

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
**HOUSE BILL NOS. 2008, 1901, 1218 &
1062**
93RD GENERAL ASSEMBLY

Reported from the Committee on Elementary and Secondary Education April 5, 2006 with recommendation that House Committee Substitute for House Bill Nos. 2008, 1901, 1218 & 1062 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

5592L.04C

AN ACT

To repeal sections 105.458, 108.250, 160.041, 160.480, 162.856, 163.051, 167.031, and 168.021, RSMo, and sections 160.400, 160.405, 160.415, 160.420, and 162.081 as enacted by conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 287, ninety-third general assembly, first regular session, and to enact in lieu thereof seventeen new sections relating to school safety and efficiency, with an emergency clause for certain sections.

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

Section A. Section 105.458, 108.250, 160.041, 160.480, 162.856, 163.051, 167.031, and
2 168.021, RSMo, and sections 160.400, 160.405, 160.415, 160.420, and 162.081 as enacted by
3 conference committee substitute for house committee substitute for senate substitute for senate
4 committee substitute for senate bill no. 287, ninety-third general assembly, first regular session,
5 are repealed and seventeen new sections enacted in lieu thereof, to be known as sections 99.005,
6 100.005, 105.458, 108.250, 160.041, 160.400, 160.405, 160.415, 160.420, 160.480, 160.775,
7 162.081, 162.856, 163.051, 167.031, 168.021, and 353.005, to read as follows.

**99.005. No municipality shall establish a redevelopment plan or project or
2 designate a redevelopment area under this chapter unless any taxing entity imposing a
3 higher tax levy than such municipality on any property in such proposed redevelopment**

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.

4 **plan, project, or area consents to such redevelopment plan, project, or area. This section**
5 **shall apply to all redevelopment plans or projects established or redevelopment areas**
6 **designated after August 28, 2006.**

2 **100.005. No municipality shall establish a project for industrial development under**
3 **this chapter unless any taxing entity imposing a higher tax levy than such municipality on**
4 **any property in such proposed project consents to such project. This section shall apply**
5 **to all projects for industrial development established after August 28, 2006.**

2 105.458. 1. No member of any legislative or governing body of any political subdivision
3 of the state shall:

3 (1) Perform any service for such political subdivision or any agency of the political
4 subdivision for any consideration other than the compensation provided for the performance of
5 his or her official duties, except as otherwise provided in this section; or

6 (2) Sell, rent or lease any property to the political subdivision or any agency of the
7 political subdivision for consideration in excess of five hundred dollars per transaction or five
8 thousand dollars per annum, or in the case of a school board **or a governing board of a public**
9 **charter school** five thousand dollars per annum, unless the transaction is made pursuant to an
10 award on a contract let or a sale made after public notice and in the case of property other than
11 real property, competitive bidding, provided that the bid or offer accepted is the lowest received;
12 or

13 (3) Attempt, for any compensation other than the compensation provided for the
14 performance of his or her official duties, to influence the decision of any agency of the political
15 subdivision on any matter; except that, this provision shall not be construed to prohibit such
16 person from participating for compensation in any adversary proceeding or in the preparation or
17 filing of any public document or conference thereon.

18 2. No sole proprietorship, partnership, joint venture, or corporation in which any member
19 of any legislative body of any political subdivision is the sole proprietor, a partner having more
20 than a ten percent partnership interest, or a coparticipant or owner of in excess of ten percent of
21 the outstanding shares of any class of stock, shall:

22 (1) Perform any service for the political subdivision or any agency of the political
23 subdivision for any consideration in excess of five hundred dollars per transaction or five
24 thousand dollars per annum, or in the case of a school board **or a governing board of a public**
25 **charter school** five thousand dollars per annum, unless the transaction is made pursuant to an
26 award on a contract let after public notice and competitive bidding, provided that the bid or offer
27 accepted is the lowest received;

28 (2) Sell, rent or lease any property to the political subdivision or any agency of the
29 political subdivision where the consideration is in excess of five hundred dollars per transaction

30 or five thousand dollars per annum, or in the case of a school board **or a governing board of**
31 **a public charter school** five thousand dollars per annum, unless the transaction is made
32 pursuant to an award on a contract let or a sale made after public notice and in the case of
33 property other than real property, competitive bidding, provided that the bid or offer accepted
34 is the lowest received.

108.250. [The state auditor shall be paid for registering bonds the sum of ten cents for
2 each one hundred dollars of the face value of the bonds registered; provided, that the fee for
3 registering any issue of bonds shall in no case be less than twenty-five cents.] **The state auditor**
4 **shall be paid for registering bonds an hourly fee of fifty dollars for each hour spent**
5 **conducting its examination to determine compliance with the provisions of section 108.240.**
6 **Beginning January 1, 2010, and each year thereafter, the charge imposed in this section**
7 **shall be adjusted annually by the same percentage as the increase in the general price level**
8 **as measured by the consumer price index, or its successor index.** The amount of any fee [so]
9 collected **under this section** shall be promptly transmitted to the state director of revenue.

160.041. 1. The "minimum school day" consists of three hours in which the pupils are
2 under the guidance and direction of teachers in the teaching process. A "school month" consists
3 of four weeks of five days each. The "school year" commences on the first day of July and ends
4 on the thirtieth day of June following.

2. Notwithstanding the provisions of subsection 1 of this section, the commissioner of
6 education is authorized to reduce the required number of hours and days in which the pupils are
7 under the guidance and direction of teachers in the teaching process if:

8 (1) There is damage to or destruction of a public school facility which requires the dual
9 utilization of another school facility; or

10 (2) [Flooding] **A natural disaster, including but not limited to pandemic disease, or**
11 **man-made emergency** prevents students from attending the public school facility.

