

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By  
\_\_\_\_\_

1 AMEND House Committee Substitute for House Bill No. 2247, Page 1, Section A, Lines 1 through  
2 4, by deleting all of said lines and inserting in lieu thereof the following:

3  
4 "Section A. Sections 160.400, 160.403, 160.405, 160.408, 160.410, 160.415, 160.417,  
5 160.420, and 160.425, RSMo, are repealed, to read as follows:"; and

6  
7 Further amend said bill, Pages 1 through 8, Section 160.400, Lines 1 through 237, by deleting all of  
8 said section and inserting in lieu thereof the following:

9  
10 ~~"[160.400. 1. A charter school is an independent public school.~~

11 ~~2. Except as further provided in subsection 4 of this section, charter schools may be~~  
12 ~~operated only:~~

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

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

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

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

22 ~~(a) The eligibility for charter schools of any school district whose provisional accreditation~~  
23 ~~is based in whole or in part on financial stress as defined in sections 161.520 to 161.529, or on~~  
24 ~~financial hardship as defined by rule of the state board of education, shall be decided by a vote of~~  
25 ~~the state board of education during the third consecutive school year after the designation of~~  
26 ~~provisional accreditation; and~~

27 ~~(b) The sponsor is limited to the local school board or a sponsor who has met the standards~~  
28 ~~of accountability and performance as determined by the department based on sections 160.400 to~~  
29 ~~160.425 and section 167.349 and properly promulgated rules of the department; or~~

30 ~~(5) In a school district that has been accredited without provisions, sponsored only by the~~  
31 ~~local school board; provided that no board with a current year enrollment of one thousand five~~  
32 ~~hundred fifty students or greater shall permit more than thirty-five percent of its student enrollment~~  
33 ~~to enroll in charter schools sponsored by the local board under the authority of this subdivision;~~  
34 ~~except that this restriction shall not apply to any school district that subsequently becomes eligible~~  
35 ~~under subdivision (3) or (4) of this subsection or to any district accredited without provisions that~~  
36 ~~sponsors charter schools prior to having a current year student enrollment of one thousand five~~

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1 hundred fifty students or greater.

2 3. Except as further provided in subsection 4 of this section, the following entities are  
3 eligible to sponsor charter schools:

4 (1) The school board of the district in any district which is sponsoring a charter school as of  
5 August 27, 2012, as permitted under subdivision (1) or (2) of subsection 2 of this section, the  
6 special administrative board of a metropolitan school district during any time in which powers  
7 granted to the district's board of education are vested in a special administrative board, or if the state  
8 board of education appoints a special administrative board to retain the authority granted to the  
9 board of education of an urban school district containing most or all of a city with a population  
10 greater than three hundred fifty thousand inhabitants, the special administrative board of such school  
11 district;

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

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

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

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

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

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

25 (1) As a district transitions from unaccredited to provisionally accredited, the district shall  
26 continue to fall under the requirements for an unaccredited district until it achieves three  
27 consecutive full school years of provisional accreditation;

28 (2) As a district transitions from provisionally accredited to full accreditation, the district  
29 shall continue to fall under the requirements for a provisionally accredited district until it achieves  
30 three consecutive full school years of full accreditation;

31 (3) In any school district classified as unaccredited or provisionally accredited where a  
32 charter school is operating and is sponsored by an entity other than the local school board, when the  
33 school district becomes classified as accredited without provisions, a charter school may continue to  
34 be sponsored by the entity sponsoring it prior to the classification of accredited without provisions  
35 and shall not be limited to the local school board as a sponsor.

36  
37 A charter school operating in a school district identified in subdivision (1) or (2) of subsection 2 of  
38 this section may be sponsored by any of the entities identified in subsection 3 of this section,  
39 irrespective of the accreditation classification of the district in which it is located. A charter school  
40 in a district described in this subsection whose charter provides for the addition of grade levels in  
41 subsequent years may continue to add levels until the planned expansion is complete to the extent of  
42 grade levels in comparable schools of the district in which the charter school is operated.

43 5. The mayor of a city not within a county may request a sponsor under subdivision (2), (3),  
44 (4), (5), or (6) of subsection 3 of this section to consider sponsoring a "workplace charter school",  
45 which is defined for purposes of sections 160.400 to 160.425 as a charter school with the ability to  
46 target prospective students whose parent or parents are employed in a business district, as defined in  
47 the charter, which is located in the city.

48 6. No sponsor shall receive from an applicant for a charter school any fee of any type for

1 the consideration of a charter, nor may a sponsor condition its consideration of a charter on the  
2 promise of future payment of any kind.

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

6 8. As a nonprofit corporation incorporated pursuant to chapter 355, the charter school shall  
7 select the method for election of officers pursuant to section 355.326 based on the class of  
8 corporation selected. Meetings of the governing board of the charter school shall be subject to the  
9 provisions of sections 610.010 to 610.030.

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

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

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

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

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

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

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

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

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

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

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

7           15. No member of the governing board of a charter school shall hold any office or  
 8 employment from the board or the charter school while serving as a member, nor shall the member  
 9 have any substantial interest, as defined in section 105.450, in any entity employed by or  
 10 contracting with the board. No board member shall be an employee of a company that provides  
 11 substantial services to the charter school. All members of the governing board of the charter school  
 12 shall be considered decision-making public servants as defined in section 105.450 for the purposes  
 13 of the financial disclosure requirements contained in sections 105.483, 105.485, 105.487, and  
 14 105.489.

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

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

21           (2) The granting of a charter;

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

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

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

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

32  
 33 The department shall provide guidance to sponsors in developing such policies and procedures.

34           17. (1) A sponsor shall provide timely submission to the state board of education of all data  
 35 necessary to demonstrate that the sponsor is in material compliance with all requirements of sections  
 36 160.400 to 160.425 and section 167.349. The state board of education shall ensure each sponsor is  
 37 in compliance with all requirements under sections 160.400 to 160.425 and 167.349 for each charter  
 38 school sponsored by any sponsor. The state board shall notify each sponsor of the standards for  
 39 sponsorship of charter schools, delineating both what is mandated by statute and what best practices  
 40 dictate. The state board shall evaluate sponsors to determine compliance with these standards every  
 41 three years. The evaluation shall include a sponsor's policies and procedures in the areas of charter  
 42 application approval; required charter agreement terms and content; sponsor performance evaluation  
 43 and compliance monitoring; and charter renewal, intervention, and revocation decisions. Nothing  
 44 shall preclude the department from undertaking an evaluation at any time for cause.

