

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 292

AN ACT

To repeal sections 160.400, 160.405, 160.408, 160.410, 160.415, 160.425, 162.081, 163.018, 167.131, 167.151, and 167.241, RSMo, and to enact in lieu thereof eighteen new sections relating to alternative education options for elementary and secondary school students, with an emergency clause for certain sections.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1           Section A. Sections 160.400, 160.405, 160.408, 160.410,  
2           160.415, 160.425, 162.081, 163.018, 167.131, 167.151, and  
3           167.241, RSMo, are repealed and eighteen new sections enacted in  
4           lieu thereof, to be known as sections 160.400, 160.404, 160.405,  
5           160.408, 160.410, 160.415, 160.422, 160.425, 162.081, 162.1323,  
6           163.018, 167.131, 167.132, 167.151, 167.241, 167.890, 167.895,  
7           and 167.898, to read as follows:

8           160.400. 1. A charter school is an independent public  
9           school.

10           2. [Except as further provided in subsection 4 of this  
11           section,] Charter schools may be operated only:

12           (1) In a metropolitan school district;

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

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

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

9 (a) The eligibility for charter schools of any school  
10 district whose provisional accreditation is based in whole or in  
11 part on financial stress as defined in sections 161.520 to  
12 161.529, or on financial hardship as defined by rule of the state  
13 board of education, shall be decided by a vote of the state board  
14 of education during the third consecutive school year after the  
15 designation of provisional accreditation; and

16 (b) The sponsor is limited to the local school board or a  
17 sponsor who has met the standards of accountability and  
18 performance as determined by the department based on sections  
19 160.400 to 160.425 and section 167.349 and properly promulgated  
20 rules of the department; [or]

21 (5) In a school district located within a county with a  
22 charter form of government, provided the proposed charter school  
23 sponsor receives a petition with the number of signatures of  
24 parents of students who would qualify to attend the proposed  
25 charter school equal to fifty percent of the number of seats with  
26 which the proposed charter school intends to open. The  
27 provisions of this subdivision shall not apply to any such  
28 district that is accredited without provisions by the state board

1 of education and that has a resident pupil enrollment of less  
2 than three thousand;

3 (6) In any city with a population greater than thirty  
4 thousand inhabitants which contains only one school district  
5 within its boundaries, provided the proposed charter school  
6 sponsor receives a petition with the number of signatures of  
7 parents of students who would qualify to attend the proposed  
8 charter school equal to fifty percent of the number of seats with  
9 which the proposed charter school intends to open. The  
10 provisions of this subdivision shall not apply to any such  
11 district that is accredited without provisions by the state board  
12 of education and that has a resident pupil enrollment of less  
13 than three thousand;

14 (7) In a school district that has been accredited without  
15 provisions, sponsored only by the local school board; provided  
16 that no board with a current year enrollment of one thousand five  
17 hundred fifty students or greater shall permit more than  
18 thirty-five percent of its student enrollment to enroll in  
19 charter schools sponsored by the local board under the authority  
20 of this subdivision, except that this restriction shall not apply  
21 to any school district that subsequently becomes eligible under  
22 subdivision (3) or (4) of this subsection or to any district  
23 accredited without provisions that sponsors charter schools prior  
24 to having a current year student enrollment of one thousand five  
25 hundred fifty students or greater.

26 3. [Except as further provided in subsection 4 of this  
27 section,] The following entities are eligible to sponsor charter  
28 schools:

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

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

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

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

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

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

28           4. [Changes in a school district's accreditation status

1 that affect charter schools shall be addressed as follows, except  
2 for the districts described in subdivisions (1) and (2) of  
3 subsection 2 of this section:

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

9 (2) As a district transitions from provisionally accredited  
10 to full accreditation, the district shall continue to fall under  
11 the requirements for a provisionally accredited district until it  
12 achieves three consecutive full school years of full  
13 accreditation;

14 (3) In any school district classified as unaccredited or  
15 provisionally accredited where a charter school is operating and  
16 is sponsored by an entity other than the local school board, when  
17 the school district becomes classified as accredited without  
18 provisions, a charter school may continue to be sponsored by the  
19 entity sponsoring it prior to the classification of accredited  
20 without provisions and shall not be limited to the local school  
21 board as a sponsor.

22  
23 A charter school operating in a school district identified in  
24 subdivision (1) or (2) of subsection 2 of this section may be  
25 sponsored by any of the entities identified in subsection 3 of  
26 this section, irrespective of the accreditation classification of  
27 the district in which it is located. A charter school in a  
28 district described in this subsection whose charter provides for

1 the addition of grade levels in subsequent years may continue to  
2 add levels until the planned expansion is complete to the extent  
3 of grade levels in comparable schools of the district in which  
4 the charter school is operated.

5 5. The mayor of a city not within a county may request a  
6 sponsor under subdivision (2), (3), (4), (5), or (6) of  
7 subsection 3 of this section to consider sponsoring a "workplace  
8 charter school", which is defined for purposes of sections  
9 160.400 to 160.425 as a charter school with the ability to target  
10 prospective students whose parent or parents are employed in a  
11 business district, as defined in the charter, which is located in  
12 the city.

13 [6.] No sponsor shall receive from an applicant for a  
14 charter school any fee of any type for the consideration of a  
15 charter, nor may a sponsor condition its consideration of a  
16 charter on the promise of future payment of any kind.

17 [7.] 5. The charter school shall be organized as a Missouri  
18 nonprofit corporation incorporated pursuant to chapter 355. The  
19 charter provided for herein shall constitute a contract between  
20 the sponsor and the charter school.

