

SECOND REGULAR SESSION

# HOUSE BILL NO. 1224

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SHIELDS.

Pre-filed December 12, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

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### AN ACT

To repeal section 160.400, RSMo, and to enact in lieu thereof two new sections relating to the creation of waiver school districts.

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

Section A. Section 160.400, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 160.400 and 162.1090, to read as follows:

160.400. 1. A charter school is an independent, publicly supported school.

2. Charter schools may be operated only in a metropolitan school district or in an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants [and]; **except that a charter school in a waiver district created pursuant to section 162.1090, RSMo, may be operated anywhere in this state.** Charter schools may be sponsored by any of the following:

(1) The school board of the district;

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

(3) A community college located in the district.

3. A maximum of five percent of the school buildings currently in use for instructional purposes in a district may be converted to charter schools. This limitation does not apply to vacant buildings or buildings not used for instructional purposes, **or to waiver districts created pursuant to section 162.1090, RSMo, wherein all buildings in those districts are converted into charter schools.**

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

17           4. No sponsor shall receive from an applicant for a charter school any fee of any type for  
18 the consideration of a charter, nor may a sponsor condition its consideration of a charter on the  
19 promise of future payment of any kind.

20           5. The charter school shall be a Missouri nonprofit corporation incorporated pursuant  
21 to chapter 355, RSMo. The charter provided for herein shall constitute a contract between the  
22 sponsor and the charter school.

23           6. As a nonprofit corporation incorporated pursuant to chapter 355, RSMo, the charter  
24 school shall select the method for election of officers pursuant to section 355.326, RSMo, based  
25 on the class of corporation selected. Meetings of the governing board of the charter school shall  
26 be subject to the provisions of sections 610.010 to 610.030, RSMo, the open meetings law.

27           7. A sponsor of a charter school, its agents and employees are not liable for any acts or  
28 omissions of a charter school that it sponsors, including acts or omissions relating to the charter  
29 submitted by the charter school, the operation of the charter school and the performance of the  
30 charter school.

31           8. A charter school may affiliate with a four-year college or university, including a  
32 private college or university, or a community college as otherwise specified in subsection 2 of  
33 this section when its charter is granted by a sponsor other than such college, university or  
34 community college. Affiliation status recognizes a relationship between the charter school and  
35 the college or university for purposes of teacher training and staff development, curriculum and  
36 assessment development, use of physical facilities owned by or rented on behalf of the college  
37 or university, and other similar purposes. The primary campus of the college or university must  
38 be located within the county in which the school district lies wherein the charter school is located  
39 or in a county adjacent to the county in which the district is located. A university, college or  
40 community college may not charge or accept a fee for affiliation status.

41           9. No university, college or community college shall grant a charter to a nonprofit  
42 corporation if an employee of the university, college or community college is a member of the  
43 corporation's board of directors.

**162.1090. 1. Any fully accredited school district of this state may, upon a majority  
2 vote of the school board of the district, declare itself a waiver district for the school year  
3 next following such vote. For purposes of this section, a "waiver district" is a school  
4 district which operates under the laws applicable to charter schools pursuant to sections  
5 160.400 to 160.420, RSMo, in lieu of operating under the laws and rules which generally  
6 apply to all school districts of this state.**

**7           2. Waiver school districts shall not be subject to the laws and rules which generally  
8 apply to the school districts of this state and instead shall be subject to the laws of charter  
9 schools pursuant to sections 160.400 to 160.420, RSMo; except that waiver districts:**

- 10           **(1) Shall not have the admission policies approved for charter schools pursuant to**  
11 **section 160.410, RSMo, and shall have the same general admission policies as provided by**  
12 **law for every other school district in this state;**
- 13           **(2) Shall not be funded pursuant to section 160.415, RSMo, and shall be funded in**  
14 **the same manner as is provided by law for every other school district in this state;**
- 15           **(3) Shall have the power to acquire property by eminent domain in the same**  
16 **manner as other school districts;**
- 17           **(4) Shall act as applicant and sponsor for purposes of sections 160.400 to 160.420,**  
18 **RSMo, and waiver districts shall apply to the state board for charter approval. The state**  
19 **board of education shall review each waiver district charter in the same manner as it**  
20 **reviews other charters. The charter shall be written, pursuant to sections 160.400 to**  
21 **160.420, RSMo, for the waiver district as a whole, and all schools in the district shall follow**  
22 **the charter as if the entire district were one charter school approved pursuant to sections**  
23 **160.400 to 160.420, RSMo.**