

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 134, Page 23, Section 115.352, Line 5, by
2 inserting immediately after said line the following:

3 "160.415. 1. For the purposes of calculation and distribution of state school aid under
4 section 163.031, pupils enrolled in a charter school shall be included in the pupil enrollment of the
5 school district within which each pupil resides. Each charter school shall report the names,
6 addresses, and eligibility for free and reduced price lunch, special education, or limited English
7 proficiency status, as well as eligibility for categorical aid, of pupils resident in a school district who
8 are enrolled in the charter school to the school district in which those pupils reside. The charter
9 school shall report the average daily attendance data, free and reduced price lunch count, special
10 education pupil count, and limited English proficiency pupil count to the state department of
11 elementary and secondary education. Each charter school shall promptly notify the state department
12 of elementary and secondary education and the pupil's school district when a student discontinues
13 enrollment at a charter school.

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

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

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

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

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

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

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

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1 4. A charter school that has declared itself as a local educational agency shall receive from
2 the department of elementary and secondary education an annual amount equal to the product of the
3 charter school's weighted average daily attendance and the state adequacy target, multiplied by the
4 dollar value modifier for the district, plus local tax revenues per weighted average daily attendance
5 from the incidental and teachers funds in excess of the performance levy as defined in section
6 163.011 except those funds designated by taxpayers in an urban district as early childhood education
7 funds, plus all other state aid attributable to such pupils. If a charter school declares itself as a local
8 educational agency, the department of elementary and secondary education shall, upon notice of the
9 declaration, reduce the payment made to the school district by the amount specified in this
10 subsection and pay directly to the charter school the annual amount reduced from the school
11 district's payment.

12 5. If a school district fails to make timely payments of any amount for which it is the
13 disbursal agent, the state department of elementary and secondary education shall authorize payment
14 to the charter school of the amount due pursuant to subsection 2 of this section and shall deduct the
15 same amount from the next state school aid apportionment to the owing school district. If a charter
16 school is paid more or less than the amounts due pursuant to this section, the amount of
17 overpayment or underpayment shall be adjusted equally in the next twelve payments by the school
18 district or the department of elementary and secondary education, as appropriate. Any dispute
19 between the school district and a charter school as to the amount owing to the charter school shall be
20 resolved by the department of elementary and secondary education, and the department's decision
21 shall be the final administrative action for the purposes of review pursuant to chapter 536. During
22 the period of dispute, the department of elementary and secondary education shall make every
23 administrative and statutory effort to allow the continued education of children in their current
24 public charter school setting.

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

31 7. In the case of a proposed charter school that intends to contract with an education service
32 provider for substantial educational services or management services, the request for proposals shall
33 additionally require the charter school applicant to:

34 (1) Provide evidence of the education service provider's success in serving student
35 populations similar to the targeted population, including demonstrated academic achievement as
36 well as successful management of nonacademic school functions, if applicable;

37 (2) Provide a term sheet setting forth the proposed duration of the service contract; roles and
38 responsibilities of the governing board, the school staff, and the service provider; scope of services
39 and resources to be provided by the service provider; performance evaluation measures and time
40 lines; compensation structure, including clear identification of all fees to be paid to the service
41 provider; methods of contract oversight and enforcement; investment disclosure; and conditions for
42 renewal and termination of the contract;

43 (3) Disclose any known conflicts of interest between the school governing board and
44 proposed service provider or any affiliated business entities;

45 (4) Disclose and explain any termination or nonrenewal of contracts for equivalent services
46 for any other charter school in the United States within the past five years;

47 (5) Ensure that the legal counsel for the charter school shall report directly to the charter
48 school's governing board; and

1 (6) Provide a process to ensure that the expenditures that the education service provider
2 intends to bill to the charter school shall receive prior approval of the governing board or its
3 designee.

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

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

10 10. (1) The proportionate share of state and federal resources generated by students with
11 disabilities or staff serving them shall be paid in full to charter schools enrolling those students by
12 their school district where such enrollment is through a contract for services described in this
13 section. The proportionate share of money generated under other federal or state categorical aid
14 programs shall be directed to charter schools serving such students eligible for that aid.

