

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR  
**HOUSE BILL NOS. 2008, 1218 & 1062**  
**93RD GENERAL ASSEMBLY**

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Reported from the Committee on Elementary and Secondary Education April 12, 2006 with recommendation that House Committee Substitute No. 2 for House Bill Nos. 2008, 1218 & 1062 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

5592L.05C

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**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, 160.930, 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 fifteen new sections relating to school safety and efficiency, with an emergency clause for certain sections.

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*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, 160.930, and 162.081 as  
3 enacted by conference committee substitute for house committee substitute for senate substitute  
4 for senate committee substitute for senate bill no. 287, ninety-third general assembly, first regular  
5 session, are repealed and fifteen new sections enacted in lieu thereof, to be known as sections  
6 105.458, 108.250, 160.041, 160.400, 160.405, 160.415, 160.420, 160.480, 160.775, 160.930,  
7 162.081, 162.856, 163.051, 167.031, and 168.021, to read as follows.

105.458. 1. No member of any legislative or governing body of any political subdivision  
2 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

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.

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.

5 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  
2 section 163.031, RSMo, pupils enrolled in a charter school shall be included in the pupil  
3 enrollment of the school district within which each pupil resides. Each charter school shall  
4 report the names, addresses, and eligibility for free and reduced lunch, special education, or  
5 limited English proficiency status, as well as eligibility for categorical aid, of pupils resident in  
6 a school district who are enrolled in the charter school to the school district in which those pupils  
7 reside. The charter school shall report the average daily attendance data, free and reduced lunch  
8 count, special education pupil count, and limited English proficiency pupil count to the state  
9 department of elementary and secondary education. Each charter school shall promptly notify  
10 the state department of elementary and secondary education and the pupil's school district when  
11 a student discontinues enrollment at a charter school.

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

14 (1) A school district having one or more resident pupils attending a charter school shall  
15 pay to the charter school an annual amount equal to the product of the charter school's weighted  
16 average daily attendance and the state adequacy target, multiplied by the dollar value modifier

17 for the district, plus local tax revenues per weighted average daily attendance from the incidental  
18 and teachers' funds in excess of the performance levy as defined in section 163.011, RSMo, plus  
19 all other state aid attributable to such pupils.

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

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

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

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

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

35 4. A charter school that has declared itself as a local educational agency shall receive  
36 from the department of elementary and secondary education an annual amount equal to the  
37 product of the charter school's weighted average daily attendance and the state adequacy target,  
38 multiplied by the dollar value modifier for the district, plus local tax revenues per weighted  
39 average daily attendance from the incidental and teachers funds in excess of the performance  
40 levy as defined in section 163.011, 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 chief executive officer, or his or her representative, of any charter school**  
87 **that ceases to function as a charter school, whether by expiration, revocation, or**  
88 **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 within fifteen days of the chief executive officer's attaining it; and**

93           **(2) Prepare an audit covering the close of operations as a public charter school as**  
94 **requested by the sponsor or the department of elementary and secondary education, within**  
95 **the time specified in the request, which shall serve the requirement of section 160.410. The**  
96 **public charter school shall dispose of all remaining funds only pursuant to its articles of**  
97 **incorporation, by transferring the funds to a public benefit corporation authorized under**  
98 **state law or shall remit any fund balances accrued from state or local tax revenues to the**  
99 **department within forty-five days of closing.**

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

101           **[13.] 14.** The governing body of a charter school is authorized to accept grants, gifts or  
102 donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or  
103 donation may not be accepted by the governing body if it is subject to any condition contrary to  
104 law applicable to the charter school or other public schools, or contrary to the terms of the  
105 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.]

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

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

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

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

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

13 [3.] 4. Food assistance may be provided using commodities distributed by the United  
14 States Department of Agriculture consistent with the standards for emergency congregate feeding  
15 under such program.



16 [4.] **5.** The use of school resources under **subsections 3 and 4** of this section shall be  
17 subject to review by the board of education within thirty days of authorization or as soon as  
18 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.**

160.930. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

2 (1) The provisions of the program authorized under sections 160.900 to 160.925[, section  
3 162.700, RSMo,] and section 376.1218, RSMo, shall automatically sunset two years after August  
4 28, 2005, unless reauthorized by an act of the general assembly; and

5 (2) If such program is reauthorized, the program authorized under sections 160.900 to  
6 160.925[, section 162.700, RSMo,] and section 376.1218, RSMo, shall automatically sunset  
7 twelve years after the effective date of the reauthorization of sections 160.900 to 160.925[,  
8 section 162.700, RSMo,] and section 376.1218, RSMo; and

9 (3) Sections 160.900 to 160.925[, section 162.700, RSMo,] and section 376.1218,  
10 RSMo, shall terminate on September first of the calendar year immediately following the  
11 calendar year in which the program authorized under sections 160.900 to 160.925[, section  
12 162.700, RSMo,] and section 376.1218, RSMo, is sunset.

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.

          Section B. Because immediate action is necessary to ensure adequate funding for  
2 schools, the repeal and reenactment of sections 108.250, 160.400, 160.405, 160.415, 160.420,  
3 and 162.081 of section A of this act is deemed necessary for the immediate preservation of the  
4 public health, welfare, peace, and safety, and is hereby declared to be an emergency act within  
5 the meaning of the constitution, and the repeal and reenactment of sections 108.250, 160.400,  
6 160.405, 160.415, 160.420, and 162.081 of section A of this act shall be in full force and effect  
7 on July 1, 2006, or upon its passage and approval, whichever later occurs.

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