

FIRST REGULAR SESSION

HOUSE BILL NO. 634

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROEBER.

0986H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 160.400, 160.420, and 167.349, RSMo, and to enact in lieu thereof three new sections relating to charter schools, with a delayed effective date.

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

Section A. Sections 160.400, 160.420, and 167.349, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 160.400, 160.420, and 167.349, to read as follows:

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

2. ~~[Except as further provided in subsection 4 of this section,]~~ Charter schools may be operated ~~[only:]~~

~~———— (1) In a metropolitan school district;~~

~~———— (2) In an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants;~~

~~———— (3) In a school district that has been classified as unaccredited by the state board of education;~~

~~———— (4) In a school district that has been classified as provisionally accredited by the state board of education and has received scores on its annual performance report consistent with a classification of provisionally accredited or unaccredited for three consecutive school years beginning with the 2012-13 accreditation year under the following conditions:~~

~~———— (a) The eligibility for charter schools of any school district whose provisional accreditation is based in whole or in part on financial stress as defined in sections 161.520 to 161.529, or on financial hardship as defined by rule of the state board of education, shall be~~

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 decided by a vote of the state board of education during the third consecutive school year after
17 the designation of provisional accreditation; and

18 ~~——(b) The sponsor is limited to the local school board or a sponsor who has met the~~
19 standards of accountability and performance as determined by the department based on sections
20 160.400 to 160.425 and section 167.349 and properly promulgated rules of the department; or

21 ~~——(5) In a school district that has been accredited without provisions, sponsored only by~~
22 the local school board; provided that no board with a current year enrollment of one thousand
23 five hundred fifty students or greater shall permit more than thirty-five percent of its student
24 enrollment to enroll in charter schools sponsored by the local board under the authority of this
25 subdivision, except that this restriction shall not apply to any school district that subsequently
26 becomes eligible under subdivision (3) or (4) of this subsection or to any district accredited
27 without provisions that sponsors charter schools prior to having a current year student enrollment
28 of one thousand five hundred fifty students or greater] **in any school district of the state.**

29 3. ~~[Except as further provided in subsection 4 of this section,]~~ The following entities are
30 eligible to sponsor charter schools:

31 (1) The school board of the district in any district ~~[which is sponsoring a charter school~~
32 ~~as of August 27, 2012, as permitted under subdivision (1) or (2) of subsection 2 of this section,~~
33 ~~the special administrative board of a metropolitan school district during any time in which~~
34 ~~powers granted to the district's board of education are vested in a special administrative board,~~
35 ~~or if the state board of education appoints a special administrative board to retain the authority~~
36 ~~granted to the board of education of an urban school district containing most or all of a city with~~
37 ~~a population greater than three hundred fifty thousand inhabitants, the special administrative~~
38 ~~board of such school district] or, **if the state board of education appoints a special**~~
39 **administrative board to retain the authority granted to the elected board, the special**
40 **administrative board of the school district;**

41 (2) A public four-year college or university with an approved teacher education program
42 that meets regional or national standards of accreditation;

43 (3) A community college, the service area of which encompasses some portion of the
44 district;

45 (4) Any private four-year college or university with an enrollment of at least one
46 thousand students, with its primary campus in Missouri, and with an approved teacher
47 preparation program;

48 (5) Any two-year private vocational or technical school designated as a 501(c)(3)
49 nonprofit organization under the Internal Revenue Code of 1986, as amended, and accredited by
50 the Higher Learning Commission, with its primary campus in Missouri;

51 (6) The Missouri charter public school commission created in section 160.425.

52 4. ~~[Changes in a school district's accreditation status that affect charter schools shall be~~
53 ~~addressed as follows, except for the districts described in subdivisions (1) and (2) of subsection~~
54 ~~2 of this section:-~~

55 ~~—— (1) As a district transitions from unaccredited to provisionally accredited, the district~~
56 ~~shall continue to fall under the requirements for an unaccredited district until it achieves three~~
57 ~~consecutive full school years of provisional accreditation;-~~

58 ~~—— (2) As a district transitions from provisionally accredited to full accreditation, the district~~
59 ~~shall continue to fall under the requirements for a provisionally accredited district until it~~
60 ~~achieves three consecutive full school years of full accreditation;-~~

61 ~~—— (3) In any school district classified as unaccredited or provisionally accredited where a~~
62 ~~charter school is operating and is sponsored by an entity other than the local school board, when~~
63 ~~the school district becomes classified as accredited without provisions, a charter school may~~
64 ~~continue to be sponsored by the entity sponsoring it prior to the classification of accredited~~
65 ~~without provisions and shall not be limited to the local school board as a sponsor.]~~

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67 A charter school operating in ~~[a]~~ **any** school district ~~[identified in subdivision (1) or (2) of~~
68 ~~subsection 2 of this section]~~ may be sponsored by any of the entities identified in subsection 3
69 of this section~~[-, irrespective of the accreditation classification of the district in which it is~~
70 ~~located]~~. A charter school ~~[in a district described in this subsection]~~ whose charter provides for
71 the addition of grade levels in subsequent years may continue to add levels until the planned
72 expansion is complete to the extent of grade levels in comparable schools of the district in which
73 the charter school is operated.

