

SECOND REGULAR SESSION

# HOUSE BILL NO. 1479

100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE QUADE.

3036H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 160.405 and 160.408, RSMo, and to enact in lieu thereof two new sections relating to charter schools.

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

Section A. Sections 160.405 and 160.408, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 160.405 and 160.408, to read as follows:

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

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

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

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 18 (4) A description of the charter school's policy for securing personnel services, its  
19 personnel policies, personnel qualifications, and professional development plan;
- 20 (5) A description of the grades or ages of students being served;
- 21 (6) The school's calendar of operation, which shall include at least the equivalent of a  
22 full school term as defined in section 160.011;
- 23 (7) A description of the charter school's pupil performance standards and academic  
24 program performance standards, which shall meet the requirements of subdivision (6) of  
25 subsection 4 of this section. The charter school program shall be designed to enable each pupil  
26 to achieve such standards and shall contain a complete set of indicators, measures, metrics, and  
27 targets for academic program performance, including specific goals on graduation rates and  
28 standardized test performance and academic growth;
- 29 (8) A description of the charter school's educational program and curriculum;
- 30 (9) The term of the charter, which shall be five years and may be renewed;
- 31 (10) Procedures, consistent with the Missouri financial accounting manual, for  
32 monitoring the financial accountability of the charter, which shall meet the requirements of  
33 subdivision (4) of subsection 4 of this section;
- 34 (11) Preopening requirements for applications that require that charter schools meet all  
35 health, safety, and other legal requirements prior to opening;
- 36 (12) A description of the charter school's policies on student discipline and student  
37 admission, which shall include a statement, where applicable, of the validity of attendance of  
38 students who do not reside in the district but who may be eligible to attend under the terms of  
39 judicial settlements and procedures that ensure admission of students with disabilities in a  
40 nondiscriminatory manner;
- 41 (13) A description of the charter school's grievance procedure for parents or guardians;
- 42 (14) A description of the agreement and time frame for implementation between the  
43 charter school and the sponsor as to when a sponsor shall intervene in a charter school, when a  
44 sponsor shall revoke a charter for failure to comply with subsection 8 of this section, and when  
45 a sponsor will not renew a charter under subsection 9 of this section;
- 46 (15) Procedures to be implemented if the charter school should close, as provided in  
47 subdivision (6) of subsection 16 of section 160.400 including:
- 48 (a) Orderly transition of student records to new schools and archival of student records;
- 49 (b) Archival of business operation and transfer or repository of personnel records;
- 50 (c) Submission of final financial reports;
- 51 (d) Resolution of any remaining financial obligations;
- 52 (e) Disposition of the charter school's assets upon closure; and

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

56 (16) A description of the special education and related services that shall be available  
57 to meet the needs of students with disabilities; and

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

63

64 Charter schools operating on August 27, 2012, shall have until August 28, 2015, to meet the  
65 requirements of this subsection.

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

67 (1) A charter shall be submitted to the sponsor, and follow the sponsor's policies and  
68 procedures for review and granting of a charter approval, and be approved by the state board of  
69 education **or, if subject to the provisions of subdivision (3) of subsection 3 of this section,**  
70 **by the voters of the district in which the charter school is to be located** by January thirty-first  
71 prior to the school year of the proposed opening date of the charter school;

72 (2) A charter may be approved when the sponsor determines that the requirements of this  
73 section are met, determines that the applicant is sufficiently qualified to operate a charter school,  
74 and that the proposed charter is consistent with the sponsor's charter sponsorship goals and  
75 capacity. The sponsor's decision of approval or denial shall be made within ninety days of the  
76 filing of the proposed charter;

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

80 (4) If a proposed charter is denied by a sponsor, the proposed charter may be submitted  
81 to the state board of education, along with the sponsor's written reasons for its denial. If the state  
82 board determines that the applicant meets the requirements of this section, that the applicant is  
83 sufficiently qualified to operate the charter school, and that granting a charter to the applicant  
84 would be likely to provide educational benefit to the children of the district, the state board may  
85 grant a charter and act as sponsor of the charter school. The state board shall review the  
86 proposed charter and make a determination of whether to deny or grant the proposed charter  
87 within sixty days of receipt of the proposed charter, provided that any charter to be considered  
88 by the state board of education under this subdivision shall be submitted no later than March first

