliance has been**
222 **achieved, the state board of education shall so note at its next regularly scheduled meeting.**
223 **If compliance with all standards has not been achieved, the charter school and its sponsor**
224 **may file a statement no later than January thirty-first, stating the reasons why the charter**
225 **school should not be closed. If no such statement is filed, the charter school shall cease**
226 **operation at the end of the current academic year. If a statement is timely filed, the state**
227 **board of education shall hold a public hearing no later than March first on the merits of**
228 **keeping the school open. The state board of education shall vote no later than March**
229 **thirty-first to continue the operation of the charter school and may impose conditions on**
230 **its continuing operation as specified in subdivision (1) of subsection 8 of this section, or to**
231 **close the charter school at the end of the current academic year.**

232 **10. A charter school shall close if any of the following events take place:**

233 **(1) The charter is revoked by the state board of education under subsection 16 of**
234 **section 160.400;**

235 **(2) The charter is revoked by the charter school's sponsor under subsection 8 of**
236 **section 160.405;**

237 **(3) The charter is not renewed by the state board of education under paragraph (b)**
238 **of subdivision (2) of subsection 9 of section 160.405; or**

239 **(4) The charter is voluntarily relinquished.**

240 [9.] **11.** A school district may enter into a lease with a charter school for physical
241 facilities.

242 [10.] **12.** A governing board or a school district employee who has control over
243 personnel actions shall not take unlawful reprisal against another employee at the school district
244 because the employee is directly or indirectly involved in an application to establish a charter
245 school. A governing board or a school district employee shall not take unlawful reprisal against
246 an educational program of the school or the school district because an application to establish
247 a charter school proposes the conversion of all or a portion of the educational program to a
248 charter school. As used in this subsection, "unlawful reprisal" means an action that is taken by
249 a governing board or a school district employee as a direct result of a lawful application to
250 establish a charter school and that is adverse to another employee or an educational program.

251 [11.] **13.** Charter school board members shall be subject to the same liability for acts
252 while in office as if they were regularly and duly elected members of school boards in any other
253 public school district in this state. The governing board of a charter school may participate, to

254 the same extent as a school board, in the Missouri public entity risk management fund in the
255 manner provided under sections 537.700 to 537.756.

256 [12.] 14. Any entity, either public or private, operating, administering, or otherwise
257 managing a charter school shall be considered a quasi-public governmental body and subject to
258 the provisions of sections 610.010 to 610.035.

259 [13.] 15. The chief financial officer of a charter school shall maintain:

260 (1) A surety bond in an amount determined by the sponsor to be adequate based on the
261 cash flow of the school; or

262 (2) An insurance policy issued by an insurance company licensed to do business in
263 Missouri on all employees in the amount of five hundred thousand dollars or more that provides
264 coverage in the event of employee theft.

160.410. 1. A charter school shall enroll:

2 (1) All pupils resident in the district in which it operates;

3 (2) Nonresident pupils eligible to attend a district's school under an urban voluntary
4 transfer program; [and]

5 (3) **In the case of a charter school whose mission includes student drop-out**
6 **prevention or recovery, any nonresident pupil from the same or an adjacent county who**
7 **is considered high risk or is a dropout, or any nonresident pupil from the same or an**
8 **adjacent county who resides in a residential care facility, a transitional living group home,**
9 **or an independent living program whose last school of enrollment is in the school district**
10 **where the charter school is established, who submits a timely application; and**

11 (4) In the case of a workplace charter school, any student eligible to attend under
12 subdivision (1) or (2) of this subsection whose parent is employed in the business district, who
13 submits a timely application, unless the number of applications exceeds the capacity of a
14 program, class, grade level or building. The configuration of a business district shall be set forth
15 in the charter and shall not be construed to create an undue advantage for a single employer or
16 small number of employers.