45           (2) If the department determines that a sponsor is in material noncompliance with its  
 46 sponsorship duties, the sponsor shall be notified and given reasonable time for remediation. If  
 47 remediation does not address the compliance issues identified by the department, the commissioner  
 48 of education shall conduct a public hearing and thereafter provide notice to the charter sponsor of

1 corrective action that will be recommended to the state board of education. Corrective action by the  
 2 department may include withholding the sponsor's funding and suspending the sponsor's authority to  
 3 sponsor a school that it currently sponsors or to sponsor any additional school until the sponsor is  
 4 reauthorized by the state board of education under section 160.403.

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

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

13 18. If a sponsor notifies a charter school of closure under subsection 8 of section 160.405,  
 14 the department of elementary and secondary education shall exercise its financial withholding  
 15 authority under subsection 12 of section 160.415 to assure all obligations of the charter school shall  
 16 be met. The state, charter sponsor, or resident district shall not be liable for any outstanding liability  
 17 or obligations of the charter school.]; and

18  
 19 Further amend said bill, Page 8, Section 160.404, Lines 1 through 18, by deleting all of said section  
 20 and inserting in lieu thereof the following:

21  
 22 "[160.403. 1. The department of elementary and secondary education shall establish an  
 23 annual application and approval process for all entities eligible to sponsor charters as set forth in  
 24 section 160.400 which are not sponsoring a charter school as of August 28, 2012, except that the  
 25 Missouri charter public school commission shall not be required to undergo the application and  
 26 approval process. No later than November 1, 2012, the department shall make available  
 27 information and guidelines for all eligible sponsors concerning the opportunity to apply for  
 28 sponsoring authority under this section.

29 ——— 2. The application process for sponsorship shall require each interested eligible sponsor,  
 30 except for the Missouri charter public school commission, to submit an application by February first  
 31 that includes the following:

32 ——— (1) Written notification of intent to serve as a charter school sponsor in accordance with  
 33 sections 160.400 to 160.425 and section 167.349;

34 ——— (2) Evidence of the applicant sponsor's budget and personnel capacity;

35 ——— (3) An outline of the request for proposal that the applicant sponsor would, if approved as a  
 36 charter sponsor, issue to solicit charter school applicants consistent with sections 160.400 to 160.425  
 37 and section 167.349;

38 ——— (4) The performance contract that the applicant sponsor would, if approved as a charter  
 39 sponsor, use to evaluate the charter schools it sponsors; and

40 ——— (5) The applicant sponsor's renewal, revocation, and nonrenewal processes consistent with  
 41 section 160.405.

42 ——— 3. By April first of each year, the department shall decide whether to grant or deny a  
 43 sponsoring authority to a sponsor applicant. This decision shall be made based on the applicant  
 44 sponsor's compliance with sections 160.400 to 160.425 and section 167.349 and properly  
 45 promulgated rules of the department.

46 ——— 4. Within thirty days of the department's decision, the department shall execute a renewable  
 47 sponsoring contract with each entity it has approved as a sponsor. The term of each authorizing  
 48 contract shall be six years and renewable.]; and

1  
2 Further amend said bill, Pages 8 through 18, Section 160.405, Lines 1 through 361, by deleting all  
3 of said section and inserting in lieu thereof the following:  
4

5       "~~160.405. 1. A person, group or organization seeking to establish a charter school shall~~  
6 ~~submit the proposed charter, as provided in this section, to a sponsor. If the sponsor is not a school~~  
7 ~~board, the applicant shall give a copy of its application to the school board of the district in which~~  
8 ~~the charter school is to be located and to the state board of education, within five business days of~~  
9 ~~the date the application is filed with the proposed sponsor. The school board may file objections~~  
10 ~~with the proposed sponsor, and, if a charter is granted, the school board may file objections with the~~  
11 ~~state board of education. The charter shall include a legally binding performance contract that~~  
12 ~~describes the obligations and responsibilities of the school and the sponsor as outlined in sections~~  
13 ~~160.400 to 160.425 and section 167.349 and shall address the following:~~

14       ~~—— (1) A mission and vision statement for the charter school;~~

15       ~~—— (2) A description of the charter school's organizational structure and bylaws of the~~  
16 ~~governing body, which will be responsible for the policy, financial management, and operational~~  
17 ~~decisions of the charter school, including the nature and extent of parental, professional educator,~~  
18 ~~and community involvement in the governance and operation of the charter school;~~

19       ~~—— (3) A financial plan for the first three years of operation of the charter school including~~  
20 ~~provisions for annual audits;~~

21       ~~—— (4) A description of the charter school's policy for securing personnel services, its personnel~~  
22 ~~policies, personnel qualifications, and professional development plan;~~

23       ~~—— (5) A description of the grades or ages of students being served;~~

24       ~~—— (6) The school's calendar of operation, which shall include at least the equivalent of a full~~  
25 ~~school term as defined in section 160.011;~~

26       ~~—— (7) A description of the charter school's pupil performance standards and academic program~~  
27 ~~performance standards, which shall meet the requirements of subdivision (6) of subsection 4 of this~~  
28 ~~section. The charter school program shall be designed to enable each pupil to achieve such~~  
29 ~~standards and shall contain a complete set of indicators, measures, metrics, and targets for academic~~  
30 ~~program performance, including specific goals on graduation rates and standardized test~~  
31 ~~performance and academic growth;~~

32       ~~—— (8) A description of the charter school's educational program and curriculum;~~

33       ~~—— (9) The term of the charter, which shall be five years and may be renewed;~~

34       ~~—— (10) Procedures, consistent with the Missouri financial accounting manual, for monitoring~~  
35 ~~the financial accountability of the charter, which shall meet the requirements of subdivision (4) of~~  
36 ~~subsection 4 of this section;~~

37       ~~—— (11) Preopening requirements for applications that require that charter schools meet all~~  
38 ~~health, safety, and other legal requirements prior to opening;~~

39       ~~—— (12) A description of the charter school's policies on student discipline and student~~  
40 ~~admission, which shall include a statement, where applicable, of the validity of attendance of~~  
41 ~~students who do not reside in the district but who may be eligible to attend under the terms of~~  
42 ~~judicial settlements and procedures that ensure admission of students with disabilities in a~~  
43 ~~nondiscriminatory manner;~~

44       ~~—— (13) A description of the charter school's grievance procedure for parents or guardians;~~