12

13 Such reduction not to extend beyond two calendar years in duration.

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 may be sponsored by any of the following:

5 (1) The school board of the district;

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

9 (3) A community college located in the district; or

10 (4) [Any private four-year college or university located in a city not within a county with
11 an enrollment of at least one thousand students, and with an approved teacher preparation
12 program] **Except in an urban school district, any private four-year college or university in**
13 **Missouri with its primary campus located in Missouri in a standard metropolitan statistical**
14 **area which contains a metropolitan school district, with an enrollment in excess of one**
15 **thousand students, and with an approved teacher preparation program.**

16 3. The mayor of a city not within a county may request a sponsor under subdivision (2),
17 (3), or (4) of subsection 2 of this section to consider sponsoring a workplace charter school,
18 which is defined for purposes of sections 160.400 to 160.420 as a charter school with the ability
19 to target prospective students whose parent or parents are employed in a business district, as
20 defined in the charter, which is located in the city.

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

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

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

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

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

45 9. The expenses associated with sponsorship of charter schools shall be defrayed by the
46 department of elementary and secondary education retaining one and five-tenths percent of the
47 amount of state and local funding allocated to the charter school under section 160.415, not to
48 exceed one hundred twenty-five thousand dollars, adjusted for inflation. Such amount shall not
49 be withheld when the sponsor is a school district or the state board of education. The department
50 of elementary and secondary education shall remit the retained funds for each charter school to
51 the school's sponsor, provided the sponsor remains in good standing by fulfilling its sponsorship
52 obligations under sections 160.400 to 160.420 and 167.349, RSMo, with regard to each charter
53 school it sponsors.

54 10. No university, college or community college shall grant a charter to a nonprofit
55 corporation if an employee of the university, college or community college is a member of the
56 corporation's board of directors.

57 11. No sponsor shall grant a charter under sections 160.400 to 160.420 and 167.349,
58 RSMo, without ensuring that a criminal background check and child abuse registry check are
59 conducted for all members of the governing board of the charter schools or the incorporators of
60 the charter school if initial directors are not named in the articles of incorporation, nor shall a
61 sponsor renew a charter without ensuring a criminal background check and child abuse registry
62 check are conducted for each member of the governing board of the charter school.

63 12. No member of the governing board of a charter school shall hold any office or
64 employment from the board or the charter school while serving as a member, nor shall the
65 member have any substantial interest, as defined in section 105.450, RSMo, in any entity
66 employed by or contracting with the board. No board member shall be an employee of a
67 company that provides substantial services to the charter school. All members of the governing
68 board of the charter school shall be considered decision-making public servants as defined in
69 section 105.450, RSMo, for the purposes of the financial disclosure requirements contained in
70 sections 105.483, 105.485, 105.487, and 105.489, RSMo.

71 13. A sponsor shall provide timely submission to the state board of education of all data
72 necessary to demonstrate that the sponsor is in material compliance with all requirements of
73 sections 160.400 to 160.420 and 167.349, RSMo. **If at any time the sponsor of a charter**
74 **school has reason to believe that funds are being misappropriated, the sponsor shall notify**
75 **the department of elementary and secondary education.**

76 14. The state board of education shall ensure each sponsor is in compliance with all
77 requirements under sections 160.400 to 160.420 and 167.349, RSMo, for each charter school
78 sponsored by any sponsor. The state board shall notify each sponsor of the standards for
79 sponsorship of charter schools, delineating both what is mandated by statute and what best
80 practices dictate. The state board, after a public hearing, may require remedial action for a

81 sponsor that it finds has not fulfilled its obligations of sponsorship, such remedial actions
82 including withholding the sponsor's funding and suspending for a period of up to one year the
83 sponsor's authority to sponsor a school that it currently sponsors or to sponsor any additional
84 school. If the state board removes the authority to sponsor a currently operating charter school,
85 the state board shall become the interim sponsor of the school for a period of up to three years
86 until the school finds a new sponsor or until the charter contract period lapses.

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;

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

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

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

24 (5) A description of the governance and operation of the charter school, including the
25 nature and extent of parental, professional educator, and community involvement in the
26 governance and operation of the charter school; and

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

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

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

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

39 (3) If a proposed charter is denied by a sponsor, the proposed charter may be submitted
40 to the state board of education, along with the sponsor's written reasons for its denial. If the state
41 board determines that the applicant meets the requirements of this section, that the applicant is
42 sufficiently qualified to operate the charter school, and that granting a charter to the applicant
43 would be likely to provide educational benefit to the children of the district, the state board may
44 grant a charter and act as sponsor of the charter school. The state board shall review the
45 proposed charter and make a determination of whether to deny or grant the proposed charter
46 within sixty days of receipt of the proposed charter, provided that any charter to be considered
47 by the state board of education under this subdivision shall be submitted no later than March first
48 prior to the school year in which the charter school intends to begin operations. The state board
49 of education shall notify the applicant in writing as the reasons for its denial, if applicable; and

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

63 3. If a charter is approved by a sponsor, the charter application shall be submitted to the
64 state board of education, along with a statement of finding that the application meets the
65 requirements of sections 160.400 to 160.420 and section 167.439, RSMo, and a monitoring plan
66 under which the charter sponsor will evaluate the academic performance of students enrolled in

67 the charter school. The state board of education may, within sixty days, disapprove the granting
68 of the charter. The state board of education may disapprove a charter on grounds that the
69 application fails to meet the requirements of sections 160.400 to 160.420 and section 167.349,
70 RSMo, or that a charter sponsor previously failed to meet the statutory responsibilities of a
71 charter sponsor.

72 4. Any disapproval of a charter pursuant to subsection 3 of this section shall be subject
73 to judicial review pursuant to chapter 536, RSMo.