17 2. If capacity is insufficient to enroll all pupils who submit a timely application, the
18 charter school shall have an admissions process that assures all applicants of an equal chance of
19 gaining admission except that:

20 (1) A charter school may establish a geographical area around the school whose residents
21 will receive a preference for enrolling in the school, provided that such preferences do not result
22 in the establishment of racially or socioeconomically isolated schools and provided such
23 preferences conform to policies and guidelines established by the state board of education; [and]

24 (2) A charter school may also give a preference for admission of children whose siblings
25 attend the school or whose parents are employed at the school or in the case of a workplace

26 charter school, a child whose parent is employed in the business district or at the business site
27 of such school; **and**

28 **(3) A charter school whose mission includes student drop-out prevention or**
29 **recovery as described in subdivision (3) of subsection 1 of this section shall give preference**
30 **for admission to resident pupils over nonresident pupils.**

31 3. A charter school shall not limit admission based on race, ethnicity, national origin,
32 disability, gender, income level, proficiency in the English language or athletic ability, but may
33 limit admission to pupils within a given age group or grade level.

34 4. The department of elementary and secondary education shall commission a study of
35 the performance of students at each charter school in comparison with an equivalent group of
36 district students representing an equivalent demographic and geographic population and a study
37 of the impact of charter schools upon the constituents they serve in the districts in which they are
38 located, to be conducted by the joint committee on education. The charter school study shall
39 include analysis of the administrative and instructional practices of each charter school and shall
40 include findings on innovative programs that illustrate best practices and lend themselves to
41 replication or incorporation in other schools. The joint committee on education shall coordinate
42 with individuals representing charter [public] schools and the districts in which charter schools
43 are located in conducting the study. The study of a charter school's student performance in
44 relation to a comparable group shall be designed to provide information that would allow parents
45 and educators to make valid comparisons of academic performance between the charter school's
46 students and an equivalent group of district students representing an equivalent demographic and
47 geographic population. The student performance assessment and comparison shall include, but
48 may not be limited to:

49 (1) Missouri assessment program test performance and aggregate growth over several
50 years;

51 (2) Student reenrollment rates;

52 (3) Educator, parent, and student satisfaction data;

53 (4) Graduation rates in secondary programs; and

54 (5) Performance of students enrolled in the same public school for three or more
55 consecutive years. The impact study shall be undertaken every two years to determine the impact
56 of charter schools on the constituents they serve in the districts where charter schools are
57 operated. The impact study shall include, but is not limited to, determining if changes have been
58 made in district policy or procedures attributable to the charter school and to perceived changes
59 in attitudes and expectations on the part of district personnel, school board members, parents,
60 students, the business community and other education stakeholders. The department of
61 elementary and secondary education shall make the results of the studies public and shall deliver

62 copies to the governing boards of the charter schools, the sponsors of the charter schools, the
63 school board and superintendent of the districts in which the charter schools are operated.

64 5. A charter school shall make available for public inspection, and provide upon request,
65 to the parent, guardian, or other custodian of any school-age pupil resident in the district in which
66 the school is located the following information:

67 (1) The school's charter;

68 (2) The school's most recent annual report card published according to section 160.522;
69 [and]

70 (3) The results of background checks on the charter school's board members; **and**

71 **(4) If a charter school is operated by a management company, a copy of the written**
72 **contract between the governing board of the charter school and the educational**
73 **management organization or the charter management organization for services.**

74 The charter school may charge reasonable fees, not to exceed the rate specified in section
75 610.026, for furnishing copies of documents under this subsection.

76 **6. When a student attending a charter school who is a resident of the school district**
77 **in which the charter school is located moves out of the boundaries of such school district,**
78 **the student may complete the current semester and shall be considered a resident student.**
79 **The student's parent or legal guardian shall be responsible for the student's transportation**
80 **to and from the charter school.**

81 **7. If a change in school district boundary lines occurs under section 162.223,**
82 **162.431, 162.441, or 162.451, or by action of the state board of education under section**
83 **162.081, including attachment of a school district's territory to another district or**
84 **dissolution, such that a student attending a charter school prior to such change no longer**
85 **resides in a school district in which the charter school is located, then the student may**
86 **complete the current academic year at the charter school. The student shall be considered**
87 **a resident student. The student's parent or legal guardian shall be responsible for the**
88 **student's transportation to and from the charter school.**

89 **8. The provisions of sections 167.018 and 167.019 concerning foster children's**
90 **educational rights are applicable to charter schools.**

160.415. 1. For the purposes of calculation and distribution of state school aid under
2 section 163.031, pupils enrolled in a charter school shall be included in the pupil enrollment of
3 the school district within which each pupil resides. Each charter school shall report the names,
4 addresses, and eligibility for free and reduced lunch, special education, or limited English
5 proficiency status, as well as eligibility for categorical aid, of pupils resident in a school district
6 who are enrolled in the charter school to the school district in which those pupils reside. The
7 charter school shall report the average daily attendance data, free and reduced lunch count,

8 special education pupil count, and limited English proficiency pupil count to the state department
9 of elementary and secondary education. Each charter school shall promptly notify the state
10 department of elementary and secondary education and the pupil's school district when a student
11 discontinues enrollment at a charter school.