21 [8.] 6. As a nonprofit corporation incorporated pursuant to  
22 chapter 355, the charter school shall select the method for  
23 election of officers pursuant to section 355.326 based on the  
24 class of corporation selected. Meetings of the governing board  
25 of the charter school shall be subject to the provisions of  
26 sections 610.010 to 610.030.

27 [9.] 7. A sponsor of a charter school, its agents and  
28 employees are not liable for any acts or omissions of a charter

1 school that it sponsors, including acts or omissions relating to  
2 the charter submitted by the charter school, the operation of the  
3 charter school and the performance of the charter school.

4 [10.] 8. A charter school may affiliate with a four-year  
5 college or university, including a private college or university,  
6 or a community college as otherwise specified in subsection 3 of  
7 this section when its charter is granted by a sponsor other than  
8 such college, university or community college. Affiliation  
9 status recognizes a relationship between the charter school and  
10 the college or university for purposes of teacher training and  
11 staff development, curriculum and assessment development, use of  
12 physical facilities owned by or rented on behalf of the college  
13 or university, and other similar purposes. A university, college  
14 or community college may not charge or accept a fee for  
15 affiliation status.

16 [11.] 9. The expenses associated with sponsorship of  
17 charter schools shall be defrayed by the department of elementary  
18 and secondary education retaining one and five-tenths percent of  
19 the amount of state and local funding allocated to the charter  
20 school under section 160.415, not to exceed one hundred  
21 twenty-five thousand dollars, adjusted for inflation. The  
22 department of elementary and secondary education shall remit the  
23 retained funds for each charter school to the school's sponsor,  
24 provided the sponsor remains in good standing by fulfilling its  
25 sponsorship obligations under sections 160.400 to 160.425 and  
26 167.349 with regard to each charter school it sponsors, including  
27 appropriate demonstration of the following:

- 28 (1) Expends no less than ninety percent of its charter

1 school sponsorship funds in support of its charter school  
2 sponsorship program, or as a direct investment in the sponsored  
3 schools;

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

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

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

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

19 [12.] 10. Sponsors receiving funds under subsection [11] 9  
20 of this section shall be required to submit annual reports to the  
21 joint committee on education demonstrating they are in compliance  
22 with subsection [17] 15 of this section.

23 [13.] 11. No university, college or community college shall  
24 grant a charter to a nonprofit corporation if an employee of the  
25 university, college or community college is a member of the  
26 corporation's board of directors.

27 [14.] 12. No sponsor shall grant a charter under sections  
28 160.400 to 160.425 and 167.349 without ensuring that a criminal

1 background check and family care safety registry check are  
2 conducted for all members of the governing board of the charter  
3 schools or the incorporators of the charter school if initial  
4 directors are not named in the articles of incorporation, nor  
5 shall a sponsor renew a charter without ensuring a criminal  
6 background check and family care safety registry check are  
7 conducted for each member of the governing board of the charter  
8 school.

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

20 [16.] 14. A sponsor shall develop the policies and  
21 procedures for:

22 (1) The review of a charter school proposal including an  
23 application that provides sufficient information for rigorous  
24 evaluation of the proposed charter and provides clear  
25 documentation that the education program and academic program are  
26 aligned with the state standards and grade-level expectations,  
27 and provides clear documentation of effective governance and  
28 management structures, and a sustainable operational plan;

1 (2) The granting of a charter;

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

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

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

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

18  
19 The department shall provide guidance to sponsors in developing  
20 such policies and procedures.

21 [17.] 15. (1) A sponsor shall provide timely submission to  
22 the state board of education of all data necessary to demonstrate  
23 that the sponsor is in material compliance with all requirements  
24 of sections 160.400 to 160.425 and section 167.349. The state  
25 board of education shall ensure each sponsor is in compliance  
26 with all requirements under sections 160.400 to 160.425 and  
27 167.349 for each charter school sponsored by any sponsor. The  
28 state board shall notify each sponsor of the standards for

1 sponsorship of charter schools, delineating both what is mandated  
2 by statute and what best practices dictate. The state board  
3 shall evaluate sponsors to determine compliance with these  
4 standards every three years. The evaluation shall include a  
5 sponsor's policies and procedures in the areas of charter  
6 application approval; required charter agreement terms and  
7 content; sponsor performance evaluation and compliance  
8 monitoring; and charter renewal, intervention, and revocation  
9 decisions. Nothing shall preclude the department from  
10 undertaking an evaluation at any time for cause.

11 (2) If the department determines that a sponsor is in  
12 material noncompliance with its sponsorship duties, the sponsor  
13 shall be notified and given reasonable time for remediation. If  
14 remediation does not address the compliance issues identified by  
15 the department, the commissioner of education shall conduct a  
16 public hearing and thereafter provide notice to the charter  
17 sponsor of corrective action that will be recommended to the  
18 state board of education. Corrective action by the department  
19 may include withholding the sponsor's funding and suspending the  
20 sponsor's authority to sponsor a school that it currently  
21 sponsors or to sponsor any additional school until the sponsor is  
22 reauthorized by the state board of education under section  
23 160.403.

24 (3) The charter sponsor may, within thirty days of receipt  
25 of the notice of the commissioner's recommendation, provide a  
26 written statement and other documentation to show cause as to why  
27 that action should not be taken. Final determination of  
28 corrective action shall be determined by the state board of

1 education based upon a review of the documentation submitted to  
2 the department and the charter sponsor.