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

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

77 (2) Comply with laws and regulations of the state, county, or city relating to health,
78 safety, and state minimum educational standards, as specified by the state board of education,
79 including the requirements relating to student discipline under sections 160.261, 167.161,
80 167.164, and 167.171, RSMo, notification of criminal conduct to law enforcement authorities
81 under sections 167.115 to 167.117, RSMo, academic assessment under section 160.518,
82 transmittal of school records under section 167.020, RSMo, and the minimum number of school
83 days and hours required under section 160.041;

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

86 (4) Be financially accountable, use practices consistent with the Missouri financial
87 accounting manual, provide for an annual audit by a certified public accountant, publish audit
88 reports and annual financial reports as provided in chapter 165, RSMo, provided that the annual
89 financial report may be published on the department of elementary and secondary education's
90 Internet web site in addition to other publishing requirements, and provide liability insurance to
91 indemnify the school, its board, staff and teachers against tort claims. A charter school that
92 receives local educational agency status under subsection 6 of this section shall meet the
93 requirements imposed by the Elementary and Secondary Education Act for audits of such
94 agencies. For purposes of an audit by petition under section 29.230, RSMo, a charter school
95 shall be treated as a political subdivision on the same terms and conditions as the school district
96 in which it is located. For the purposes of securing such insurance, a charter school shall be
97 eligible for the Missouri public entity risk management fund pursuant to section 537.700, RSMo.
98 A charter school that incurs debt must include a repayment plan in its financial plan;

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

102 (6) (a) Design a method to measure pupil progress toward the pupil academic standards
103 adopted by the state board of education pursuant to section 160.514, collect baseline data during
104 at least the first three years for determining how the charter school is performing and to the
105 extent applicable, participate in the statewide system of assessments, comprised of the essential
106 skills tests and the nationally standardized norm-referenced achievement tests, as designated by
107 the state board pursuant to section 160.518, complete and distribute an annual report card as
108 prescribed in section 160.522, which shall also include a statement that background checks have
109 been completed on the charter school's board members, report to its sponsor, the local school
110 district, and the state board of education as to its teaching methods and any educational
111 innovations and the results thereof, and provide data required for the study of charter schools
112 pursuant to subsection 4 of section 160.410. No charter school will be considered in the
113 Missouri school improvement program review of the district in which it is located for the
114 resource or process standards of the program.

115 (b) For proposed high risk or alternative charter schools, sponsors shall approve
116 performance measures based on mission, curriculum, teaching methods, and services. Sponsors
117 shall also approve comprehensive academic and behavioral measures to determine whether
118 students are meeting performance standards on a different time frame as specified in that school's
119 charter. Student performance shall be assessed comprehensively to determine whether a high
120 risk or alternative charter school has documented adequate student progress. Student
121 performance shall be based on sponsor-approved comprehensive measures as well as
122 standardized public school measures. Annual presentation of charter school report card data to
123 the department of elementary and secondary education, the state board, and the public shall
124 include comprehensive measures of student progress.

125 (c) Nothing in this paragraph shall be construed as permitting a charter school to be held
126 to lower performance standards than other public schools within a district; however, the charter
127 of a charter school may permit students to meet performance standards on a different time frame
128 as specified in its charter;

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

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

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

136 (b) A statement outlining the reasons for approval or disapproval by the sponsor,
137 specifically addressing the requirements of sections 160.400 to 160.420 and 167.349, RSMo.

138 6. The charter of a charter school may be amended at the request of the governing body
139 of the charter school and on the approval of the sponsor. The sponsor and the governing board
140 and staff of the charter school shall jointly review the school's performance, management and
141 operations at least once every two years or at any point where the operation or management of
142 the charter school is changed or transferred to another entity, either public or private. The
143 governing board of a charter school may amend the charter, if the sponsor approves such
144 amendment, or the sponsor and the governing board may reach an agreement in writing to reflect
145 the charter school's decision to become a local educational agency [for the sole purpose of
146 seeking direct access to federal grants]. In such case the sponsor shall give the department of
147 elementary and secondary education written notice no later than March first of any year, with the
148 agreement to become effective July first. The department may waive the March first notice date
149 in its discretion. The department shall identify and furnish a list of its regulations that pertain
150 to local educational agencies to such schools within thirty days of receiving such notice.

151 7. (1) A sponsor may revoke a charter at any time if the charter school commits a serious
152 breach of one or more provisions of its charter or on any of the following grounds: failure to
153 meet academic performance standards as set forth in its charter, failure to meet generally
154 accepted standards of fiscal management, failure to provide information necessary to confirm
155 compliance with all provisions of the charter and sections 160.400 to 160.420 and 167.349,
156 RSMo, within forty-five days following receipt of written notice requesting such information,
157 or violation of law.

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

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

165 (4) The sponsor of a charter school shall establish procedures to conduct administrative
166 hearings upon determination by the sponsor that grounds exist to revoke a charter. [Final
167 decisions of a sponsor from hearings conducted pursuant to this subsection are subject to judicial
168 review pursuant to chapter 536, RSMo.]

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

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

175 8. A sponsor shall take all reasonable steps necessary to confirm that each charter school
176 sponsored by such sponsor is in material compliance and remains in material compliance with
177 all material provisions of the charter and sections 160.400 to 160.420 and 167.349, RSMo.
178 Every charter school shall provide all information necessary to confirm ongoing compliance with
179 all provisions of its charter and sections 160.400 to 160.420 and 167.349, RSMo, in a timely
180 manner to its sponsor.

181 9. A school district may enter into a lease with a charter school for physical facilities.

182 10. A governing board or a school district employee who has control over personnel
183 actions shall not take unlawful reprisal against another employee at the school district because
184 the employee is directly or indirectly involved in an application to establish a charter school. A
185 governing board or a school district employee shall not take unlawful reprisal against an
186 educational program of the school or the school district because an application to establish a
187 charter school proposes the conversion of all or a portion of the educational program to a charter
188 school. As used in this subsection, "unlawful reprisal" means an action that is taken by a
189 governing board or a school district employee as a direct result of a lawful application to
190 establish a charter school and that is adverse to another employee or an educational program.

191 11. Charter school board members shall be subject to the same liability for acts while
192 in office as if they were regularly and duly elected members of school boards in any other public
193 school district in this state. The governing board of a charter school may participate, to the same
194 extent as a school board, in the Missouri public entity risk management fund in the manner
195 provided under sections 537.700 to 537.756, RSMo.

196 12. Any entity, either public or private, operating, administering, or otherwise managing
197 a charter school shall be considered a quasi-public governmental body and subject to the
198 provisions of sections 610.010 to 610.035, RSMo.

199 13. [The chief financial officer of a charter school shall] **A sponsor may require a**
200 **charter school to maintain [a] surety [bond] or fidelity bonds** in an amount determined by the
201 sponsor to be adequate [based on the cash flow] **to protect the creditors** of the school.