45       ~~—— (14) A description of the agreement and time frame for implementation between the charter~~  
46 ~~school and the sponsor as to when a sponsor shall intervene in a charter school, when a sponsor shall~~  
47 ~~revoke a charter for failure to comply with subsection 8 of this section, and when a sponsor will not~~  
48 ~~renew a charter under subsection 9 of this section;~~

1 ~~\_\_\_\_\_ (15) Procedures to be implemented if the charter school should close, as provided in~~  
 2 ~~subdivision (6) of subsection 16 of section 160.400 including:~~

3 ~~\_\_\_\_\_ (a) Orderly transition of student records to new schools and archival of student records;~~

4 ~~\_\_\_\_\_ (b) Archival of business operation and transfer or repository of personnel records;~~

5 ~~\_\_\_\_\_ (c) Submission of final financial reports;~~

6 ~~\_\_\_\_\_ (d) Resolution of any remaining financial obligations;~~

7 ~~\_\_\_\_\_ (e) Disposition of the charter school's assets upon closure; and~~

8 ~~\_\_\_\_\_ (f) A notification plan to inform parents or guardians of students, the local school district,~~  
 9 ~~the retirement system in which the charter school's employees participate, and the state board of~~  
 10 ~~education within thirty days of the decision to close;~~

11 ~~\_\_\_\_\_ (16) A description of the special education and related services that shall be available to~~  
 12 ~~meet the needs of students with disabilities; and~~

13 ~~\_\_\_\_\_ (17) For all new or revised charters, procedures to be used upon closure of the charter~~  
 14 ~~school requiring that unobligated assets of the charter school be returned to the department of~~  
 15 ~~elementary and secondary education for their disposition, which upon receipt of such assets shall~~  
 16 ~~return them to the local school district in which the school was located, the state, or any other entity~~  
 17 ~~to which they would belong.~~

18  
 19 ~~Charter schools operating on August 27, 2012, shall have until August 28, 2015, to meet the~~  
 20 ~~requirements of this subsection.~~

21 ~~\_\_\_\_\_ 2. Proposed charters shall be subject to the following requirements:~~

22 ~~\_\_\_\_\_ (1) A charter shall be submitted to the sponsor, and follow the sponsor's policies and~~  
 23 ~~procedures for review and granting of a charter approval, and be approved by the state board of~~  
 24 ~~education by January thirty-first prior to the school year of the proposed opening date of the charter~~  
 25 ~~school;~~

26 ~~\_\_\_\_\_ (2) A charter may be approved when the sponsor determines that the requirements of this~~  
 27 ~~section are met, determines that the applicant is sufficiently qualified to operate a charter school,~~  
 28 ~~and that the proposed charter is consistent with the sponsor's charter sponsorship goals and capacity.~~  
 29 ~~The sponsor's decision of approval or denial shall be made within ninety days of the filing of the~~  
 30 ~~proposed charter;~~

31 ~~\_\_\_\_\_ (3) If the charter is denied, the proposed sponsor shall notify the applicant in writing as to~~  
 32 ~~the reasons for its denial and forward a copy to the state board of education within five business~~  
 33 ~~days following the denial;~~

34 ~~\_\_\_\_\_ (4) If a proposed charter is denied by a sponsor, the proposed charter may be submitted to~~  
 35 ~~the state board of education, along with the sponsor's written reasons for its denial. If the state~~  
 36 ~~board determines that the applicant meets the requirements of this section, that the applicant is~~  
 37 ~~sufficiently qualified to operate the charter school, and that granting a charter to the applicant would~~  
 38 ~~be likely to provide educational benefit to the children of the district, the state board may grant a~~  
 39 ~~charter and act as sponsor of the charter school. The state board shall review the proposed charter~~  
 40 ~~and make a determination of whether to deny or grant the proposed charter within sixty days of~~  
 41 ~~receipt of the proposed charter, provided that any charter to be considered by the state board of~~  
 42 ~~education under this subdivision shall be submitted no later than March first prior to the school year~~  
 43 ~~in which the charter school intends to begin operations. The state board of education shall notify~~  
 44 ~~the applicant in writing as the reasons for its denial, if applicable; and~~

45 ~~\_\_\_\_\_ (5) The sponsor of a charter school shall give priority to charter school applicants that~~  
 46 ~~propose a school oriented to high-risk students and to the reentry of dropouts into the school system.~~  
 47 ~~If a sponsor grants three or more charters, at least one-third of the charters granted by the sponsor~~  
 48 ~~shall be to schools that actively recruit dropouts or high-risk students as their student body and~~

1 address the needs of dropouts or high-risk students through their proposed mission, curriculum,  
 2 teaching methods, and services. For purposes of this subsection, a “high-risk” student is one who is  
 3 at least one year behind in satisfactory completion of course work or obtaining high school credits  
 4 for graduation, has dropped out of school, is at risk of dropping out of school, needs drug and  
 5 alcohol treatment, has severe behavioral problems, has been suspended from school three or more  
 6 times, has a history of severe truancy, is a pregnant or parenting teen, has been referred for  
 7 enrollment by the judicial system, is exiting incarceration, is a refugee, is homeless or has been  
 8 homeless sometime within the preceding six months, has been referred by an area school district for  
 9 enrollment in an alternative program, or qualifies as high risk under department of elementary and  
 10 secondary education guidelines. Dropout shall be defined through the guidelines of the school core  
 11 data report. The provisions of this subsection do not apply to charters sponsored by the state board  
 12 of education.

13 ——— 3. If a charter is approved by a sponsor, the charter application shall be submitted to the  
 14 state board of education, along with a statement of finding by the sponsor that the application meets  
 15 the requirements of sections 160.400 to 160.425 and section 167.349 and a monitoring plan under  
 16 which the charter sponsor shall evaluate the academic performance, including annual performance  
 17 reports, of students enrolled in the charter school. The state board of education shall approve or  
 18 deny a charter application within sixty days of receipt of the application. The state board of  
 19 education may deny a charter on grounds that the application fails to meet the requirements of  
 20 sections 160.400 to 160.425 and section 167.349 or that a charter sponsor previously failed to meet  
 21 the statutory responsibilities of a charter sponsor. Any denial of a charter application made by the  
 22 state board of education shall be in writing and shall identify the specific failures of the application  
 23 to meet the requirements of sections 160.400 to 160.425 and section 167.349, and the written denial  
 24 shall be provided within ten business days to the sponsor.