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

7 [18.] 16. If a sponsor notifies a charter school of closure  
8 under subsection 8 of section 160.405, the department of  
9 elementary and secondary education shall exercise its financial  
10 withholding authority under subsection 12 of section 160.415 to  
11 assure all obligations of the charter school shall be met. The  
12 state, charter sponsor, or resident district shall not be liable  
13 for any outstanding liability or obligations of the charter  
14 school.

15 17. If a charter school fails to receive a renewal of its  
16 charter after a three-year term as described in paragraph (e) of  
17 subdivision (3) of subsection 9 of section 160.405, the sponsor  
18 of the charter school at the time of the failure of renewal shall  
19 not sponsor any new charter schools until the state board of  
20 education has completed an evaluation and received a  
21 determination of compliance with all requirements under sections  
22 160.400 to 160.425 and section 167.349 for all charter schools  
23 sponsored by the sponsor and meets the state standards of  
24 sponsorship. The provisions of this subsection shall not apply  
25 to sponsors who revoke or let lapse the three-year charter.

26 160.404. 1. For purposes of sections 160.400 to 160.425,  
27 the term "underperformance", "underperforms", or "underperformed"  
28 means the receipt of scores demonstrating that the percentage of

1 students who perform proficient and advanced on the annual  
2 statewide system of assessments under section 160.518 in English  
3 language arts and mathematics in a charter school is lower than  
4 the average percentage of grade-level-equivalent students  
5 attending nonselective attendance centers in the school district  
6 which the charter school is located who perform proficient and  
7 advanced in English language arts and mathematics.

8 2. Notwithstanding subsection 1 of this section, the term  
9 "underperformance", "underperforms", or "underperformed" shall  
10 not apply to any charter school in which:

11 (1) Fifty percent or more of the school's students were  
12 previously considered dropouts under subdivision (5) of  
13 subsection 2 of section 160.405; or

14 (2) The average rate of growth in English language arts and  
15 mathematics on the annual statewide system of assessments under  
16 section 160.518 based on the state's growth model for the charter  
17 school's students is higher than the average growth in English  
18 language arts and mathematics based on the state's growth model  
19 for grade-level-equivalent students attending nonselective  
20 attendance centers in the school district in which the charter  
21 school is located.

22 160.405. 1. A person, group or organization seeking to  
23 establish a charter school shall submit the proposed charter, as  
24 provided in this section, to a sponsor. If the sponsor is not a  
25 school board, the applicant shall give a copy of its application  
26 to the school board of the district in which the charter school  
27 is to be located and to the state board of education, within five  
28 business days of the date the application is filed with the

1 proposed sponsor. The school board may file objections with the  
2 proposed sponsor, and, if a charter is granted, the school board  
3 may file objections with the state board of education. The  
4 charter shall include a legally binding performance contract that  
5 describes the obligations and responsibilities of the school and  
6 the sponsor as outlined in sections 160.400 to 160.425 and  
7 section 167.349 and shall address the following:

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

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

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

17 (4) A description of the charter school's policy for  
18 securing personnel services, its personnel policies, personnel  
19 qualifications, and professional development plan;

20 (5) A description of the grades or ages of students being  
21 served;

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

25 (7) A description of the charter school's pupil performance  
26 standards and academic program performance standards, which shall  
27 meet the requirements of subdivision (6) of subsection 4 of this  
28 section. The charter school program shall be designed to enable

1 each pupil to achieve such standards and shall contain a complete  
2 set of indicators, measures, metrics, and targets for academic  
3 program performance, including specific goals on graduation rates  
4 and standardized test performance and academic growth;

5 (8) A description of the charter school's educational  
6 program and curriculum;

7 (9) The term of the charter, which shall be five years and  
8 may be renewed for a five-year term; except that, if renewal  
9 occurs as described under paragraph (e) of subdivision (3) of  
10 subsection 9 of this section, such renewal shall be for only a  
11 three-year term;

12 (10) Procedures, consistent with the Missouri financial  
13 accounting manual, for monitoring the financial accountability of  
14 the charter, which shall meet the requirements of subdivision (4)  
15 of subsection 4 of this section;

16 (11) Preopening requirements for applications that require  
17 that charter schools meet all health, safety, and other legal  
18 requirements prior to opening;

19 (12) A description of the charter school's policies on  
20 student discipline and student admission, which shall include a  
21 statement, where applicable, of the validity of attendance of  
22 students who do not reside in the district but who may be  
23 eligible to attend under the terms of judicial settlements and  
24 procedures that ensure admission of students with disabilities in  
25 a nondiscriminatory manner;

26 (13) A description of the charter school's grievance  
27 procedure for parents or guardians;

28 (14) A description of the agreement and time frame for

1 implementation between the charter school and the sponsor as to  
2 when a sponsor shall intervene in a charter school, when a  
3 sponsor shall revoke a charter for failure to comply with  
4 subsection 8 of this section, and when a sponsor will not renew a  
5 charter under subsection 9 of this section;

6 (15) Procedures to be implemented if the charter school  
7 should close, as provided in subdivision (6) of subsection 16 of  
8 section 160.400 including:

9 (a) Orderly transition of student records to new schools  
10 and archival of student records;

11 (b) Archival of business operation and transfer or  
12 repository of personnel records;

13 (c) Submission of final financial reports;

14 (d) Resolution of any remaining financial obligations;

15 (e) Disposition of the charter school's assets upon  
16 closure; and

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

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

24 (17) For all new or revised charters, procedures to be used  
25 upon closure of the charter school requiring that unobligated  
26 assets of the charter school be returned to the department of  
27 elementary and secondary education for their disposition, which  
28 upon receipt of such assets shall return them to the local school

1 district in which the school was located, the state, or any other  
2 entity to which they would belong.