202 **14. Within six months of the granting of a school's charter, and annually thereafter,**
203 **the department of elementary and secondary education shall perform a core data audit.**
204 **A core data audit shall be an analysis of the data provided under section 160.415, which**
205 **is used to determine reimbursement by a school district to a charter school, for accuracy**
206 **of the data and of the reimbursement.**

160.415. 1. For the purposes of calculation and distribution of state school aid under section 163.031, RSMo, pupils enrolled in a charter school shall be included in the pupil enrollment of the school district within which each pupil resides. Each charter school shall report the names, addresses, and eligibility for free and reduced lunch, special education, or limited English proficiency status, as well as eligibility for categorical aid, of pupils resident in a school district who are enrolled in the charter school to the school district in which those pupils reside. The charter school shall report the average daily attendance data, free and reduced lunch count, special education pupil count, and limited English proficiency pupil count to the state department of elementary and secondary education. Each charter school shall promptly notify the state department of elementary and secondary education and the pupil's school district when a student discontinues enrollment at a charter school.

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

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

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

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

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

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

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

4. A charter school that has declared itself as a local educational agency shall receive 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, RSMo, plus all other state aid attributable to such pupils. If
41 a charter school declares itself as a local education agency, the department of elementary and
42 secondary education shall, upon notice of the declaration, reduce the payment made to the school
43 district by the amount specified in this subsection and pay directly to the charter school the
44 annual 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, RSMo. 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, RSMo, and shall be free to contract with the local district, or any other entity, for the
69 provision 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, RSMo, and may provide the special services pursuant to a contract with a
77 school district 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, RSMo.

86 12. **The president of the governing board, or a representative of the president, of**
87 **any charter school that ceases to function as a charter school, whether by expiration,**
88 **revocation, or termination of the school's charter, or for any other cause, shall:**

89 (1) **Provide notice to the department of elementary and secondary education, the**
90 **charter school sponsor, and the school district in which the charter school is physically**
91 **located that the charter school will discontinue operations as a charter school. Such notice**
92 **shall be provided at least sixty days prior to the date that the public charter school ceases**
93 **to operate; and**

94 (2) **Prepare an audit covering the close of operations as a public charter school as**
95 **requested by the sponsor or the department of elementary and secondary education, but**
96 **in no case in more than thirty days after closing, which shall serve the requirement of**
97 **section 160.410. The public charter school shall remit any fund balances accrued from**
98 **state or local tax revenues to the department within forty-five days of closing. the**
99 **department shall refund such accumulated unutilized funds to the school district or**
100 **districts in which the public charter school is physically located.**

101 13. Charter schools shall not have the power to acquire property by eminent domain.

102 [13.] 14. The governing body of a charter school is authorized to accept grants, gifts or
103 donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or
104 donation may not be accepted by the governing body if it is subject to any condition contrary to
105 law applicable to the charter school or other public schools, or contrary to the terms of the
106 charter.

160.420. 1. Any school district in which charter schools may be established under
2 sections 160.400 to 160.420 shall establish a uniform policy which provides that if a charter

3 school offers to retain the services of an employee of a school district, and the employee accepts
4 a position at the charter school, an employee at the employee's option may remain an employee
5 of the district and the charter school shall pay to the district the district's full costs of salary and
6 benefits provided to the employee. The district's policy shall provide that any teacher who
7 accepts a position at a charter school and opts to remain an employee of the district retains such
8 teacher's permanent teacher status and retains such teacher's seniority rights in the district for
9 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 registry check are conducted for each employee of the charter
23 school prior to the hiring of the employee. The charter school may not employ instructional
24 personnel whose certificate of license to teach has been revoked or is currently suspended by the
25 state board of education. Appropriate experience, training and skills of noncertificated
26 instructional personnel shall be determined considering:

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

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

39 charter school shall continue to participate in the retirement system and shall do so on the same
40 terms, conditions, requirements and other provisions as they participated prior to the lapse.

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

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

50 6. A charter school shall be eligible for transportation state aid pursuant to section
51 163.161, RSMo, and shall be free to contract with the local district, or any other entity, for the
52 provision of transportation to the students of the charter school.

53 7. (1) The proportionate share of state and federal resources generated by students with
54 disabilities or staff serving them shall be paid in full to charter schools enrolling those students
55 by their school district where such enrollment is through a contract for services described in this
56 section. The proportionate share of money generated under other federal or state categorical aid
57 programs shall be directed to charter schools serving such students eligible for that aid.

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

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

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

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

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

75 160.480. 1. The board of education of each school district in this state [is authorized to]
76 **shall** adopt an emergency preparedness plan **by December 1, 2006**, to address the **continuation**
77 **of school services and the** use of school resources, including school facilities, commodity foods,
78 school buses, and equipment if a natural disaster or other community emergency occurs.

79 2. **Such plan shall include, at a minimum, the following elements:**

80 (1) **Alternatives for the delivery of school services when, as a result of a declaration**
81 **of emergency, person-to-person contact must be curtailed or a school is temporarily**
82 **converted to an access point for public services or information;**

83 (2) **Practice for the implementation plan, including a scenario rehearsal.**

84 3. The emergency preparedness plan may authorize the superintendent or other
85 designated school officials to approve use of school resources to provide relief to the community
86 if an emergency occurs.

87 [3.] 4. Food assistance may be provided using commodities distributed by the United
88 States Department of Agriculture consistent with the standards for emergency congregate feeding
89 under such program.

90 [4.] 5. The use of school resources under **subsections 3 and 4** of this section shall be
91 subject to review by the board of education within thirty days of authorization or as soon as
92 reasonably possible.

160.775. 1. Every district shall adopt an anti-bullying policy by September 1, 2007.