12 2. Except as provided in subsections 3 and 4 of this section, the aid payments for charter
13 schools shall be as described in this subsection.

14 (1) A school district having one or more resident pupils attending a charter school shall
15 pay to the charter school an annual amount equal to the product of the charter school's weighted
16 average daily attendance and the state adequacy target, multiplied by the dollar value modifier
17 for the district, plus local tax revenues per weighted average daily attendance from the incidental
18 and teachers' funds in excess of the performance levy as defined in section 163.011 plus all other
19 state aid attributable to such pupils.

20 (2) The district of residence of a pupil attending a charter school shall also pay to the
21 charter school any other federal or state aid that the district receives on account of such child.

22 (3) If the department overpays or underpays the amount due to the charter school, such
23 overpayment or underpayment shall be repaid by the public charter school or credited to the
24 public charter school in twelve equal payments in the next fiscal year.

25 (4) The amounts provided pursuant to this subsection shall be prorated for partial year
26 enrollment for a pupil.

27 (5) A school district shall pay the amounts due pursuant to this subsection as the
28 disbursal agent and no later than twenty days following the receipt of any such funds. The
29 department of elementary and secondary education shall pay the amounts due when it acts as the
30 disbursal agent within five days of the required due date.

31 3. A workplace charter school shall receive payment for each eligible pupil as provided
32 under subsection 2 of this section, except that if the student is not a resident of the district and
33 is participating in a voluntary interdistrict transfer program, the payment for such pupils shall be
34 the same as provided under section 162.1060.

35 4. A charter school that has declared itself as a local educational agency shall receive
36 from the department of elementary and secondary education an annual amount equal to the
37 product of the charter school's weighted average daily attendance and the state adequacy target,
38 multiplied by the dollar value modifier for the district, plus local tax revenues per weighted
39 average daily attendance from the incidental and teachers funds in excess of the performance
40 levy as defined in section 163.011 plus all other state aid attributable to such pupils. If a charter
41 school declares itself as a local education agency, the department of elementary and secondary
42 education shall, upon notice of the declaration, reduce the payment made to the school district

43 by the amount specified in this subsection and pay directly to the charter school the annual
44 amount reduced from the school district's payment.

45 5. If a school district fails to make timely payments of any amount for which it is the
46 disbursal agent, the state department of elementary and secondary education shall authorize
47 payment to the charter school of the amount due pursuant to subsection 2 of this section and shall
48 deduct the same amount from the next state school aid apportionment to the owing school
49 district. If a charter school is paid more or less than the amounts due pursuant to this section,
50 the amount of overpayment or underpayment shall be adjusted equally in the next twelve
51 payments by the school district or the department of elementary and secondary education, as
52 appropriate. Any dispute between the school district and a charter school as to the amount owing
53 to the charter school shall be resolved by the department of elementary and secondary education,
54 and the department's decision shall be the final administrative action for the purposes of review
55 pursuant to chapter 536. During the period of dispute, the department of elementary and
56 secondary education shall make every administrative and statutory effort to allow the continued
57 education of children in their current public charter school setting.

58 6. The charter school and a local school board may agree by contract for services to be
59 provided by the school district to the charter school. The charter school may contract with any
60 other entity for services. Such services may include but are not limited to food service, custodial
61 service, maintenance, management assistance, curriculum assistance, media services and libraries
62 and shall be subject to negotiation between the charter school and the local school board or other
63 entity. Documented actual costs of such services shall be paid for by the charter school.

64 7. A charter school may enter into contracts with community partnerships and state
65 agencies acting in collaboration with such partnerships that provide services to children and their
66 families linked to the school.