3  
4 Charter schools operating on August 27, 2012, shall have until  
5 August 28, 2015, to meet the requirements of this subsection.

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

8 (1) A charter shall be submitted to the sponsor, and follow  
9 the sponsor's policies and procedures for review and granting of  
10 a charter approval, and be approved by the state board of  
11 education by January thirty-first prior to the school year of the  
12 proposed opening date of the charter school;

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

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

24 (4) If a proposed charter is denied by a sponsor, the  
25 proposed charter may be submitted to the state board of  
26 education, along with the sponsor's written reasons for its  
27 denial. If the state board determines that the applicant meets  
28 the requirements of this section, that the applicant is

1 sufficiently qualified to operate the charter school, and that  
2 granting a charter to the applicant would be likely to provide  
3 educational benefit to the children of the district, the state  
4 board may grant a charter and act as sponsor of the charter  
5 school. The state board shall review the proposed charter and  
6 make a determination of whether to deny or grant the proposed  
7 charter within sixty days of receipt of the proposed charter,  
8 provided that any charter to be considered by the state board of  
9 education under this subdivision shall be submitted no later than  
10 March first prior to the school year in which the charter school  
11 intends to begin operations. The state board of education shall  
12 notify the applicant in writing as the reasons for its denial, if  
13 applicable; and

14 (5) The sponsor of a charter school shall give priority to  
15 charter school applicants that propose a school oriented to  
16 high-risk students and to the reentry of dropouts into the school  
17 system. If a sponsor grants three or more charters, at least  
18 one-third of the charters granted by the sponsor shall be to  
19 schools that actively recruit dropouts or high-risk students as  
20 their student body and address the needs of dropouts or high-risk  
21 students through their proposed mission, curriculum, teaching  
22 methods, and services. For purposes of this subsection, a  
23 "high-risk" student is one who is at least one year behind in  
24 satisfactory completion of course work or obtaining high school  
25 credits for graduation, has dropped out of school, is at risk of  
26 dropping out of school, needs drug and alcohol treatment, has  
27 severe behavioral problems, has been suspended from school three  
28 or more times, has a history of severe truancy, is a pregnant or

1 parenting teen, has been referred for enrollment by the judicial  
2 system, is exiting incarceration, is a refugee, is homeless or  
3 has been homeless sometime within the preceding six months, has  
4 been referred by an area school district for enrollment in an  
5 alternative program, or qualifies as high risk under department  
6 of elementary and secondary education guidelines. Dropout shall  
7 be defined through the guidelines of the school core data report.  
8 The provisions of this subsection do not apply to charters  
9 sponsored by the state board of education.

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

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

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

3 (2) Comply with laws and regulations of the state, county,  
4 or city relating to health, safety, and state minimum educational  
5 standards, as specified by the state board of education,  
6 including the requirements relating to student discipline under  
7 sections 160.261, 167.161, 167.164, and 167.171, notification of  
8 criminal conduct to law enforcement authorities under sections  
9 167.115 to 167.117, academic assessment under section 160.518,  
10 transmittal of school records under section 167.020, the minimum  
11 amount of school time required under section 171.031, and the  
12 employee criminal history background check and the family care  
13 safety registry check under section 168.133;

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

18 (4) Be financially accountable, use practices consistent  
19 with the Missouri financial accounting manual, provide for an  
20 annual audit by a certified public accountant, publish audit  
21 reports and annual financial reports as provided in chapter 165,  
22 provided that the annual financial report may be published on the  
23 department of elementary and secondary education's internet  
24 website in addition to other publishing requirements, and provide  
25 liability insurance to indemnify the school, its board, staff and  
26 teachers against tort claims. A charter school that receives  
27 local educational agency status under subsection 6 of this  
28 section shall meet the requirements imposed by the Elementary and

1 Secondary Education Act for audits of such agencies and comply  
2 with all federal audit requirements for charters with local  
3 educational agency status. The charter school shall make the  
4 results of such audits available on its website. For purposes of  
5 an audit by petition under section 29.230, a charter school shall  
6 be treated as a political subdivision on the same terms and  
7 conditions as the school district in which it is located. For  
8 the purposes of securing such insurance, a charter school shall  
9 be eligible for the Missouri public entity risk management fund  
10 pursuant to section 537.700. A charter school that incurs debt  
11 shall include a repayment plan in its financial plan;

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

15 (6) (a) Design a method to measure pupil progress toward  
16 the pupil academic standards adopted by the state board of  
17 education pursuant to section 160.514, establish baseline student  
18 performance in accordance with the performance contract during  
19 the first year of operation, collect student performance data as  
20 defined by the annual performance report throughout the duration  
21 of the charter to annually monitor student academic performance,  
22 and to the extent applicable based upon grade levels offered by  
23 the charter school, participate in the statewide system of  
24 assessments, comprised of the essential skills tests and the  
25 nationally standardized norm-referenced achievement tests, as  
26 designated by the state board pursuant to section 160.518,  
27 complete and distribute an annual report card as prescribed in  
28 section 160.522, which shall also include a statement that

1 background checks have been completed on the charter school's  
2 board members, and report to its sponsor, the local school  
3 district, and the state board of education as to its teaching  
4 methods and any educational innovations and the results thereof.  
5 No charter school shall be considered in the Missouri school  
6 improvement program review of the district in which it is located  
7 for the resource or process standards of the program.