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

18 11. A charter school may not charge tuition or impose fees that a school district is
19 prohibited from charging or imposing, except that a charter school may receive tuition payments
20 from districts in the same or an adjoining county for nonresident students who transfer to an
21 approved charter school, as defined in section 167.131, from an unaccredited district.

22 12. A charter school is authorized to incur debt in anticipation of receipt of funds. A charter
23 school may also borrow to finance facilities and other capital items. A school district may incur
24 bonded indebtedness or take other measures to provide for physical facilities and other capital items
25 for charter schools that it sponsors or contracts with. Except as otherwise specifically provided in
26 sections 160.400 to 160.425, upon the dissolution of a charter school, any liabilities of the
27 corporation will be satisfied through the procedures of chapter 355. A charter school shall satisfy
28 all its financial obligations within twelve months of notice from the sponsor of the charter school's
29 closure under subsection 8 of section 160.405. After satisfaction of all its financial obligations, a
30 charter school shall return any remaining state and federal funds to the department of elementary
31 and secondary education for disposition as stated in subdivision (17) of subsection 1 of section
32 160.405. The department of elementary and secondary education may withhold funding at a level
33 the department determines to be adequate during a school's last year of operation until the
34 department determines that school records, liabilities, and reporting requirements, including a full
35 audit, are satisfied.

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

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

41 163.018. 1. Notwithstanding the definition of "average daily attendance" in subdivision (2)
42 of section 163.011 to the contrary, pupils between the ages of three and five who are eligible for free
43 and reduced price lunch and attend an early childhood education program;

44 (1) That is operated by and in a district or by a charter school that has declared itself as a
45 local educational agency providing full-day kindergarten and that meets standards established by the
46 state board of education; or

47 (2) That is under contract with a district or charter school that has declared itself as a local
48 educational agency and that meets standards established by the state board of education

1 shall be included in the district's or charter school's calculation of average daily attendance. The
2 total number of such pupils included in the district's or charter school's calculation of average daily
3 attendance shall not exceed four percent of the total number of pupils who are eligible for free and
4 reduced price lunch between the ages of five and eighteen who are included in the district's or
5 charter school's calculation of average daily attendance.

6 2. (1) For any district that has been declared unaccredited by the state board of education
7 and remains unaccredited as of July 1, 2015, and for any charter school located in said district, the
8 provisions of subsection 1 of this section shall become applicable during the 2015-16 school year.

9 (2) For any district that is declared unaccredited by the state board of education after July 1,
10 2015, and for any charter school located in said district, the provisions of subsection 1 of this
11 section shall become applicable immediately upon such declaration.

12 (3) For any district that has been declared provisionally accredited by the state board of
13 education and remains provisionally accredited as of July 1, 2016, and for any charter school
14 located in said district, the provisions of subsection 1 of this section shall become applicable
15 beginning in the 2016-17 school year.

16 (4) For any district that is declared provisionally accredited by the state board of education
17 after July 1, 2016, and for any charter school located in said district, the provisions of this section
18 shall become applicable beginning in the 2016-17 school year or immediately upon such
19 declaration, whichever is later.

20 (5) For all other districts and charter schools, the provisions of subsection 1 of this section
21 shall become effective in any school year subsequent to a school year in which the amount
22 appropriated for subsections 1 and 2 of section 163.031 is equal to or exceeds the amount necessary
23 to fund the entire entitlement calculation determined by subsections 1 and 2 of section 163.031, and
24 shall remain effective in all school years thereafter, irrespective of the amount appropriated for
25 subsections 1 and 2 of section 163.031 in any succeeding year, provided that in the first school year
26 in which subsection 1 of this section becomes effective under this subdivision, school districts and
27 charter schools shall receive thirty-three percent of the funding associated with such pupils; in the
28 second school year, school districts and charter schools shall receive sixty-six percent of the funding
29 associated with such pupils; and in the third school year, school districts and charter schools shall
30 receive one hundred percent of the funding associated with such pupils.

31 3. This section shall not require school attendance beyond that mandated under section
32 167.031 and shall not change or amend the provisions of sections 160.051, 160.053, 160.054, and
33 160.055 relating to kindergarten attendance."; and

34
35 Further amend said bill by amending the title, enacting clause, and intersectional references
36 accordingly.