25 ——— 4. A charter school shall, as provided in its charter:

26 ——— (1) Be nonsectarian in its programs, admission policies, employment practices, and all other  
 27 operations;

28 ——— (2) Comply with laws and regulations of the state, county, or city relating to health, safety,  
 29 and state minimum educational standards, as specified by the state board of education, including the  
 30 requirements relating to student discipline under sections 160.261, 167.161, 167.164, and 167.171,  
 31 notification of criminal conduct to law enforcement authorities under sections 167.115 to 167.117,  
 32 academic assessment under section 160.518, transmittal of school records under section 167.020,  
 33 the minimum amount of school time required under section 171.031, and the employee criminal  
 34 history background check and the family care safety registry check under section 168.133;

35 ——— (3) Except as provided in sections 160.400 to 160.425 and as specifically provided in other  
 36 sections, be exempt from all laws and rules relating to schools, governing boards and school  
 37 districts;

38 ——— (4) Be financially accountable, use practices consistent with the Missouri financial  
 39 accounting manual, provide for an annual audit by a certified public accountant, publish audit  
 40 reports and annual financial reports as provided in chapter 165, provided that the annual financial  
 41 report may be published on the department of elementary and secondary education's internet website  
 42 in addition to other publishing requirements, and provide liability insurance to indemnify the  
 43 school, its board, staff and teachers against tort claims. A charter school that receives local  
 44 educational agency status under subsection 6 of this section shall meet the requirements imposed by  
 45 the Elementary and Secondary Education Act for audits of such agencies and comply with all  
 46 federal audit requirements for charters with local educational agency status. For purposes of an  
 47 audit by petition under section 29.230, a charter school shall be treated as a political subdivision on  
 48 the same terms and conditions as the school district in which it is located. For the purposes of



1 securing such insurance, a charter school shall be eligible for the Missouri public entity risk  
2 management fund pursuant to section 537.700. A charter school that incurs debt shall include a  
3 repayment plan in its financial plan;

4 ——— (5) Provide a comprehensive program of instruction for at least one grade or age group from  
5 early childhood through grade twelve, as specified in its charter;

6 ——— (6) (a) Design a method to measure pupil progress toward the pupil academic standards  
7 adopted by the state board of education pursuant to section 160.514, establish baseline student  
8 performance in accordance with the performance contract during the first year of operation, collect  
9 student performance data as defined by the annual performance report throughout the duration of  
10 the charter to annually monitor student academic performance, and to the extent applicable based  
11 upon grade levels offered by the charter school, participate in the statewide system of assessments,  
12 comprised of the essential skills tests and the nationally standardized norm-referenced achievement  
13 tests, as designated by the state board pursuant to section 160.518, complete and distribute an annual  
14 report card as prescribed in section 160.522, which shall also include a statement that background  
15 checks have been completed on the charter school's board members, and report to its sponsor, the  
16 local school district, and the state board of education as to its teaching methods and any educational  
17 innovations and the results thereof. No charter school shall be considered in the Missouri school  
18 improvement program review of the district in which it is located for the resource or process  
19 standards of the program.

20 ——— (b) For proposed high-risk or alternative charter schools, sponsors shall approve  
21 performance measures based on mission, curriculum, teaching methods, and services. Sponsors  
22 shall also approve comprehensive academic and behavioral measures to determine whether students  
23 are meeting performance standards on a different time frame as specified in that school's charter.  
24 Student performance shall be assessed comprehensively to determine whether a high-risk or  
25 alternative charter school has documented adequate student progress. Student performance shall be  
26 based on sponsor-approved comprehensive measures as well as standardized public school  
27 measures. Annual presentation of charter school report card data to the department of elementary  
28 and secondary education, the state board, and the public shall include comprehensive measures of  
29 student progress.

30 ——— (c) Nothing in this subdivision shall be construed as permitting a charter school to be held to  
31 lower performance standards than other public schools within a district; however, the charter of a  
32 charter school may permit students to meet performance standards on a different time frame as  
33 specified in its charter. The performance standards for alternative and special purpose charter  
34 schools that target high-risk students as defined in subdivision (5) of subsection 2 of this section  
35 shall be based on measures defined in the school's performance contract with its sponsors;

36 ——— (7) Comply with all applicable federal and state laws and regulations regarding students  
37 with disabilities, including sections 162.670 to 162.710, the Individuals with Disabilities Education  
38 Act (20 U.S.C. Section 1400) and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Section  
39 794) or successor legislation;

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

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

44 ——— (b) A statement outlining the reasons for approval or denial by the sponsor, specifically  
45 addressing the requirements of sections 160.400 to 160.425 and 167.349.

46 ——— 5. (1) Proposed or existing high-risk or alternative charter schools may include alternative  
47 arrangements for students to obtain credit for satisfying graduation requirements in the school's  
48 charter application and charter. Alternative arrangements may include, but not be limited to, credit

1 for off-campus instruction, embedded credit, work experience through an internship arranged  
2 through the school, and independent studies. When the state board of education approves the  
3 charter, any such alternative arrangements shall be approved at such time.

4 ———(2) The department of elementary and secondary education shall conduct a study of any  
5 charter school granted alternative arrangements for students to obtain credit under this subsection  
6 after three years of operation to assess student performance, graduation rates, educational outcomes,  
7 and entry into the workforce or higher education.

8 ———6. The charter of a charter school may be amended at the request of the governing body of  
9 the charter school and on the approval of the sponsor. The sponsor and the governing board and  
10 staff of the charter school shall jointly review the school's performance, management and operations  
11 during the first year of operation and then every other year after the most recent review or at any  
12 point where the operation or management of the charter school is changed or transferred to another  
13 entity, either public or private. The governing board of a charter school may amend the charter, if  
14 the sponsor approves such amendment, or the sponsor and the governing board may reach an  
15 agreement in writing to reflect the charter school's decision to become a local educational agency.  
16 In such case the sponsor shall give the department of elementary and secondary education written  
17 notice no later than March first of any year, with the agreement to become effective July first. The  
18 department may waive the March first notice date in its discretion. The department shall identify  
19 and furnish a list of its regulations that pertain to local educational agencies to such schools within  
20 thirty days of receiving such notice.

21 ———7. Sponsors shall annually review the charter school's compliance with statutory standards  
22 including:

23 ———(1) Participation in the statewide system of assessments, as designated by the state board of  
24 education under section 160.518;

25 ———(2) Assurances for the completion and distribution of an annual report card as prescribed in  
26 section 160.522;

27 ———(3) The collection of baseline data during the first three years of operation to determine the  
28 longitudinal success of the charter school;

29 ———(4) A method to measure pupil progress toward the pupil academic standards adopted by the  
30 state board of education under section 160.514; and

31 ———(5) Publication of each charter school's annual performance report.