74 5. The mayor of a city not within a county may request a sponsor under subdivision (2),
75 (3), (4), (5), or (6) of subsection 3 of this section to consider sponsoring a "workplace charter
76 school", which is defined for purposes of sections 160.400 to 160.425 as a charter school with
77 the ability to target prospective students whose parent or parents are employed in a business
78 district, as defined in the charter, which is located in the city.

79 6. No sponsor shall receive from an applicant for a charter school any fee of any type for
80 the consideration of a charter, nor may a sponsor condition its consideration of a charter on the
81 promise of future payment of any kind.

82 7. The charter school shall be organized as a Missouri nonprofit corporation incorporated
83 pursuant to chapter 355. The charter provided for herein shall constitute a contract between the
84 sponsor and the charter school.

85 8. As a nonprofit corporation incorporated pursuant to chapter 355, the charter school
86 shall select the method for election of officers pursuant to section 355.326 based on the class of

87 corporation selected. Meetings of the governing board of the charter school shall be subject to
88 the provisions of sections 610.010 to 610.030.

89 9. A sponsor of a charter school, its agents and employees are not liable for any acts or
90 omissions of a charter school that it sponsors, including acts or omissions relating to the charter
91 submitted by the charter school, the operation of the charter school and the performance of the
92 charter school.

93 10. A charter school may affiliate with a four-year college or university, including a
94 private college or university, or a community college as otherwise specified in subsection 3 of
95 this section when its charter is granted by a sponsor other than such college, university or
96 community college. Affiliation status recognizes a relationship between the charter school and
97 the college or university for purposes of teacher training and staff development, curriculum and
98 assessment development, use of physical facilities owned by or rented on behalf of the college
99 or university, and other similar purposes. A university, college or community college may not
100 charge or accept a fee for affiliation status.

101 11. The expenses associated with sponsorship of charter schools shall be defrayed by the
102 department of elementary and secondary education retaining one and five-tenths percent of the
103 amount of state and local funding allocated to the charter school under section 160.415, not to
104 exceed one hundred twenty-five thousand dollars, adjusted for inflation. The department of
105 elementary and secondary education shall remit the retained funds for each charter school to the
106 school's sponsor, provided the sponsor remains in good standing by fulfilling its sponsorship
107 obligations under sections 160.400 to 160.425 and 167.349 with regard to each charter school
108 it sponsors, including appropriate demonstration of the following:

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

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

114 (3) Negotiates contracts with charter schools that clearly articulate the rights and
115 responsibilities of each party regarding school autonomy, expected outcomes, measures for
116 evaluating success or failure, performance consequences based on the annual performance report,
117 and other material terms;

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

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

123 12. Sponsors receiving funds under subsection 11 of this section shall be required to
124 submit annual reports to the joint committee on education demonstrating they are in compliance
125 with subsection 17 of this section.

126 13. No university, college or community college shall grant a charter to a nonprofit
127 corporation if an employee of the university, college or community college is a member of the
128 corporation's board of directors.

129 14. No sponsor shall grant a charter under sections 160.400 to 160.425 and 167.349
130 without ensuring that a criminal background check and family care safety registry check are
131 conducted for all members of the governing board of the charter schools or the incorporators of
132 the charter school if initial directors are not named in the articles of incorporation, nor shall a
133 sponsor renew a charter without ensuring a criminal background check and family care safety
134 registry check are conducted for each member of the governing board of the charter school.

135 15. No member of the governing board of a charter school shall hold any office or
136 employment from the board or the charter school while serving as a member, nor shall the
137 member have any substantial interest, as defined in section 105.450, in any entity employed by
138 or contracting with the board. No board member shall be an employee of a company that
139 provides substantial services to the charter school. All members of the governing board of the
140 charter school shall be considered decision-making public servants as defined in section 105.450
141 for the purposes of the financial disclosure requirements contained in sections 105.483, 105.485,
142 105.487, and 105.489.