2 2. **"Bullying" means intimidation or harassment that causes a reasonable student**
3 **to fear for his or her physical safety or property. "Bullying" may consist of physical**
4 **actions, including gestures, or oral or written communication, and any threat of retaliation**
5 **for reporting of such acts.**

6 3. **Each district's anti-bullying policy shall be founded on the assumption that all**
7 **students need a safe learning environment. Policies shall treat students equally and shall**
8 **not contain specific lists of protected classes of students who are to receive special**
9 **treatment. Policies may include age appropriate differences for schools based on the grade**
10 **levels at the school. Each such policy shall contain a statement of the consequences of**
11 **bullying.**

12 4. **Each district's anti-bullying policy shall require district employees to report any**
13 **instance of bullying of which the employee has firsthand knowledge. The district policy**
14 **shall address training of employees in the requirements of the district policy.**

162.081. 1. Whenever any school district in this state fails or refuses in any school year
2 to provide for the minimum school term required by section 163.021, RSMo, or is classified
3 unaccredited for two successive school years by the state board of education, its corporate
4 organization shall lapse. The corporate organization of any school district that is classified as

5 unaccredited shall lapse on June thirtieth of the second full school year of such unaccredited
6 classification after the school year during which the unaccredited classification is initially
7 assigned; **however, if the district has been classified as unaccredited within the previous five**
8 **school years and the district is subsequently classified as provisionally accredited, the**
9 **district shall be subject to lapse on June thirtieth of any school year in which the state**
10 **board of education withdraws provisional accreditation or at a later date as determined**
11 **by the state board of education.**

12 2. The territory theretofore embraced within any district that lapses pursuant to this
13 section or any portion thereof may be attached to any district for school purposes by the state
14 board of education[; but no school district, except a district classified as unaccredited pursuant
15 to section 163.023, RSMo, and section 160.538, RSMo, shall lapse where provision is lawfully
16 made for the attendance of the pupils of the district at another school district that is classified as
17 provisionally accredited or accredited by the state board of education].

18 [2. Prior to or at the time any school district in this state shall lapse, but] 3. After the
19 school district has been classified as unaccredited **but at least sixty days prior to the initial**
20 **date of lapse**, the department of elementary and secondary education shall conduct a public
21 hearing at a location in the unaccredited school district[. The purpose of the hearing shall be to:

22 (1) Review any plan by the district to return to accredited status; or

23 (2) Offer any technical assistance that can be provided to the district.

24 3.] **regarding the continuing of the educational programs within the lapsed district.**

25 4. Except as otherwise provided in section 162.1100, [in a metropolitan school district
26 or an urban school district containing most or all of a city with a population greater than three
27 hundred fifty thousand inhabitants and in any other school district if the local board of education
28 does not anticipate a return to accredited status,] the state board of education may appoint a
29 special administrative board to [supervise] **monitor** the financial operations, maintain and
30 preserve the financial assets or, if warranted, continue operation of the educational programs
31 within the district or what provisions might otherwise be made in the best interest of the
32 education of the children of the district. The special administrative board shall consist of two
33 persons who are residents of the school district, who shall serve without compensation, and a
34 professional administrator, who shall chair the board and shall be compensated, as determined
35 by the state board of education, in whole or in part with funds from the district. **A majority of**
36 **the members of a special administrative board shall be deemed to have standing in a court**
37 **of competent jurisdiction to enjoin any action of the school board of the unaccredited**
38 **district to prevent wastage of the assets of the district.**

39 [4.] 5. Upon lapse of the district, the state board of education may:

40 (1) Appoint a special administrative board, if such a board has not already been
41 appointed, and authorize the special administrative board to retain the authority granted to a
42 board of education for the operation of all or part of the district;

43 (2) Attach the territory of the lapsed district to another district or districts for school
44 purposes; [or]

45 (3) Establish one or more school districts within the territory of the lapsed district, with
46 a governance structure consistent with the laws applicable to districts of a similar size, with the
47 option of permitting a district to remain intact for the purposes of assessing, collecting, and
48 distributing property taxes, to be distributed equitably on a weighted average daily attendance
49 basis, but to be divided for operational purposes, which shall take effect sixty days after the
50 adjournment of the regular session of the general assembly next following the state board's
51 decision unless a statute or concurrent resolution is enacted to nullify the state board's decision
52 prior to such effective date; **or**

53 **(4) Continue operation of the school district under the existing governance**
54 **structure under terms and conditions established by the state board of education.**

55 **6.** The special administrative board may retain the authority granted to a board of
56 education for the operation of the lapsed school district under the laws of the state in effect at the
57 time of the lapse.

58 [5.] **7.** The authority of the special administrative board shall expire at the end of the
59 third full school year following its appointment, unless extended by the state board of education.
60 If the lapsed district is reassigned, the special administrative board shall provide an accounting
61 of all funds, assets and liabilities of the lapsed district and transfer such funds, assets, and
62 liabilities of the lapsed district as determined by the state board of education.

63 [6.] **8.** Upon recommendation of the special administrative board, the state board of
64 education may assign the funds, assets and liabilities of the lapsed district to another district or
65 districts. Upon assignment, all authority of the special administrative board shall transfer to the
66 assigned districts.

67 [7.] **9.** Neither the special administrative board nor any district or other entity assigned
68 territory, assets or funds from a lapsed district shall be considered a successor entity for the
69 purpose of employment contracts, unemployment compensation payment pursuant to section
70 288.110, RSMo, or any other purpose.

71 [8.] **10.** If additional teachers are needed by a district as a result of increased enrollment
72 due to the annexation of territory of a lapsed or dissolved district, such district shall grant an
73 employment interview to any permanent teacher of the lapsed or dissolved district upon the
74 request of such permanent teacher.

75 [9.] 11. (1) The governing body of a school district, upon an initial declaration by the
76 state board of education that such district is provisionally accredited, may, and, upon an initial
77 declaration by the state board of education that such district is unaccredited, shall develop a plan
78 to be submitted to the voters of the school district to divide the school district if the district
79 cannot attain accreditation within three years of the initial declaration that such district is
80 unaccredited. In the case of such a district being declared unaccredited, such plan shall be
81 presented to the voters of the district before the district lapses. In the case of such a district being
82 declared provisionally accredited, such plan may be presented before the close of the current
83 accreditation cycle.

84 (2) The plan may provide that the school district shall remain intact for the purposes of
85 assessing, collecting and distributing taxes for support of the schools, and the governing body
86 of the district shall develop a plan for the distribution of such taxes equitably on a per-pupil basis
87 if the district selects this option.