8 (b) For proposed high-risk or alternative charter schools,  
9 sponsors shall approve performance measures based on mission,  
10 curriculum, teaching methods, and services. Sponsors shall also  
11 approve comprehensive academic and behavioral measures to  
12 determine whether students are meeting performance standards on a  
13 different time frame as specified in that school's charter.  
14 Student performance shall be assessed comprehensively to  
15 determine whether a high-risk or alternative charter school has  
16 documented adequate student progress. Student performance shall  
17 be based on sponsor-approved comprehensive measures as well as  
18 standardized public school measures. Annual presentation of  
19 charter school report card data to the department of elementary  
20 and secondary education, the state board, and the public shall  
21 include comprehensive measures of student progress.

22 (c) Nothing in this subdivision shall be construed as  
23 permitting a charter school to be held to lower performance  
24 standards than other public schools within a district; however,  
25 the charter of a charter school may permit students to meet  
26 performance standards on a different time frame as specified in  
27 its charter. The performance standards for alternative and  
28 special purpose charter schools that target high-risk students as

1 defined in subdivision (5) of subsection 2 of this section shall  
2 be based on measures defined in the school's performance contract  
3 with its sponsors;

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

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

12 (a) Documentation that the applicant has provided a copy of  
13 the application to the school board of the district in which the  
14 charter school is to be located, except in those circumstances  
15 where the school district is the sponsor of the charter school;  
16 and

17 (b) A statement outlining the reasons for approval or  
18 denial by the sponsor, specifically addressing the requirements  
19 of sections 160.400 to 160.425 and 167.349; and

20 (9) Seek to ensure that the percentage of its students who  
21 perform proficient and advanced on the annual statewide system of  
22 assessments under section 160.518 in English language arts and  
23 mathematics is equal to or higher than the average percentage of  
24 grade-level-equivalent students attending nonselective attendance  
25 centers in the school district in which it is located who perform  
26 proficient and advanced in English language arts and mathematics.

27 5. (1) Proposed or existing high-risk or alternative  
28 charter schools may include alternative arrangements for students

1 to obtain credit for satisfying graduation requirements in the  
2 school's charter application and charter. Alternative  
3 arrangements may include, but not be limited to, credit for  
4 off-campus instruction, embedded credit, work experience through  
5 an internship arranged through the school, and independent  
6 studies. When the state board of education approves the charter,  
7 any such alternative arrangements shall be approved at such time.

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

14 6. The charter of a charter school may be amended at the  
15 request of the governing body of the charter school and on the  
16 approval of the sponsor. The sponsor and the governing board and  
17 staff of the charter school shall jointly review the school's  
18 performance, management and operations during the first year of  
19 operation and then every other year after the most recent review  
20 or at any point where the operation or management of the charter  
21 school is changed or transferred to another entity, either public  
22 or private. The governing board of a charter school may amend  
23 the charter, if the sponsor approves such amendment, or the  
24 sponsor and the governing board may reach an agreement in writing  
25 to reflect the charter school's decision to become a local  
26 educational agency. In such case the sponsor shall give the  
27 department of elementary and secondary education written notice  
28 no later than March first of any year, with the agreement to

1 become effective July first. The department may waive the March  
2 first notice date in its discretion. The department shall  
3 identify and furnish a list of its regulations that pertain to  
4 local educational agencies to such schools within thirty days of  
5 receiving such notice.

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

8 (1) Participation in the statewide system of assessments,  
9 as designated by the state board of education under section  
10 160.518;

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

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

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

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

21 8. (1) (a) A sponsor's policies shall give schools clear,  
22 adequate, evidence-based, and timely notice of contract  
23 violations or performance deficiencies and mandate intervention  
24 based upon findings of the state board of education of the  
25 following:

26 a. The charter school provides a high school program which  
27 fails to maintain a graduation rate of at least seventy percent  
28 in three of the last four school years unless the school has

1 dropout recovery as its mission;

2 b. The charter school's annual performance report results  
3 are below the district's annual performance report results based  
4 on the performance standards that are applicable to the grade  
5 level configuration of both the charter school and the district  
6 in which the charter school is located in three of the last four  
7 school years; and

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

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

13 a. Clear evidence of ~~[underperformance]~~ low performance as  
14 demonstrated in the charter school's annual performance report in  
15 three of the last four school years; or

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

18 (c) A sponsor shall revoke a charter or take other  
19 appropriate remedial action, which may include placing the  
20 charter school on probationary status for no more than  
21 twenty-four months, provided that no more than one designation of  
22 probationary status shall be allowed for the duration of the  
23 charter contract, at any time if the charter school commits a  
24 serious breach of one or more provisions of its charter or on any  
25 of the following grounds:

26 a. Failure to meet the performance contract as set forth in  
27 its charter~~[,]~~;

28 b. Underperformance for at least two years;

1           c. Failure to meet generally accepted standards of fiscal  
2 management[, ];

3           d. Failure to provide information necessary to confirm  
4 compliance with all provisions of the charter and sections  
5 160.400 to 160.425 and 167.349 within forty-five days following  
6 receipt of written notice requesting such information[, ];

7           e. Violation of law.

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

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

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

26           (5) A termination shall be effective only at the conclusion  
27 of the school year, unless the sponsor determines that continued  
28 operation of the school presents a clear and immediate threat to

1 the health and safety of the children.

2 (6) A charter sponsor shall make available the school  
3 accountability report card information as provided under section  
4 160.522 and the results of the academic monitoring required under  
5 subsection 3 of this section.

6 9. (1) A sponsor shall take all reasonable steps necessary  
7 to confirm that each charter school sponsored by such sponsor is  
8 in material compliance and remains in material compliance with  
9 all material provisions of the charter and sections 160.400 to  
10 160.425 and 167.349. Every charter school shall provide all  
11 information necessary to confirm ongoing compliance with all  
12 provisions of its charter and sections 160.400 to 160.425 and  
13 167.349 in a timely manner to its sponsor.