143 16. A sponsor shall develop the policies and procedures for:

144 (1) The review of a charter school proposal including an application that provides
145 sufficient information for rigorous evaluation of the proposed charter and provides clear
146 documentation that the education program and academic program are aligned with the state
147 standards and grade-level expectations, and provides clear documentation of effective
148 governance and management structures, and a sustainable operational plan;

149 (2) The granting of a charter;

150 (3) The performance contract that the sponsor will use to evaluate the performance of
151 charter schools. Charter schools shall meet current state academic performance standards as well
152 as other standards agreed upon by the sponsor and the charter school in the performance contract;

153 (4) The sponsor's intervention, renewal, and revocation policies, including the conditions
154 under which the charter sponsor may intervene in the operation of the charter school, along with
155 actions and consequences that may ensue, and the conditions for renewal of the charter at the end
156 of the term, consistent with subsections 8 and 9 of section 160.405;

157 (5) Additional criteria that the sponsor will use for ongoing oversight of the charter; and

158 (6) Procedures to be implemented if a charter school should close, consistent with the
159 provisions of subdivision (15) of subsection 1 of section 160.405.

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161 The department shall provide guidance to sponsors in developing such policies and procedures.

162 17. (1) A sponsor shall provide timely submission to the state board of education of all
163 data necessary to demonstrate that the sponsor is in material compliance with all requirements
164 of sections 160.400 to 160.425 and section 167.349. The state board of education shall ensure
165 each sponsor is in compliance with all requirements under sections 160.400 to 160.425 and
166 167.349 for each charter school sponsored by any sponsor. The state board shall notify each
167 sponsor of the standards for sponsorship of charter schools, delineating both what is mandated
168 by statute and what best practices dictate. The state board shall evaluate sponsors to determine
169 compliance with these standards every three years. The evaluation shall include a sponsor's
170 policies and procedures in the areas of charter application approval; required charter agreement
171 terms and content; sponsor performance evaluation and compliance monitoring; and charter
172 renewal, intervention, and revocation decisions. Nothing shall preclude the department from
173 undertaking an evaluation at any time for cause.

174 (2) If the department determines that a sponsor is in material noncompliance with its
175 sponsorship duties, the sponsor shall be notified and given reasonable time for remediation. If
176 remediation does not address the compliance issues identified by the department, the
177 commissioner of education shall conduct a public hearing and thereafter provide notice to the
178 charter sponsor of corrective action that will be recommended to the state board of education.
179 Corrective action by the department may include withholding the sponsor's funding and
180 suspending the sponsor's authority to sponsor a school that it currently sponsors or to sponsor any
181 additional school until the sponsor is reauthorized by the state board of education under section
182 160.403.

183 (3) The charter sponsor may, within thirty days of receipt of the notice of the
184 commissioner's recommendation, provide a written statement and other documentation to show
185 cause as to why that action should not be taken. Final determination of corrective action shall
186 be determined by the state board of education based upon a review of the documentation
187 submitted to the department and the charter sponsor.

188 (4) If the state board removes the authority to sponsor a currently operating charter
189 school under any provision of law, the Missouri charter public school commission shall become
190 the sponsor of the school.

191 18. If a sponsor notifies a charter school of closure under subsection 8 of section
192 160.405, the department of elementary and secondary education shall exercise its financial
193 withholding authority under subsection 12 of section 160.415 to assure all obligations of the

194 charter school shall be met. The state, charter sponsor, or resident district shall not be liable for
195 any outstanding liability or obligations of the charter school.

160.420. 1. ~~[Any]~~ **Each** school district ~~[in which charter schools may be established
2 under sections 160.400 to 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 family care safety registry check are conducted for each employee of the
23 charter school prior to the hiring of the employee under the requirements of section 168.133.
24 The charter school may not employ instructional personnel whose certificate of license to teach
25 has been revoked or is currently suspended by the state board of education. Appropriate
26 experience, training and skills of noncertificated instructional personnel shall be determined
27 considering:

- 28 (1) Teaching certificates issued by another state or states;
- 29 (2) Certification by the National Board for Professional Teaching Standards;
- 30 (3) College degrees in the appropriate field;
- 31 (4) Evidence of technical training and competence when such is appropriate; and
- 32 (5) The level of supervision and coordination with certificated instructional staff.

33 3. Personnel employed by the charter school shall participate in the retirement system
34 of the school district in which the charter school is located, subject to the same terms, conditions,

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

167.349. In any school district to which any provisions of sections 167.340 to 167.346
2 apply [~~and in which district charter schools may be established pursuant to section 160.400~~], any
3 state college or university which provides educational programs to any part of such district and
4 any campus of the state university located in a county of the third classification may sponsor one
5 or more charter schools pursuant to section 160.400 and, in addition to the purposes for which
6 charter schools may be established pursuant to sections 160.400 to 160.420, such charter schools
7 may be established to emphasize remediation of reading deficiencies.

Section B. This act shall become effective July 1, 2018.

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