88 (3) The makeup of the new districts shall be racially balanced as far as the proportions
89 of students allow.

90 (4) If a majority of the district's voters approve the plan, the state board of education
91 shall cooperate with the local board of education to implement the plan, which may include use
92 of the provisions of this section to provide an orderly transition to new school districts and
93 achievement of accredited status for such districts.

94 [10. In the event that a school district with an enrollment in excess of five thousand
95 pupils lapses, no school district shall have all or any part of such lapsed school district attached
96 without the approval of the board of the receiving school district.]

162.856. 1. In each special school district with a population in excess of one hundred
2 thousand persons, there is hereby established a "Governing Council" which shall consist of one
3 member of the board of education of each school district, all or a portion of which is contained
4 in the special school district. The first governing council shall be formed on or before May 31,
5 1996, or the effective date of this section, May 24, 1996, whichever is later.

6 (1) Each member of the governing council shall be elected by the board of education of
7 the school district on which the member serves. The board of education of a school district
8 within the special school district may elect a new member to the governing council to fill a
9 vacancy from that district and may replace the existing district member on the governing council
10 at any time, upon providing written notice of the change to the secretary of the governing
11 council.

12 (2) **The members of the governing council of a special school district in a county**
13 **with a charter form of government and with more than one million inhabitants shall serve**
14 **two-year terms that begin May first. Each governing council member may serve up to four**

15 **terms. No member who has served for eight or more years by May 1, 2006, shall continue**
16 **to serve after the effective date of this section nor shall any such member serve as**
17 **governing council member until at least three other members of the board of education of**
18 **the school district on which the member serves have served as governing council members**
19 **for at least one term each or for a total of at least six years served by other school board**
20 **members on his or her own local board. Each board of education shall elect a successor**
21 **member for any member whose term has been ended pursuant to this subdivision within**
22 **thirty days of the effective date of this section.**

23 **(3) Each member of the governing council shall report the substance of each council**
24 **meeting to his or her board of education at the district's next board meeting.**

25 2. The governing council of a special school district shall have the following powers and
26 duties:

27 (1) To establish such rules and procedures as may be necessary to carry out its powers
28 and duties as provided in this section;

29 (2) To elect a chairman, a secretary and such other officers as it deems necessary;

30 (3) To review and give final approval of the annual budget of the special school district
31 subject to the following provisions:

32 (a) For the 1996-97, 1997-98 and 1998-99 school years, the board of education of a
33 special school district shall submit its proposed budget to the governing council no later than
34 April first prior to the beginning of the school year, except that, for the 1996-97 school year only,
35 the board of education shall submit its proposed budget to the governing council no later than
36 thirty days after May 24, 1996. The governing council shall then either accept this budget
37 proposal or make any amendments it deems appropriate and adopt the annual budget as amended
38 no later than sixty days after receipt of the proposed budget;

39 (b) For the 1999-2000 school year and each school year thereafter:

40 a. The board of education of a special school district shall develop, in cooperation with
41 the governing council, its annual budget which shall, following adoption by the board, be
42 submitted to the governing council no later than April first prior to the beginning of the school
43 year for final approval;

44 b. The governing council shall accept or reject the proposed budget by May first prior
45 to the beginning of the school year. If rejected, the proposed budget shall be returned to the
46 board of education no later than May first with a statement setting forth the reasons for the
47 rejection;

48 c. The governing council and the board of education shall resolve any differences
49 regarding approval of the budget by June thirtieth prior to the beginning of the school year;

50 (4) To annually review, conduct public hearings on and approve a rolling five-year plan
51 for the operation and management of the district which shall be annually developed by the board
52 of education of the special school district. The plan shall contain, but not be limited to, the
53 following:

54 (a) The delivery of services;

55 (b) The structure, governance, administration and financial management of the district;

56 (c) Cooperation with component school districts; and

57 (d) Responsiveness to the needs and concerns of the citizens of the special school
58 district.

59

60 The plan shall be first approved by the governing council on or before December 31, 1996, and
61 shall be reviewed and approved annually on or before December thirty-first of each following
62 year;

63 (5) To consult with the parental advisory committee established in section 162.858;

64 (6) To hold at least four meetings per school year and such other meetings, called by the
65 chairman of the council, a majority of the council members or the board of education of the
66 special school district, as may be necessary to transact business and fulfill the duties established
67 under this section. All meetings of the governing council shall be open to the public, pursuant
68 to chapter 610, RSMo, **and notice of such meetings shall be posted at local district offices.**
69 Minutes shall be kept of all proceedings, **shall be provided to all boards of education of**
70 **member districts,** and shall be a public record;

71 (7) To compel the attendance of the superintendent, members of the board of education,
72 or any employee of the special school district and the production of papers, records, testimony,
73 and other materials relating to the special school district, and to administer oaths to witnesses
74 and take testimony under oath;

75 (8) To conduct a study to determine whether a plan should be developed whereby the
76 local school districts assume greater responsibility and authority in the education of children with
77 disabilities.

78 3. Unless a greater majority is otherwise required, all actions of the governing council
79 shall require a majority of the authorized members who represent at least fifty percent of the
80 population of the district. Population figures shall be adjusted based on the latest census data
81 available.

163.051. The state board of education, in the apportionment of the state school moneys
2 fund, may use the average daily attendance of the next full year preceding or project the average
3 daily attendance for the current year based on the average daily attendance for the last fifty days
4 the schools of the district were in session before the schools were forced to close before the

5 expiration of the term or before average daily attendance dropped substantially because of a
6 disaster caused by flood, fire, windstorm or any natural disaster, **including but not limited to**
7 **pandemic disease**, when all or part of the district is designated a disaster area by the governor
8 of the state, or when districts have been forced to close because of nonpayment of taxes as a
9 result of flooding or drought conditions or because of loss of surplus funds occasioned by bank
10 failures in any county of the state.