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

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

23 (b) The charter school has underperformed for two of the  
24 three consecutive years immediately before a decision whether to  
25 renew the school's charter is made;

26 (c) The charter school is organizationally and fiscally  
27 viable determining at a minimum that the school does not have:

28 a. A negative balance in its operating funds;

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

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

6           [(c)] (d) The charter is in compliance with its legally  
7 binding performance contract and sections 160.400 to 160.425 and  
8 section 167.349; and

9           [(d)] (e) The charter school has an annual performance  
10 report consistent with a classification of accredited for three  
11 of the last four years and is fiscally viable as described in  
12 paragraph (b) of this subdivision. If such is the case, the  
13 charter school may have an expedited renewal process as defined  
14 by rule of the department of elementary and secondary education.

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

22           (b) Along with data reflecting the academic performance  
23 standards indicated in paragraph (a) of this subdivision, the  
24 sponsor shall submit a revised charter application to the state  
25 board of education for review. Such application shall include a  
26 financial audit performed by an independent certified public  
27 accountant in accordance with generally accepted auditing  
28 standards, which shall be paid for by the charter school.

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

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

10           (e) If a charter school underperforms for two of the three  
11 consecutive years immediately before a decision whether to renew  
12 the school's charter is made, any renewal granted shall be for  
13 only a three-year term. If the charter school again  
14 underperforms for two years of the three-year term, the school's  
15 charter shall not be renewed.

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

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

1 district employee as a direct result of a lawful application to  
2 establish a charter school and that is adverse to another  
3 employee or an educational program.

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

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

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

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

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

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

28 16. The joint committee on education shall create a

1 committee to investigate facility access and affordability for  
2 charter schools. The committee shall be comprised of equal  
3 numbers of the charter school sector and the public school sector  
4 and shall report its findings to the general assembly by December  
5 31, 2016.

6 160.408. 1. For purposes of this section, "high-quality  
7 charter school" means a charter school operating in the state of  
8 Missouri that meets the following requirements:

9 (1) Receives eighty-five percent or more of the total  
10 points on the annual performance report for three out of the last  
11 four school years by comparing points earned to the points  
12 possible on the annual performance report for three of the last  
13 four school years;

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

17 (3) Is in material compliance with its legally binding  
18 performance contract and sections 160.400 to 160.425 and section  
19 167.349; and

20 (4) Is organizationally and fiscally viable as described in  
21 paragraph (b) of subdivision (2) of subsection 9 of section  
22 160.405.

23 2. Notwithstanding any other provision of law, high-quality  
24 charter schools shall be provided expedited opportunities to  
25 replicate and expand into unaccredited districts, a metropolitan  
26 district, or an urban school district containing most or all of a  
27 home rule city with more than four hundred thousand inhabitants  
28 and located in more than one county. Such replication and

1 expansion shall be subject to the following:

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

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

9 (3) If a charter is approved by a sponsor, the charter  
10 application shall be filed with the state board of education with  
11 a statement of finding from the sponsor that the application  
12 meets the requirements of sections 160.400 to 160.425 and section  
13 167.349 and a monitoring plan under which the sponsor shall  
14 evaluate the academic performance of students enrolled in the  
15 charter school. Such filing shall be made by January  
16 thirty-first prior to the school year in which the charter school  
17 intends to begin operations.

18 3. The term of the charter for schools operating under this  
19 section shall be five years, and the charter may be renewed for  
20 terms of up to ten years. Renewal shall be subject to the  
21 provisions of paragraphs (a) to ~~[(d)]~~ (e) of subdivision (3) of  
22 subsection 9 of section 160.405.

23 160.410. 1. A charter school shall enroll:

24 (1) All pupils resident in the district in which it  
25 operates;

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

28 (3) Nonresident pupils who transfer from an unaccredited

1 district under section [167.131] 167.895, provided that the  
2 charter school is an approved charter school, as defined in  
3 section [167.131] 167.895, and subject to all other provisions of  
4 section [167.131] 167.895;

5 (4) Nonresident pupils who are residents of the state of  
6 Missouri, unless the pupil's enrollment will cause a resident  
7 pupil, or a nonresident pupil eligible to attend a district's  
8 school under an urban voluntary transfer program to be denied  
9 enrollment;

10 (5) In the case of a charter school whose mission includes  
11 student drop-out prevention or recovery, any nonresident pupil  
12 from the same or an adjacent county who resides in a residential  
13 care facility, a transitional living group home, or an  
14 independent living program whose last school of enrollment is in  
15 the school district where the charter school is established, who  
16 submits a timely application; and

17 [(5)] (6) In the case of a workplace charter school, any  
18 student eligible to attend under subdivision (1) or (2) of this  
19 subsection whose parent is employed in the business district, who  
20 submits a timely application, unless the number of applications  
21 exceeds the capacity of a program, class, grade level or  
22 building. The configuration of a business district shall be set  
23 forth in the charter and shall not be construed to create an  
24 undue advantage for a single employer or small number of  
25 employers.