89 prior to the school year in which the charter school intends to begin operations. The state board  
90 of education shall notify the applicant in writing as to the reasons for its denial, if applicable.  
91 **Notwithstanding the above, if a charter application is submitted under this subdivision in**  
92 **school year 2021-22 or any subsequent year that proposes operating a charter school in any**  
93 **district described in subdivision (3) or (4) of subsection 2 of section 160.400, any decision**  
94 **by the state board of education to grant such charter shall not become effective until**  
95 **approved by the voters of the district in which the charter school is to be located as**  
96 **described in subdivision (3) of subsection 3 of this section; and**

97 (5) The sponsor of a charter school shall give priority to charter school applicants that  
98 propose a school oriented to high-risk students and to the reentry of dropouts into the school  
99 system. If a sponsor grants three or more charters, at least one-third of the charters granted by  
100 the sponsor shall be to schools that actively recruit dropouts or high-risk students as their student  
101 body and address the needs of dropouts or high-risk students through their proposed mission,  
102 curriculum, teaching methods, and services. For purposes of this subsection, a "high-risk"  
103 student is one who is at least one year behind in satisfactory completion of course work or  
104 obtaining high school credits for graduation, has dropped out of school, is at risk of dropping out  
105 of school, needs drug and alcohol treatment, has severe behavioral problems, has been suspended  
106 from school three or more times, has a history of severe truancy, is a pregnant or parenting teen,  
107 has been referred for enrollment by the judicial system, is exiting incarceration, is a refugee, is  
108 homeless or has been homeless sometime within the preceding six months, has been referred by  
109 an area school district for enrollment in an alternative program, or qualifies as high risk under  
110 department of elementary and secondary education guidelines. Dropout shall be defined through  
111 the guidelines of the school core data report. The provisions of this subsection do not apply to  
112 charters sponsored by the state board of education.

113 3. (1) If a charter is approved by a sponsor, the charter application shall be submitted  
114 to the state board of education, along with a statement of finding by the sponsor that the  
115 application meets the requirements of sections 160.400 to 160.425 and section 167.349 and a  
116 monitoring plan under which the charter sponsor shall evaluate the academic performance,  
117 including annual performance reports, of students enrolled in the charter school.

118 (2) **Except as otherwise provided in subdivision (3) of this subsection,** the state board  
119 of education shall approve or deny a charter application within sixty days of receipt of the  
120 application. The state board of education may deny a charter on grounds that the application fails  
121 to meet the requirements of sections 160.400 to 160.425 and section 167.349 or that a charter  
122 sponsor previously failed to meet the statutory responsibilities of a charter sponsor. Any denial  
123 of a charter application made by the state board of education shall be in writing and shall identify  
124 the specific failures of the application to meet the requirements of sections 160.400 to 160.425

125 and section 167.349, and the written denial shall be provided within ten business days to the  
126 sponsor.

127 **(3) (a) If a charter application is submitted to the state board of education in school**  
128 **year 2021-22 or any subsequent year that proposes operating a charter school in any**  
129 **district described in subdivision (3), (4), or (5) of subsection 2 of section 160.400, the state**  
130 **board of education shall review the application and determine within sixty days of receipt**  
131 **whether the application meets the requirements of sections 160.400 to 160.425 and section**  
132 **167.349.**

133 **(b) If the application fails to meet the requirements of sections 160.400 to 160.425**  
134 **and section 167.349, the state board of education shall deny the charter in writing, identify**  
135 **the specific failures of the application to meet the requirements of sections 160.400 to**  
136 **160.425 and section 167.349 in the written denial, and provide the written denial within ten**  
137 **business days to the sponsor.**

138 **(c) If the application meets the requirements of sections 160.400 to 160.425 and**  
139 **section 167.349, the state board of education shall direct the board of directors of the**  
140 **school district in which the charter school is proposed to be located to cause the question**  
141 **of charter approval to be submitted to the voters of the district at the next municipal**  
142 **election or, if the next annual school election is more than sixty days away, cause the**  
143 **question to be submitted to the voters in the district at a special election called in**  
144 **accordance with law on a date set by the state board of education. The election shall be**  
145 **conducted in the manner provided by law for the conducting of school district elections**  
146 **generally. A majority affirmative vote for approval is required for approval of the charter**  
147 **school application.**