167.031. 1. Every parent, guardian or other person in this state having charge, control
2 or custody of a child not enrolled in a public, private, parochial, parish school or full-time
3 equivalent attendance in a combination of such schools and between the ages of seven years and
4 the compulsory attendance age for the district is responsible for enrolling the child in a program
5 of academic instruction which complies with subsection 2 of this section. Any parent, guardian
6 or other person who enrolls a child between the ages of five and seven years in a public school
7 program of academic instruction shall cause such child to attend the academic program on a
8 regular basis, according to this section. Nonattendance by such child shall cause such parent,
9 guardian or other responsible person to be in violation of the provisions of section 167.061,
10 except as provided by this section **or by subsection 2 of section 160.041, RSMo**. A parent,
11 guardian or other person in this state having charge, control, or custody of a child between the
12 ages of seven years of age and the compulsory attendance age for the district shall cause the child
13 to attend regularly some public, private, parochial, parish, home school or a combination of such
14 schools not less than the entire school term of the school which the child attends; except that

15 (1) A child who, to the satisfaction of the superintendent of public schools of the district
16 in which he resides, or if there is no superintendent then the chief school officer, is determined
17 to be mentally or physically incapacitated may be excused from attendance at school for the full
18 time required, or any part thereof;

19 (2) A child between fourteen years of age and the compulsory attendance age for the
20 district may be excused from attendance at school for the full time required, or any part thereof,
21 by the superintendent of public schools of the district, or if there is none then by a court of
22 competent jurisdiction, when legal employment has been obtained by the child and found to be
23 desirable, and after the parents or guardian of the child have been advised of the pending action;
24 or

25 (3) A child between five and seven years of age shall be excused from attendance at
26 school if a parent, guardian or other person having charge, control or custody of the child makes
27 a written request that the child be dropped from the school's rolls.

28 2. (1) As used in sections 167.031 to 167.071, a "home school" is a school, whether
29 incorporated or unincorporated, that:

30 (a) Has as its primary purpose the provision of private or religious-based instruction;

31 (b) Enrolls pupils between the ages of seven years and the compulsory attendance age
32 for the district, of which no more than four are unrelated by affinity or consanguinity in the third
33 degree; and

34 (c) Does not charge or receive consideration in the form of tuition, fees, or other
35 remuneration in a genuine and fair exchange for provision of instruction;

36 (2) As evidence that a child is receiving regular instruction, the parent shall, except as
37 otherwise provided in this subsection:

38 (a) Maintain the following records:

39 a. A plan book, diary, or other written record indicating subjects taught and activities
40 engaged in; and

41 b. A portfolio of samples of the child's academic work; and

42 c. A record of evaluations of the child's academic progress; or

43 d. Other written, or credible evidence equivalent to subparagraphs a., b. and c.; and

44 (b) Offer at least one thousand hours of instruction, at least six hundred hours of which
45 will be in reading, language arts, mathematics, social studies and science or academic courses
46 that are related to the aforementioned subject areas and consonant with the pupil's age and
47 ability. At least four hundred of the six hundred hours shall occur at the regular home school
48 location;

49 (3) The requirements of subdivision (2) of this subsection shall not apply to any pupil
50 above the age of sixteen years.

51 3. Nothing in this section shall require a private, parochial, parish or home school to
52 include in its curriculum any concept, topic, or practice in conflict with the school's religious
53 doctrines or to exclude from its curriculum any concept, topic, or practice consistent with the
54 school's religious doctrines. Any other provision of the law to the contrary notwithstanding, all
55 departments or agencies of the state of Missouri shall be prohibited from dictating through rule,
56 regulation or other device any statewide curriculum for private, parochial, parish or home
57 schools.

58 4. A school year begins on the first day of July and ends on the thirtieth day of June
59 following.

60 5. The production by a parent of a daily log showing that a home school has a course of
61 instruction which satisfies the requirements of this section or, in the case of a pupil over the age
62 of sixteen years who attended a metropolitan school district the previous year, a written
63 statement that the pupil is attending home school in compliance with this section shall be a
64 defense to any prosecution under this section and to any charge or action for educational neglect
65 brought pursuant to chapter 210, RSMo.

66 6. As used in sections 167.031 to 167.051, the term "compulsory attendance age for the
67 district" shall mean:

68 (1) Seventeen years of age for any metropolitan school district for which the school
69 board adopts a resolution to establish such compulsory attendance age; provided that such
70 resolution shall take effect no earlier than the school year next following the school year during
71 which the resolution is adopted; and

72 (2) Sixteen years of age in all other cases.

73

74 The school board of a metropolitan school district for which the compulsory attendance age is
75 seventeen years may adopt a resolution to lower the compulsory attendance age to sixteen years;
76 provided that such resolution shall take effect no earlier than the school year next following the
77 school year during which the resolution is adopted.

168.021. 1. Certificates of license to teach in the public schools of the state shall be
2 granted as follows:

3 (1) By the state board, under rules and regulations prescribed by it,

4 (a) Upon the basis of college credit;

5 (b) Upon the basis of examination;

6 (2) By the state board, under rules and regulations prescribed by the state board with
7 advice from the advisory council established by section 168.015 to any individual who presents
8 to the state board a valid doctoral degree from an accredited institution of higher education
9 accredited by a regional accrediting association such as North Central Association. Such
10 certificate shall be limited to the major area of postgraduate study of the holder, shall be issued
11 only after successful completion of the examination required for graduation pursuant to rules
12 adopted by the state board of education, and shall be restricted to those certificates established
13 pursuant to subdivision (1) of subsection 3 of this section; [or]

14 (3) By the state board, which shall issue the professional certificate classification in both
15 the general and specialized areas most closely aligned with the current areas of certification
16 approved by the state board, commensurate with the years of teaching experience of the
17 applicant, and based upon the following criteria:

18 (a) Recommendation of a state-approved baccalaureate-level teacher preparation
19 program;

20 (b) Successful attainment of the Missouri qualifying score on the exit assessment for
21 teachers or administrators designated by the state board of education. Applicants who have not
22 successfully achieved a qualifying score on the designated examinations will be issued a
23 two-year nonrenewable provisional certificate; and

24 (c) Upon completion of a background check and possession of a valid teaching certificate
25 in the state from which the applicant's teacher preparation program was completed; or