32 ———8. (1) (a) A sponsor's policies shall give schools clear, adequate, evidence-based, and  
33 timely notice of contract violations or performance deficiencies and mandate intervention based  
34 upon findings of the state board of education of the following:

35 ———a. The charter school provides a high school program which fails to maintain a graduation  
36 rate of at least seventy percent in three of the last four school years unless the school has dropout  
37 recovery as its mission;

38 ———b. The charter school's annual performance report results are below the district's annual  
39 performance report results based on the performance standards that are applicable to the grade level  
40 configuration of both the charter school and the district in which the charter school is located in  
41 three of the last four school years; and

42 ———c. The charter school is identified as a persistently lowest achieving school by the  
43 department of elementary and secondary education.

44 ———(b) A sponsor shall have a policy to revoke a charter during the charter term if there is:

45 ———a. Clear evidence of underperformance as demonstrated in the charter school's annual  
46 performance report in three of the last four school years; or

47 ———b. A violation of the law or the public trust that imperils students or public funds.

48 ———(c) A sponsor shall revoke a charter or take other appropriate remedial action, which may

1 include placing the charter school on probationary status for no more than twenty-four months,  
2 provided that no more than one designation of probationary status shall be allowed for the duration  
3 of the charter contract, at any time if the charter school commits a serious breach of one or more  
4 provisions of its charter or on any of the following grounds: failure to meet the performance  
5 contract as set forth in its charter, failure to meet generally accepted standards of fiscal management,  
6 failure to provide information necessary to confirm compliance with all provisions of the charter  
7 and sections 160.400 to 160.425 and 167.349 within forty-five days following receipt of written  
8 notice requesting such information, or violation of law.

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

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

16 ——— (4) The sponsor of a charter school shall establish procedures to conduct administrative  
17 hearings upon determination by the sponsor that grounds exist to revoke a charter. Final decisions  
18 of a sponsor from hearings conducted pursuant to this subsection are subject to an appeal to the state  
19 board of education, which shall determine whether the charter shall be revoked.

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

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

26 ——— 9. (1) A sponsor shall take all reasonable steps necessary to confirm that each charter  
27 school sponsored by such sponsor is in material compliance and remains in material compliance  
28 with all material provisions of the charter and sections 160.400 to 160.425 and 167.349. Every  
29 charter school shall provide all information necessary to confirm ongoing compliance with all  
30 provisions of its charter and sections 160.400 to 160.425 and 167.349 in a timely manner to its  
31 sponsor.

32 ——— (2) The sponsor's renewal process of the charter school shall be based on the thorough  
33 analysis of a comprehensive body of objective evidence and consider if:

34 ——— (a) The charter school has maintained results on its annual performance report that meet or  
35 exceed the district in which the charter school is located based on the performance standards that are  
36 applicable to the grade-level configuration of both the charter school and the district in which the  
37 charter school is located in three of the last four school years;

38 ——— (b) The charter school is organizationally and fiscally viable determining at a minimum that  
39 the school does not have:

40 ——— a. A negative balance in its operating funds;

41 ——— b. A combined balance of less than three percent of the amount expended for such funds  
42 during the previous fiscal year; or

43 ——— c. Expenditures that exceed receipts for the most recently completed fiscal year;

44 ——— (c) The charter is in compliance with its legally binding performance contract and sections  
45 160.400 to 160.425 and section 167.349; and

46 ——— (d) The charter school has an annual performance report consistent with a classification of  
47 accredited for three of the last four years and is fiscally viable as described in paragraph (b) of this  
48 subdivision. If such is the case, the charter school may have an expedited renewal process as

1 defined by rule of the department of elementary and secondary education.

2 ~~—— (3) (a) Beginning August first during the year in which a charter is considered for renewal,~~  
 3 ~~a charter school sponsor shall demonstrate to the state board of education that the charter school is~~  
 4 ~~in compliance with federal and state law as provided in sections 160.400 to 160.425 and section~~  
 5 ~~167.349 and the school's performance contract including but not limited to those requirements~~  
 6 ~~specific to academic performance.~~

7 ~~—— (b) Along with data reflecting the academic performance standards indicated in paragraph~~  
 8 ~~(a) of this subdivision, the sponsor shall submit a revised charter application to the state board of~~  
 9 ~~education for review.~~

10 ~~—— (c) Using the data requested and the revised charter application under paragraphs (a) and (b)~~  
 11 ~~of this subdivision, the state board of education shall determine if compliance with all standards~~  
 12 ~~enumerated in this subdivision has been achieved. The state board of education at its next regularly~~  
 13 ~~scheduled meeting shall vote on the revised charter application.~~

14 ~~—— (d) If a charter school sponsor demonstrates the objectives identified in this subdivision, the~~  
 15 ~~state board of education shall renew the school's charter.~~

16 ~~—— 10. A school district may enter into a lease with a charter school for physical facilities.~~

17 ~~—— 11. A governing board or a school district employee who has control over personnel actions~~  
 18 ~~shall not take unlawful reprisal against another employee at the school district because the employee~~  
 19 ~~is directly or indirectly involved in an application to establish a charter school. A governing board~~  
 20 ~~or a school district employee shall not take unlawful reprisal against an educational program of the~~  
 21 ~~school or the school district because an application to establish a charter school proposes the~~  
 22 ~~conversion of all or a portion of the educational program to a charter school. As used in this~~  
 23 ~~subsection, "unlawful reprisal" means an action that is taken by a governing board or a school~~  
 24 ~~district employee as a direct result of a lawful application to establish a charter school and that is~~  
 25 ~~adverse to another employee or an educational program.~~

26 ~~—— 12. Charter school board members shall be subject to the same liability for acts while in~~  
 27 ~~office as if they were regularly and duly elected members of school boards in any other public~~  
 28 ~~school district in this state. The governing board of a charter school may participate, to the same~~  
 29 ~~extent as a school board, in the Missouri public entity risk management fund in the manner provided~~  
 30 ~~under sections 537.700 to 537.756.~~

31 ~~—— 13. Any entity, either public or private, operating, administering, or otherwise managing a~~  
 32 ~~charter school shall be considered a quasi-public governmental body and subject to the provisions of~~  
 33 ~~sections 610.010 to 610.035.~~

34 ~~—— 14. The chief financial officer of a charter school shall maintain:~~

35 ~~—— (1) A surety bond in an amount determined by the sponsor to be adequate based on the cash~~  
 36 ~~flow of the school; or~~