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

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

151 (2) Comply with laws and regulations of the state, county, or city relating to health,  
152 safety, and state minimum educational standards, as specified by the state board of education,  
153 including the requirements relating to student discipline under sections 160.261, 167.161,  
154 167.164, and 167.171, notification of criminal conduct to law enforcement authorities under  
155 sections 167.115 ~~[tø]~~ **and** 167.117, academic assessment under section 160.518, transmittal of  
156 school records under section 167.020, the minimum amount of school time required under  
157 section 171.031, and the employee criminal history background check and the family care safety  
158 registry check under section 168.133;

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

162 (4) Be financially accountable, use practices consistent with the Missouri financial  
163 accounting manual, provide for an annual audit by a certified public accountant, publish audit  
164 reports and annual financial reports as provided in chapter 165, provided that the annual financial  
165 report may be published on the department of elementary and secondary education's internet  
166 website in addition to other publishing requirements, and provide liability insurance to indemnify  
167 the school, its board, staff and teachers against tort claims. A charter school that receives local  
168 educational agency status under subsection 6 of this section shall meet the requirements imposed  
169 by the Elementary and Secondary Education Act for audits of such agencies and comply with all  
170 federal audit requirements for charters with local educational agency status. For purposes of an  
171 audit by petition under section 29.230, a charter school shall be treated as a political subdivision  
172 on the same terms and conditions as the school district in which it is located. For the purposes  
173 of securing such insurance, a charter school shall be eligible for the Missouri public entity risk  
174 management fund pursuant to section 537.700. A charter school that incurs debt shall include  
175 a repayment plan in its financial plan;

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

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

192 (b) For proposed high-risk or alternative charter schools, sponsors shall approve  
193 performance measures based on mission, curriculum, teaching methods, and services. Sponsors  
194 shall also approve comprehensive academic and behavioral measures to determine whether

195 students are meeting performance standards on a different time frame as specified in that school's  
196 charter. Student performance shall be assessed comprehensively to determine whether a  
197 high-risk or alternative charter school has documented adequate student progress. Student  
198 performance shall be based on sponsor-approved comprehensive measures as well as  
199 standardized public school measures. Annual presentation of charter school report card data to  
200 the department of elementary and secondary education, the state board, and the public shall  
201 include comprehensive measures of student progress.

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

209 (7) Comply with all applicable federal and state laws and regulations regarding students  
210 with disabilities, including sections 162.670 to 162.710, the Individuals with Disabilities  
211 Education Act (20 U.S.C. Section 1400, **et seq.**) and Section 504 of the Rehabilitation Act of  
212 1973 (29 U.S.C. Section 794) or successor legislation;

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

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

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

220 5. (1) Proposed or existing high-risk or alternative charter schools may include  
221 alternative arrangements for students to obtain credit for satisfying graduation requirements in  
222 the school's charter application and charter. Alternative arrangements may include, but not be  
223 limited to, credit for off-campus instruction, embedded credit, work experience through an  
224 internship arranged through the school, and independent studies. When the state board of  
225 education approves the charter, any such alternative arrangements shall be approved at such  
226 time; **except that, if a charter is subject to the provisions of subdivision (3) of subsection 3**  
227 **of this section, the state board of education shall approve or deny such alternative**  
228 **arrangements before the question of charter approval is submitted to the voters.**

229 (2) The department of elementary and secondary education shall conduct a study of any  
230 charter school granted alternative arrangements for students to obtain credit under this subsection

231 after three years of operation to assess student performance, graduation rates, educational  
232 outcomes, and entry into the workforce or higher education.