67 8. A charter school shall be eligible for transportation state aid pursuant to section
68 163.161 and shall be free to contract with the local district, or any other entity, for the provision
69 of transportation to the students of the charter school.

70 9. (1) The proportionate share of state and federal resources generated by students with
71 disabilities or staff serving them shall be paid in full to charter schools enrolling those students
72 by their school district where such enrollment is through a contract for services described in this
73 section. The proportionate share of money generated under other federal or state categorical aid
74 programs shall be directed to charter schools serving such students eligible for that aid.

75 (2) A charter school [district] shall provide the special services provided pursuant to
76 section 162.705 and may provide the special services pursuant to a contract with a school district
77 or any provider of such services.

78 10. A charter school may not charge tuition, nor may it impose fees that a school district
79 is prohibited from imposing.

80 11. A charter school is authorized to incur debt in anticipation of receipt of funds. A
81 charter school may also borrow to finance facilities and other capital items. A school district
82 may incur bonded indebtedness or take other measures to provide for physical facilities and other
83 capital items for charter schools that it sponsors or contracts with. Upon the dissolution of a
84 charter school, any liabilities of the corporation will be satisfied through the procedures of
85 chapter 355. **The department of elementary and secondary education may withhold**
86 **funding at a level the department determines to be adequate during a school's last year of**
87 **operation until the department determines that school records, liabilities, and reporting**
88 **requirements, including a full audit, are satisfied.**

89 12. Charter schools shall not have the power to acquire property by eminent domain.

90 13. The governing body of a charter school is authorized to accept grants, gifts or
91 donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or
92 donation may not be accepted by the governing body if it is subject to any condition contrary to
93 law applicable to the charter school or other public schools, or contrary to the terms of the
94 charter.

 160.420. 1. Any school district in which charter schools may be established under
2 sections 160.400 to [160.420] **160.425** shall establish a uniform policy which provides that if a
3 charter school offers to retain the services of an employee of a school district, and the employee
4 accepts a position at the charter school, an employee at the employee's option may remain an
5 employee of the district and the charter school shall pay to the district the district's full costs of
6 salary and benefits provided to the employee. The district's policy shall provide that any teacher
7 who accepts a position at a charter school and opts to remain an employee of the district retains
8 such teacher's permanent teacher status and retains such teacher's seniority rights in the district
9 for three years. The school district shall not be liable for any such employee's acts while an
10 employee of the charter school.

11 2. A charter school may employ noncertificated instructional personnel; provided that
12 no more than twenty percent of the full-time equivalent instructional staff positions at the school
13 are filled by noncertificated personnel. All noncertificated instructional personnel shall be
14 supervised by certificated instructional personnel. A charter school that has a foreign language
15 immersion experience as its chief educational mission, as stated in its charter, shall not be subject
16 to the twenty-percent requirement of this subsection but shall ensure that any teachers whose
17 duties include instruction given in a foreign language have current valid credentials in the
18 country in which such teacher received his or her training and shall remain subject to the
19 remaining requirements of this subsection. The charter school shall ensure that all instructional

20 employees of the charter school have experience, training and skills appropriate to the
21 instructional duties of the employee, and the charter school shall ensure that a criminal
22 background check and [child abuse] **family care safety** registry check are conducted for each
23 employee of the charter school prior to the hiring of the employee **under the requirements of**
24 **section 168.133**. The charter school may not employ instructional personnel whose certificate
25 of license to teach has been revoked or is currently suspended by the state board of education.
26 Appropriate experience, training and skills of noncertificated instructional personnel shall be
27 determined considering:

28 (1) Teaching certificates issued by another state or states;

29 (2) Certification by the National [Standards] Board **for Professional Teaching**
30 **Standards**;

31 (3) College degrees in the appropriate field;

32 (4) Evidence of technical training and competence when such is appropriate; and

33 (5) The level of supervision and coordination with certificated instructional staff.

34 3. Personnel employed by the charter school shall participate in the retirement system
35 of the school district in which the charter school is located, subject to the same terms, conditions,
36 requirements and other provisions applicable to personnel employed by the school district. For
37 purposes of participating in the retirement system, the charter school shall be considered to be
38 a public school within the school district, and personnel employed by the charter school shall be
39 public school employees. In the event of a lapse of the school district's corporate organization
40 as described in subsections 1 and 4 of section 162.081, personnel employed by the charter school
41 shall continue to participate in the retirement system and shall do so on the same terms,
42 conditions, requirements and other provisions as they participated prior to the lapse.