37 ~~—— (2) An insurance policy issued by an insurance company licensed to do business in Missouri~~  
 38 ~~on all employees in the amount of five hundred thousand dollars or more that provides coverage in~~  
 39 ~~the event of employee theft.~~

40 ~~—— 15. The department of elementary and secondary education shall calculate an annual~~  
 41 ~~performance report for each charter school and shall publish it in the same manner as annual~~  
 42 ~~performance reports are calculated and published for districts and attendance centers.~~

43 ~~—— 16. The joint committee on education shall create a committee to investigate facility access~~  
 44 ~~and affordability for charter schools. The committee shall be comprised of equal numbers of the~~  
 45 ~~charter school sector and the public school sector and shall report its findings to the general~~  
 46 ~~assembly by December 31, 2016.]" ; and~~

47  
 48 Further amend said bill, Pages 18 through 19, Section 160.408, Lines 1 through 30, by deleting all

1 of said section and inserting in lieu thereof the following:

2  
3 "[160.408. 1. For purposes of this section, "high-quality charter school" means a charter  
4 school operating in the state of Missouri that meets the following requirements:

5 ———(1) Receives eighty-five percent or more of the total points on the annual performance  
6 report for three out of the last four school years by comparing points earned to the points possible  
7 on the annual performance report for three of the last four school years;

8 ———(2) Maintains a graduation rate of at least eighty percent for three of the last four school  
9 years, if the charter school provides a high school program;

10 ———(3) Is in material compliance with its legally binding performance contract and sections  
11 160.400 to 160.425 and section 167.349; and

12 ———(4) Is organizationally and fiscally viable as described in paragraph (b) of subdivision (2) of  
13 subsection 9 of section 160.405.

14 ———2. Notwithstanding any other provision of law, high-quality charter schools shall be  
15 provided expedited opportunities to replicate and expand into unaccredited districts, a metropolitan  
16 district, or an urban school district containing most or all of a home rule city with more than four  
17 hundred thousand inhabitants and located in more than one county. Such replication and expansion  
18 shall be subject to the following:

19 ———(1) The school seeking to replicate or expand shall submit its proposed charter to a proposed  
20 sponsor. The charter shall include a legally binding performance contract that meets the  
21 requirements of sections 160.400 to 160.425 and section 167.349;

22 ———(2) The sponsor's decision to approve or deny shall be made within sixty days of the filing  
23 of the proposed charter with the proposed sponsor;

24 ———(3) If a charter is approved by a sponsor, the charter application shall be filed with the state  
25 board of education with a statement of finding from the sponsor that the application meets the  
26 requirements of sections 160.400 to 160.425 and section 167.349 and a monitoring plan under  
27 which the sponsor shall evaluate the academic performance of students enrolled in the charter  
28 school. Such filing shall be made by January thirty-first prior to the school year in which the  
29 charter school intends to begin operations.

30 ———3. The term of the charter for schools operating under this section shall be five years, and  
31 the charter may be renewed for terms of up to ten years. Renewal shall be subject to the provisions  
32 of paragraphs (a) to (d) of subdivision (3) of subsection 9 of section 160.405]."; and

33  
34 Further amend said bill, Pages 19 through 21, Section 160.410, Lines 1 through 76, by deleting all  
35 of said section and inserting in lieu thereof the following:

36  
37 "[160.410. 1. A charter school shall enroll:

38 ———(1) All pupils resident in the district in which it operates;

39 ———(2) Nonresident pupils eligible to attend a district's school under an urban voluntary transfer  
40 program;

41 ———(3) Nonresident pupils who transfer from an unaccredited district under section 167.131,  
42 provided that the charter school is an approved charter school, as defined in section 167.131, and  
43 subject to all other provisions of section 167.131;

44 ———(4) In the case of a charter school whose mission includes student drop-out prevention or  
45 recovery, any nonresident pupil from the same or an adjacent county who resides in a residential  
46 care facility, a transitional living group home, or an independent living program whose last school  
47 of enrollment is in the school district where the charter school is established, who submits a timely  
48 application; and

1 ~~———(5) In the case of a workplace charter school, any student eligible to attend under~~  
2 ~~subdivision (1) or (2) of this subsection whose parent is employed in the business district, who~~  
3 ~~submits a timely application, unless the number of applications exceeds the capacity of a program,~~  
4 ~~class, grade level or building. The configuration of a business district shall be set forth in the~~  
5 ~~charter and shall not be construed to create an undue advantage for a single employer or small~~  
6 ~~number of employers.~~

7 ~~———2. If capacity is insufficient to enroll all pupils who submit a timely application, the charter~~  
8 ~~school shall have an admissions process that assures all applicants of an equal chance of gaining~~  
9 ~~admission and does not discriminate based on parents' ability to pay fees or tuition except that:~~

10 ~~———(1) A charter school may establish a geographical area around the school whose residents~~  
11 ~~will receive a preference for enrolling in the school, provided that such preferences do not result in~~  
12 ~~the establishment of racially or socioeconomically isolated schools and provided such preferences~~  
13 ~~conform to policies and guidelines established by the state board of education;~~

14 ~~———(2) A charter school may also give a preference for admission of children whose siblings~~  
15 ~~attend the school or whose parents are employed at the school or in the case of a workplace charter~~  
16 ~~school, a child whose parent is employed in the business district or at the business site of such~~  
17 ~~school; and~~

18 ~~———(3) Charter alternative and special purpose schools may also give a preference for admission~~  
19 ~~to high-risk students, as defined in subdivision (5) of subsection 2 of section 160.405, when the~~  
20 ~~school targets these students through its proposed mission, curriculum, teaching methods, and~~  
21 ~~services.~~

22 ~~———3. A charter school shall not limit admission based on race, ethnicity, national origin,~~  
23 ~~disability, income level, proficiency in the English language or athletic ability, but may limit~~  
24 ~~admission to pupils within a given age group or grade level. Charter schools may limit admission~~  
25 ~~based on gender only when the school is a single-gender school. Students of a charter school who~~  
26 ~~have been enrolled for a full academic year shall be counted in the performance of the charter~~  
27 ~~school on the statewide assessments in that calendar year, unless otherwise exempted as English~~  
28 ~~language learners. For purposes of this subsection, "full academic year" means the last Wednesday~~  
29 ~~in September through the administration of the Missouri assessment program test without~~  
30 ~~transferring out of the school and re-enrolling.~~

31 ~~———4. A charter school shall make available for public inspection, and provide upon request, to~~  
32 ~~the parent, guardian, or other custodian of any school-age pupil resident in the district in which the~~  
33 ~~school is located the following information:~~