26 2. If capacity is insufficient to enroll all pupils who  
27 submit a timely application, the charter school shall have an  
28 admissions process that assures all applicants of an equal chance

1 of gaining admission and does not discriminate based on parents'  
2 ability to pay fees or tuition except that:

3 (1) A charter school may establish a geographical area  
4 around the school whose residents will receive a preference for  
5 enrolling in the school, provided that such preferences do not  
6 result in the establishment of racially or socioeconomically  
7 isolated schools and provided such preferences conform to  
8 policies and guidelines established by the state board of  
9 education;

10 (2) A charter school may also give a preference for  
11 admission of children whose siblings attend the school or whose  
12 parents are employed at the school or in the case of a workplace  
13 charter school, a child whose parent is employed in the business  
14 district or at the business site of such school; [and]

15 (3) Charter schools may also give a preference for  
16 admission to high-risk students, as defined in subdivision (5) of  
17 subsection 2 of section 160.405, when the school targets these  
18 students through its proposed mission, curriculum, teaching  
19 methods, and services; and

20 (4) A charter school may also give preference for admission  
21 to students who will be eligible for the free and reduced price  
22 lunch program in the upcoming school year.

23 3. A charter school shall not limit admission based on  
24 race, ethnicity, national origin, disability, income level except  
25 as allowed under subdivision (4) of subsection 2 of this section,  
26 proficiency in the English language or athletic ability, but may  
27 limit admission to pupils within a given age group or grade  
28 level. Charter schools may limit admission based on gender only

1 when the school is a single-gender school. Students of a charter  
2 school who have been enrolled for a full academic year shall be  
3 counted in the performance of the charter school on the statewide  
4 assessments in that calendar year, unless otherwise exempted as  
5 English language learners. For purposes of this subsection,  
6 "full academic year" means the last Wednesday in September  
7 through the administration of the Missouri assessment program  
8 test without transferring out of the school and re-enrolling.

9 4. A charter school shall make available for public  
10 inspection as well as on their website, and provide upon request,  
11 to the parent, guardian, or other custodian of any school-age  
12 pupil resident in the district in which the school is located the  
13 following information:

14 (1) The school's charter;

15 (2) The school's most recent annual report card published  
16 according to section 160.522;

17 (3) ~~["The results of"]~~ A statement that the charter school  
18 has completed background checks on the charter school's board  
19 members; and

20 (4) If a charter school is operated by a management  
21 company, a copy of the written contract between the governing  
22 board of the charter school and the educational management  
23 organization or the charter management organization for services.  
24 The charter school may charge reasonable fees, not to exceed the  
25 rate specified in section 610.026 for furnishing copies of  
26 documents under this subsection.

27 5. When a student attending a charter school who is a  
28 resident of the school district in which the charter school is

1 located moves out of the boundaries of such school district, the  
2 student may complete the current semester and shall be considered  
3 a resident student. The student's parent or legal guardian shall  
4 be responsible for the student's transportation to and from the  
5 charter school.

6 6. If a change in school district boundary lines occurs  
7 under section 162.223, 162.431, 162.441, or 162.451, or by action  
8 of the state board of education under section 162.081, including  
9 attachment of a school district's territory to another district  
10 or dissolution, such that a student attending a charter school  
11 prior to such change no longer resides in a school district in  
12 which the charter school is located, then the student may  
13 complete the current academic year at the charter school. The  
14 student shall be considered a resident student. The student's  
15 parent or legal guardian shall be responsible for the student's  
16 transportation to and from the charter school.

17 7. The provisions of sections 167.018 and 167.019  
18 concerning foster children's educational rights are applicable to  
19 charter schools.

20 160.415. 1. For the purposes of calculation and  
21 distribution of state school aid under section 163.031, pupils  
22 enrolled in a charter school shall be included in the pupil  
23 enrollment of the school district within which each pupil  
24 resides. Each charter school shall report the names, addresses,  
25 and eligibility for free and reduced price lunch, special  
26 education, or limited English proficiency status, as well as  
27 eligibility for categorical aid, of pupils resident in a school  
28 district who are enrolled in the charter school to the school

1 district in which those pupils reside. The charter school shall  
2 report the average daily attendance data, free and reduced price  
3 lunch count, special education pupil count, and limited English  
4 proficiency pupil count to the state department of elementary and  
5 secondary education. Each charter school shall promptly notify  
6 the state department of elementary and secondary education and  
7 the pupil's school district when a student discontinues  
8 enrollment at a charter school.

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

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

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

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

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

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

9           (6) If a charter school has one or more nonresident pupils,  
10 the nonresident pupils shall not be counted for purposes of  
11 determining the amount of aid described in subdivisions (1) and  
12 (2) of this subsection. Each school district that has one or  
13 more of its resident pupils attending such a charter school shall  
14 pay to the charter, for each pupil one hundred percent of its  
15 average per-pupil expenditure excluding interest payments and  
16 grants.

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

23           4. (1) A charter school that has declared itself as a  
24 local educational agency shall receive from the department of  
25 elementary and secondary education an annual amount equal to the  
26 product of the charter school's weighted average daily attendance  
27 and the state adequacy target, multiplied by the dollar value  
28 modifier for the district, plus local tax revenues per weighted

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

10 (2) (a) If a charter school has one or more nonresident  
11 pupils, the charter school shall receive from the department of  
12 elementary and secondary education an annual amount equal to the  
13 amount described in subdivision (1) of this subsection; except  
14 that, the nonresident pupils shall not be counted for the  
15 purposes of determining the amount of aid as described in  
16 subdivision (1) of this subsection. Each school district that  
17 has one or more of its resident pupils attending such a charter  
18 school as nonresident pupils shall pay to the charter school, for  
19 each pupil one hundred percent of its average per-pupil  
20 expenditure excluding interest payments and grants.

21 (b) Upon notice of the charter school's declaration of  
22 local educational agency status, the department of elementary and  
23 secondary education shall reduce the payment made to the school  
24 district in which the charter school is located from any source  
25 by the amount specified in subdivision (1) of this subsection,  
26 calculated as described in paragraph (a) of this subdivision, and  
27 pay directly to the charter school the annual amount reduced from  
28 the school district's payment.