43 [4. The charter school and a local school board may agree by contract for services to be
44 provided by the school district to the charter school. The charter school may contract with any
45 other entity for services. Such services may include but are not limited to food service, custodial
46 service, maintenance, management assistance, curriculum assistance, media services and libraries
47 and shall be subject to negotiation between the charter school and the local school board or other
48 entity. Documented actual costs of such services shall be paid for by the charter school.

49 5. A charter school may enter into contracts with community partnerships and state
50 agencies acting in collaboration with such partnerships that provide services to children and their
51 families linked to the school.

52 6. A charter school shall be eligible for transportation state aid pursuant to section
53 163.161 and shall be free to contract with the local district, or any other entity, for the provision
54 of transportation to the students of the charter school.

55 7. (1) The proportionate share of state and federal resources generated by students with
56 disabilities or staff serving them shall be paid in full to charter schools enrolling those students
57 by their school district where such enrollment is through a contract for services described in this
58 section. The proportionate share of money generated under other federal or state categorical aid
59 programs shall be directed to charter schools serving such students eligible for that aid.

60 (2) A charter school district shall provide the special services provided pursuant to
61 section 162.705 and may provide the special services pursuant to a contract with a school district
62 or any provider of such services.

63 8. A charter school may not charge tuition, nor may it impose fees that a school district
64 is prohibited from imposing.

65 9. A charter school is authorized to incur debt in anticipation of receipt of funds. A
66 charter school may also borrow to finance facilities and other capital items. A school district
67 may incur bonded indebtedness or take other measures to provide for physical facilities and other
68 capital items for charter schools that it sponsors or contracts with. Upon the dissolution of a
69 charter school, any liabilities of the corporation will be satisfied through the procedures of
70 chapter 355.

71 10. Charter schools shall not have the power to acquire property by eminent domain.

72 11. The governing body of a charter school is authorized to accept grants, gifts or
73 donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or
74 donation may not be accepted by the governing body if it is subject to any condition contrary to
75 law applicable to the charter school or other public schools, or contrary to the terms of the
76 charter.]

**160.425. 1. The "Missouri Charter Public School Commission" is hereby created
2 and shall consist of eight members appointed by the governor, by and with the advice and
3 consent of the senate, after an open committee hearing. The term of office of each member
4 is four years, except that of the members first appointed, two shall be appointed for a term
5 of one year, two for a term of two years, two for a term of three years, and two for a term
6 of four years. At the expiration of the term of each member, the governor, by and with the
7 advice and consent of the senate, shall appoint a successor.**

8 **2. Membership of the commission shall consist of the following:**

9 **(1) The commissioner of education or the commissioner's designee representing
10 elementary and secondary education;**

11 **(2) The commissioner of higher education or the commissioner's designee
12 representing higher education;**

13 **(3) Six laypersons, to include:**

14 **(a) One parent;**

- 15 **(b) One teacher who is certified under chapter 168;**
16 **(c) Two representatives of business interests;**
17 **(d) One member selected by the governor from a slate of three recommended by**
18 **the president pro tem of the senate; and**
19 **(e) One member selected from a slate of three recommended by the speaker of the**
20 **house of representatives.**
21
22 **No more than two members may be chosen from any one congressional district.**
23 **3. The commission shall annually elect a chairperson and vice chairperson, who**
24 **shall act as chairperson in his or her absence. The commission shall meet at the call of the**
25 **chairperson. The chairperson may call meetings at such times as he or she deems advisable**
26 **and shall call a meeting when requested to do so by three or more members of the**
27 **commission. Members of the commission are not eligible to receive compensation.**
28 **4. The commission may approve proposed charters for its sponsorship under**
29 **sections 160.400 to 160.425 and shall:**
30 **(1) Comply with all of the requirements applicable to sponsors under sections**
31 **160.400 to 160.425;**
32 **(2) Exercise sponsorship over charters approved by the commission under sections**
33 **160.400 to 160.425, including receipt of sponsorship funding under subsection 10 of section**
34 **160.400.**
35 **5. The commission shall conduct its business in accordance with chapter 610.**