34 ~~———(1) The school's charter;~~

35 ~~———(2) The school's most recent annual report card published according to section 160.522;~~

36 ~~———(3) The results of background checks on the charter school's board members; and~~

37 ~~———(4) If a charter school is operated by a management company, a copy of the written contract~~  
38 ~~between the governing board of the charter school and the educational management organization or~~  
39 ~~the charter management organization for services. The charter school may charge reasonable fees,~~  
40 ~~not to exceed the rate specified in section 610.026 for furnishing copies of documents under this~~  
41 ~~subsection.~~

42 ~~———5. When a student attending a charter school who is a resident of the school district in which~~  
43 ~~the charter school is located moves out of the boundaries of such school district, the student may~~  
44 ~~complete the current semester and shall be considered a resident student. The student's parent or~~  
45 ~~legal guardian shall be responsible for the student's transportation to and from the charter school.~~

46 ~~———6. If a change in school district boundary lines occurs under section 162.223, 162.431,~~  
47 ~~162.441, or 162.451, or by action of the state board of education under section 162.081, including~~  
48 ~~attachment of a school district's territory to another district or dissolution, such that a student~~

1 attending a charter school prior to such change no longer resides in a school district in which the  
 2 charter school is located, then the student may complete the current academic year at the charter  
 3 school. The student shall be considered a resident student. The student's parent or legal guardian  
 4 shall be responsible for the student's transportation to and from the charter school.

5 ~~7. The provisions of sections 167.018 and 167.019 concerning foster children's educational~~  
 6 ~~rights are applicable to charter schools]."; and~~

7  
 8 Further amend said bill, Pages 21 through 25, Section 160.415, Lines 1 through 150, by deleting all  
 9 of said section and inserting in lieu thereof the following:

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

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

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

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

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

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

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

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

45 ~~4. A charter school that has declared itself as a local educational agency shall receive from~~  
 46 ~~the department of elementary and secondary education an annual amount equal to the product of the~~  
 47 ~~charter school's weighted average daily attendance and the state adequacy target, multiplied by the~~  
 48 ~~dollar value modifier for the district, plus local tax revenues per weighted average daily attendance~~

1 from the incidental and teachers funds in excess of the performance levy as defined in section  
2 163.011 plus all other state aid attributable to such pupils. If a charter school declares itself as a  
3 local educational agency, the department of elementary and secondary education shall, upon notice  
4 of the declaration, reduce the payment made to the school district by the amount specified in this  
5 subsection and pay directly to the charter school the annual amount reduced from the school  
6 district's payment.

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

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

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

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

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

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

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

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

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

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



1 linked to the school.

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

5 ~~10. (1) The proportionate share of state and federal resources generated by students with~~  
 6 ~~disabilities or staff serving them shall be paid in full to charter schools enrolling those students by~~  
 7 ~~their school district where such enrollment is through a contract for services described in this~~  
 8 ~~section. The proportionate share of money generated under other federal or state categorical aid~~  
 9 ~~programs shall be directed to charter schools serving such students eligible for that aid.~~

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

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

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

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

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

36 ~~160.417. 1. By October 1, 2012, and by each October first thereafter, the sponsor of each~~  
 37 ~~charter school shall review the information submitted on the report required by section 162.821 to~~  
 38 ~~identify charter schools experiencing financial stress. The department of elementary and secondary~~  
 39 ~~education shall be authorized to obtain such additional information from a charter school as may be~~  
 40 ~~necessary to determine the financial condition of the charter school. Annually, a listing of charter~~  
 41 ~~schools identified as experiencing financial stress according to the provisions of this section shall be~~  
 42 ~~provided to the governor, speaker of the house of representatives, and president pro tempore of the~~  
 43 ~~senate by the department of elementary and secondary education.~~

44 ~~2. For the purposes of this section, a charter school shall be identified as experiencing~~  
 45 ~~financial stress if it:~~

46 ~~(1) At the end of its most recently completed fiscal year:~~

47 ~~(a) Has a negative balance in its operating funds; or~~

48 ~~(b) Has a combined balance of less than three percent of the amount expended from such~~

1 funds during the previous fiscal year;

2 (2) For the most recently completed fiscal year expenditures, exceeded receipts for any of  
3 its funds because of recurring costs; or

4 (3) Due to insufficient fund balances or reserves, incurred debt after January thirty-first and  
5 before July first during the most recently completed fiscal year in order to meet expenditures of the  
6 charter school.

7 3. The sponsor shall notify by November first the governing board of the charter school  
8 identified as experiencing financial stress. Upon receiving the notification, the governing board  
9 shall develop, or cause to have developed, and shall approve a budget and education plan on forms  
10 provided by the sponsor. The budget and education plan shall be submitted to the sponsor, signed  
11 by the officers of the charter school, within forty-five calendar days of notification that the charter  
12 school has been identified as experiencing financial stress. Minimally, the budget and education  
13 plan shall:

14 (1) Give assurances that adequate educational services to students of the charter school shall  
15 continue uninterrupted for the remainder of the current school year and that the charter school can  
16 provide the minimum amount of school time required by section 171.031;

17 (2) Outline a procedure to be followed by the charter school to report to charter school  
18 patrons about the financial condition of the charter school; and

19 (3) Detail the expenditure reduction measures, revenue increases, or other actions to be  
20 taken by the charter school to address its condition of financial stress.

21 4. Upon receipt and following review of any budget and education plan, the sponsor may  
22 make suggestions to improve the plan. Nothing in sections 160.400 to 160.425 or section 167.349  
23 shall exempt a charter school from submitting a budget and education plan to the sponsor according  
24 to the provisions of this section following each such notification that a charter school has been  
25 identified as experiencing financial stress, except that the sponsor may permit a charter school's  
26 governing board to make amendments to or update a budget and education plan previously  
27 submitted to the sponsor.

28 5. The department may withhold any payment of financial aid otherwise due to the charter  
29 school until such time as the sponsor and the charter school have fully complied with this section.

30 160.420. 1. Any school district in which charter schools may be established under sections  
31 160.400 to 160.425 shall establish a uniform policy which provides that if a charter school offers to  
32 retain the services of an employee of a school district, and the employee accepts a position at the  
33 charter school, an employee at the employee's option may remain an employee of the district and the  
34 charter school shall pay to the district the district's full costs of salary and benefits provided to the  
35 employee. The district's policy shall provide that any teacher who accepts a position at a charter  
36 school and opts to remain an employee of the district retains such teacher's permanent teacher status  
37 and retains such teacher's seniority rights in the district for three years. The school district shall not  
38 be liable for any such employee's acts while an employee of the charter school.