26 **(4) By the state board, under rules prescribed by it, on the basis of certification by**
27 **the American Board for Certification of Teacher Excellence and, at the discretion of the**
28 **state board, certification by any other teacher certification organization recognized by the**
29 **federal government as an approved provider of teacher certification, provided that any**
30 **school district hiring a teacher certified under this subdivision shall continue to be able to**
31 **impose additional reasonable district-level requirements on the hiring of such teachers.**

32 2. All valid teaching certificates issued pursuant to law or state board policies and
33 regulations prior to September 1, 1988, shall be exempt from the professional development
34 requirements of this section and shall continue in effect until they expire, are revoked or
35 suspended, as provided by law. When such certificates are required to be renewed, the state
36 board or its designee shall grant to each holder of such a certificate the certificate most nearly
37 equivalent to the one so held. Anyone who holds, as of August 28, 2003, a valid PC-I, PC-II,
38 or continuous professional certificate shall, upon expiration of his or her current certificate, be
39 issued the appropriate level of certificate based upon the classification system established
40 pursuant to subsection 3 of this section.

41 3. Certificates of license to teach in the public schools of the state shall be based upon
42 minimum requirements prescribed by the state board of education. The state board shall provide
43 for the following levels of professional certification: an initial professional certificate and a
44 career continuous professional certificate.

45 (1) The initial professional certificate shall be issued upon completion of requirements
46 established by the state board of education and shall be valid based upon verification of actual
47 teaching within a specified time period established by the state board of education. The state
48 board shall require holders of the four-year initial professional certificate to:

49 (a) Participate in a mentoring program approved and provided by the district for a
50 minimum of two years;

51 (b) Complete thirty contact hours of professional development, which may include hours
52 spent in class in an appropriate college curriculum; and

53 (c) Participate in a beginning teacher assistance program;

54 (2) (a) The career continuous professional certificate shall be issued upon verification
55 of completion of four years of teaching under the initial professional certificate and upon
56 verification of the completion of the requirements articulated in paragraphs (a), (b), and (c) of
57 subdivision (1) of this subsection.

58 (b) The career continuous professional certificate shall be continuous based upon
59 verification of actual employment in an educational position as provided for in state board

60 guidelines and completion of fifteen contact hours of professional development per year which
61 may include hours spent in class in an appropriate college curriculum. Should the possessor of
62 a valid career continuous professional certificate fail, in any given year, to meet the fifteen-hour
63 professional development requirement, the possessor may, within two years, make up the
64 missing hours. In order to make up for missing hours, the possessor shall first complete the
65 fifteen-hour requirement for the current year and then may count hours in excess of the current
66 year requirement as make-up hours. Should the possessor fail to make up the missing hours
67 within two years, the certificate shall become inactive. In order to reactivate the certificate, the
68 possessor shall complete twenty-four contact hours of professional development which may
69 include hours spent in the classroom in an appropriate college curriculum within the six months
70 prior to or after reactivating his or her certificate. The requirements of this paragraph shall be
71 monitored and verified by the local school district which employs the holder of the career
72 continuous professional certificate.

73 (c) A holder of a career continuous professional certificate shall be exempt from the
74 professional development contact hour requirements of paragraph (b) of this subdivision if such
75 teacher has a local professional development plan in place within such teacher's school district
76 and meets two of the three following criteria:

77 a. Has ten years of teaching experience as defined by the state board of education;

78 b. Possesses a master's degree; or

79 c. Obtains a rigorous national certification as approved by the state board of education.

80 4. Policies and procedures shall be established by which a teacher who was not retained
81 due to a reduction in force may retain the current level of certification. There shall also be
82 established policies and procedures allowing a teacher who has not been employed in an
83 educational position for three years or more to reactivate his or her last level of certification by
84 completing twenty-four contact hours of professional development which may include hours
85 spent in the classroom in an appropriate college curriculum within the six months prior to or after
86 reactivating his or her certificate.

87 5. The state board shall, upon an appropriate background check, issue a professional
88 certificate classification in the areas most closely aligned with an applicant's current areas of
89 certification, commensurate with the years of teaching experience of the applicant, to any person
90 who is hired to teach in a public school in this state and who possesses a valid teaching
91 certificate from another state[,] **or certification as contemplated under subdivision (4) of**
92 **subsection 1 of this section;** provided that the certificate holder shall annually complete the state
93 board's requirements for such level of certification, and shall establish policies by which
94 residents of states other than the state of Missouri may be assessed a fee for a certificate license

95 to teach in the public schools of Missouri. Such fee shall be in an amount sufficient to recover
96 any or all costs associated with the issuing of a certificate of license to teach.

97 6. The state board may assess to holders of an initial professional certificate a fee, to be
98 deposited into the excellence in education revolving fund established pursuant to section
99 160.268, RSMo, for the issuance of the career continuous professional certificate. However,
100 such fee shall not exceed the combined costs of issuance and any criminal background check
101 required as a condition of issuance.

102 7. Any member of the public school retirement system of Missouri who entered covered
103 employment with ten or more years of educational experience in another state or states and held
104 a certificate issued by another state and subsequently worked in a school district covered by the
105 public school retirement system of Missouri for ten or more years who later became certificated
106 in Missouri shall have that certificate dated back to his or her original date of employment in a
107 Missouri public school.

**353.005. No city shall establish a redevelopment project under this chapter unless
2 any taxing entity imposing a higher tax levy than such city on any property in such
3 proposed redevelopment project consents to such redevelopment project. This section shall
4 apply to all redevelopment projects established after August 28, 2006.**

Section B. Because immediate action is necessary to ensure adequate funding for
2 schools, the repeal and reenactment of sections 160.400, 160.405, 160.415, 160.420, and 162.081
3 of section A of this act is deemed necessary for the immediate preservation of the public health,
4 welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of
5 the constitution, and the repeal and reenactment of sections 160.400, 160.405, 160.415, 160.420,
6 and 162.081 of section A of this act shall be in full force and effect on July 1, 2006, or upon its
7 passage and approval, whichever later occurs.

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