233           6. The charter of a charter school may be amended at the request of the governing body  
234 of the charter school and on the approval of the sponsor. The sponsor and the governing board  
235 and staff of the charter school shall jointly review the school's performance, management and  
236 operations during the first year of operation and then every other year after the most recent  
237 review or at any point where the operation or management of the charter school is changed or  
238 transferred to another entity, either public or private. The governing board of a charter school  
239 may amend the charter, if the sponsor approves such amendment, or the sponsor and the  
240 governing board may reach an agreement in writing to reflect the charter school's decision to  
241 become a local educational agency. In such case the sponsor shall give the department of  
242 elementary and secondary education written notice no later than March first of any year, with the  
243 agreement to become effective July first. The department may waive the March first notice date  
244 in its discretion. The department shall identify and furnish a list of its regulations that pertain  
245 to local educational agencies to such schools within thirty days of receiving such notice.

246           7. Sponsors shall annually review the charter school's compliance with statutory  
247 standards including:

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

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

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

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

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

257           8. (1) (a) A sponsor's policies shall give schools clear, adequate, evidence-based, and  
258 timely notice of contract violations or performance deficiencies and mandate intervention based  
259 upon findings of the state board of education of the following:

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

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

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

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

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

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

273 (c) A sponsor shall revoke a charter or take other appropriate remedial action, which may  
274 include placing the charter school on probationary status for no more than twenty-four months,  
275 provided that no more than one designation of probationary status shall be allowed for the  
276 duration of the charter contract, at any time if the charter school commits a serious breach of one  
277 or more provisions of its charter or on any of the following grounds: failure to meet the  
278 performance contract as set forth in its charter, failure to meet generally accepted standards of  
279 fiscal management, failure to provide information necessary to confirm compliance with all  
280 provisions of the charter and sections 160.400 to 160.425 and 167.349 within forty-five days  
281 following receipt of written notice requesting such information, or violation of law.

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

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

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

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

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

300 9. (1) A sponsor shall take all reasonable steps necessary to confirm that each charter  
301 school sponsored by such sponsor is in material compliance and remains in material compliance  
302 with all material provisions of the charter and sections 160.400 to 160.425 and 167.349. Every

303 charter school shall provide all information necessary to confirm ongoing compliance with all  
304 provisions of its charter and sections 160.400 to 160.425 and 167.349 in a timely manner to its  
305 sponsor.

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

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

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

314 a. A negative balance in its operating funds;

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

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

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

320 (d) The charter school has an annual performance report consistent with a classification  
321 of accredited for three of the last four years and is fiscally viable as described in paragraph (b)  
322 of this subdivision. If such is the case, the charter school may have an expedited renewal process  
323 as defined by rule of the department of elementary and secondary education.

324 (3) (a) Beginning August first during the year in which a charter is considered for  
325 renewal, a charter school sponsor shall demonstrate to the state board of education that the  
326 charter school is in compliance with federal and state law as provided in sections 160.400 to  
327 160.425 and section 167.349 and the school's performance contract including but not limited to  
328 those requirements specific to academic performance.

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

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

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

338 10. A school district may enter into a lease with a charter school for physical facilities.

339 11. A governing board or a school district employee who has control over personnel  
340 actions shall not take unlawful reprisal against another employee at the school district because  
341 the employee is directly or indirectly involved in an application to establish a charter school. A  
342 governing board or a school district employee shall not take unlawful reprisal against an  
343 educational program of the school or the school district because an application to establish a  
344 charter school proposes the conversion of all or a portion of the educational program to a charter  
345 school. As used in this subsection, "unlawful reprisal" means an action that is taken by a  
346 governing board or a school district employee as a direct result of a lawful application to  
347 establish a charter school and that is adverse to another employee or an educational program.

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

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

356 14. The chief financial officer of a charter school shall maintain:

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

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

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

365 16. The joint committee on education shall create a committee to investigate facility  
366 access and affordability for charter schools. The committee shall be comprised of equal numbers  
367 of the charter school sector and the public school sector and shall report its findings to the  
368 general assembly by December 31, 2016.

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

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

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

8 (3) Is in material compliance with its legally binding performance contract and sections  
9 160.400 to 160.425 and section 167.349; and

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

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

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

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

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

28 **(4) If the charter application is filed with the state board of education in school year**  
29 **2021-22 or any subsequent year and proposes replicating and expanding into an**  
30 **unaccredited district, the charter application shall not be approved until the voters have**  
31 **approved it as described in subdivision (3) of subsection 3 of section 160.405.**

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

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