39 2. A charter school may employ noncertificated instructional personnel; provided that no  
40 more than twenty percent of the full-time equivalent instructional staff positions at the school are  
41 filled by noncertificated personnel. All noncertificated instructional personnel shall be supervised by  
42 certificated instructional personnel. A charter school that has a foreign language immersion  
43 experience as its chief educational mission, as stated in its charter, shall not be subject to the twenty-  
44 percent requirement of this subsection but shall ensure that any teachers whose duties include  
45 instruction given in a foreign language have current valid credentials in the country in which such  
46 teacher received his or her training and shall remain subject to the remaining requirements of this  
47 subsection. The charter school shall ensure that all instructional employees of the charter school  
48 have experience, training and skills appropriate to the instructional duties of the employee, and the

1 charter school shall ensure that a criminal background check and family care safety registry check  
 2 are conducted for each employee of the charter school prior to the hiring of the employee under the  
 3 requirements of section 168.133. The charter school may not employ instructional personnel whose  
 4 certificate of license to teach has been revoked or is currently suspended by the state board of  
 5 education. Appropriate experience, training and skills of noncertificated instructional personnel  
 6 shall be determined considering:

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

12 3. Personnel employed by the charter school shall participate in the retirement system of the  
 13 school district in which the charter school is located, subject to the same terms, conditions,  
 14 requirements and other provisions applicable to personnel employed by the school district. For  
 15 purposes of participating in the retirement system, the charter school shall be considered to be a  
 16 public school within the school district, and personnel employed by the charter school shall be  
 17 public school employees. In the event of a lapse of the school district's corporate organization as  
 18 described in subsections 1 and 4 of section 162.081, personnel employed by the charter school shall  
 19 continue to participate in the retirement system and shall do so on the same terms, conditions,  
 20 requirements and other provisions as they participated prior to the lapse.]; and

21  
 22 Further amend said bill, Pages 26 through 27, Section 160.425, Lines 1 through 48, by deleting all  
 23 of said section and inserting in lieu thereof the following:

24  
 25 "[160.425. 1. The "Missouri Charter Public School Commission" is hereby created with the  
 26 authority to sponsor high quality charter schools throughout the state of Missouri.

27 ———2. The commission shall consist of nine members appointed by the governor, by and with  
 28 the advice and consent of the senate. No more than five of the members shall be of the same  
 29 political party. No more than two members shall be from the same congressional district. The term  
 30 of office of each member shall be four years, except those of the members first appointed, of which  
 31 three shall be appointed for a term of one year, two for a term of two years, two for a term of three  
 32 years, and two for a term of four years. At the expiration of the term of each member, the governor,  
 33 by and with the advice and consent of the senate, shall appoint a successor.

34 ———3. The appointees to the commission shall be selected as follows:

35 ———(1) One member selected by the governor from a slate of three recommended by the  
 36 commissioner of education;

37 ———(2) One member selected by the governor from a slate of three recommended by the  
 38 commissioner of higher education;

39 ———(3) One member selected by the governor from a slate of three recommended by the  
 40 president pro tempore of the senate;

41 ———(4) One member selected by the governor from a slate of three recommended by the speaker  
 42 of the house of representatives; and

43 ———(5) Five additional members appointed by the governor, one of whom shall be selected from  
 44 a slate of three nominees recommended by the Missouri School Boards Association.

45 ———4. Members appointed to the commission shall collectively possess strong experience and  
 46 expertise in governance, management and finance, school leadership, assessment, curriculum and  
 47 instruction, and education law. All members of the commission shall have demonstrated  
 48 understanding of and commitment to charter schooling as a strategy for strengthening public

1 education.

2 ~~5. The commission shall annually elect a chairperson and vice chairperson, who shall act as~~  
 3 ~~chairperson in his or her absence. The commission shall meet at the call of the chairperson. The~~  
 4 ~~chairperson may call meetings at such times as he or she deems advisable and shall call a meeting~~  
 5 ~~when requested to do so by three or more members of the commission. Members of the~~  
 6 ~~commission are not eligible to receive compensation.~~

7 ~~6. The commission may approve proposed charters for its sponsorship under sections~~  
 8 ~~160.400 to 160.425 and shall:~~

9 ~~(1) Comply with all of the requirements applicable to sponsors under sections 160.400 to~~  
 10 ~~160.425;~~

11 ~~(2) Exercise sponsorship over charters approved by the commission under sections 160.400~~  
 12 ~~to 160.425, including receipt of sponsorship funding under subsection 11 of section 160.400.~~

13 ~~7. Charter schools sponsored by the commission shall comply with all of the requirements~~  
 14 ~~applicable to charter schools under sections 160.400 to 160.425.~~

15 ~~8. The commission shall conduct its business in accordance with chapter 610.~~

16 ~~9. The department of elementary and secondary education shall provide start-up funding for~~  
 17 ~~the commission to operate. The commission shall reimburse the department's costs from any funds~~  
 18 ~~it receives as sponsor under section 160.400.~~

19 ~~10. The commission is authorized to receive and expend gifts, grants, and donations of any~~  
 20 ~~kind from any public or private entity to carry out the purposes of sections 160.400 to 160.425,~~  
 21 ~~subject to the terms and conditions under which they are given, provided that all such terms and~~  
 22 ~~conditions are permissible under law.]; and~~

23  
 24 Further amend said bill, Pages 27 through 29, Section 160.518, Lines 1 through 83, by removing all  
 25 of said section from the bill; and

26  
 27 Further amend said bill, Pages 29 through 30, Section 167.268, Lines 1 through 20, by removing all  
 28 of said section from the bill and inserting in lieu thereof the following:

29  
 30 "Section B. Section A of this act is hereby submitted to the qualified voters of this state for  
 31 approval or rejection at an election which is hereby ordered and which shall be held and conducted  
 32 on Tuesday next following the first Monday in November 2018, under the applicable laws and  
 33 constitutional provisions of this state for the submission of referendum measures by the general  
 34 assembly, and it shall become effective when approved by a majority of the votes cast thereon at  
 35 such election and not otherwise.

36 Section C. The official ballot title for section A of this act submitted under section B of this  
 37 act shall read as follows:

38 "Shall Missouri statutes be amended to repeal the laws allowing charter schools to operate in  
 39 the state of Missouri?"; and

40  
 41 Further amend said bill by amending the title, enacting clause, and intersectional references  
 42 accordingly.