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

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

1 actual costs of such services shall be paid for by the charter  
2 school.

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

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

13 (2) Provide a term sheet setting forth the proposed  
14 duration of the service contract; roles and responsibilities of  
15 the governing board, the school staff, and the service provider;  
16 scope of services and resources to be provided by the service  
17 provider; performance evaluation measures and time lines;  
18 compensation structure, including clear identification of all  
19 fees to be paid to the service provider; methods of contract  
20 oversight and enforcement; investment disclosure; and conditions  
21 for renewal and termination of the contract;

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

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

28 (5) Ensure that the legal counsel for the charter school

1 shall report directly to the charter school's governing board;  
2 and

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

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

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

16 10. (1) The proportionate share of state and federal  
17 resources generated by students with disabilities or staff  
18 serving them shall be paid in full to charter schools enrolling  
19 those students by their school district where such enrollment is  
20 through a contract for services described in this section. The  
21 proportionate share of money generated under other federal or  
22 state categorical aid programs shall be directed to charter  
23 schools serving such students eligible for that aid.

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

28 11. A charter school may not charge tuition or impose fees

1 that a school district is prohibited from charging or imposing,  
2 except that a charter school may receive:

3 (1) Tuition payments from districts in the same or an  
4 adjoining county for nonresident students who transfer to an  
5 approved charter school, as defined in section [167.131] 167.895,  
6 from an unaccredited district; and

7 (2) Payments from school districts as described in this  
8 section.

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

1 liabilities, and reporting requirements, including a full audit,  
2 are satisfied.

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

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

11 15. Notwithstanding any other provision in this section, if  
12 a pupil attends a charter school outside of his or her district  
13 of residence under the provisions of 160.410 and any other  
14 provision that specifies a tuition amount to be paid by the  
15 resident district, the provision of the other section specifying  
16 the tuition amount shall govern and the provisions of this  
17 section shall not apply to such pupil.

18 160.422. 1. Any city not within a county shall not adopt,  
19 enforce, impose, or administer an ordinance, local policy, or  
20 local resolution that prohibits property sold, leased, or  
21 transferred by the city not within a county from being used for  
22 any lawful educational purpose by a charter school.

23 2. Any city not within a county shall not impose, enforce,  
24 or apply any deed restriction that expressly, or by its  
25 operation, prohibits property sold, leased, or transferred by the  
26 city not within a county from being used for any lawful  
27 educational purpose by a charter school. Any deed restriction or  
28 affirmative use deed restriction that affirmatively allows for

1 only one or more specified uses or purposes that do not include  
2 any educational use or purpose is prohibited under this section.  
3 Any deed restriction or affirmative use deed restriction in  
4 effect on the effective date of this section that prohibits or  
5 does not permit property previously used for any educational  
6 purpose from being used for any future educational purpose is  
7 void.

8 3. If any city not within a county offers property of the  
9 city not within a county for sale, lease, or rent, the city not  
10 within a county shall not refuse to sell, lease, or rent the  
11 property to a charter school solely because the charter school  
12 intends to use the property for an educational purpose, if the  
13 intent of the charter school is to use the property for a lawful  
14 educational purpose. If the city not within a county offers  
15 property of the city not within a county for sale, lease, or  
16 rent, the city not within a county is not required to sell,  
17 lease, or rent the property to a charter school solely because  
18 the charter school intends to use the property for an educational  
19 purpose.

20 4. Any ordinance, policy, regulation, deed, or contract  
21 made in violation of this section shall be void from its  
22 inception.

23 160.425. 1. The "Missouri Charter Public School  
24 Commission" is hereby created with the authority to sponsor high  
25 quality charter schools throughout the state of Missouri.

26 2. The commission shall consist of nine members appointed  
27 by the governor, by and with the advice and consent of the  
28 senate. No more than five of the members shall be of the same

1 political party. No more than two members shall be from the same  
2 congressional district. The term of office of each member shall  
3 be four years, except those of the members first appointed, of  
4 which three shall be appointed for a term of one year, two for a  
5 term of two years, two for a term of three years, and two for a  
6 term of four years. At the expiration of the term of each  
7 member, the governor, by and with the advice and consent of the  
8 senate, shall appoint a successor.

9 3. The appointees to the commission shall be selected as  
10 follows:

11 (1) One member selected by the governor from a slate of  
12 three recommended by the commissioner of education;

13 (2) One member selected by the governor from a slate of  
14 three recommended by the commissioner of higher education;

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

17 (4) One member selected by the governor from a slate of  
18 three recommended by the speaker of the house of representatives;  
19 and

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

23 4. Members appointed to the commission shall collectively  
24 possess strong experience and expertise in governance, management  
25 and finance, school leadership, assessment, curriculum and  
26 instruction, and education law. All members of the commission  
27 shall have demonstrated understanding of and commitment to  
28 charter schooling as a strategy for strengthening public

1 education.

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

9 6. The commission may approve proposed charters for its  
10 sponsorship under sections 160.400 to 160.425 and shall:

11 (1) Comply with all of the requirements applicable to  
12 sponsors under sections 160.400 to 160.425;

13 (2) Exercise sponsorship over charters approved by the  
14 commission under sections 160.400 to 160.425, including receipt  
15 of sponsorship funding under subsection [11] 9 of section  
16 160.400.

17 7. Charter schools sponsored by the commission shall comply  
18 with all of the requirements applicable to charter schools under  
19 sections 160.400 to 160.425.

20 8. The commission shall conduct its business in accordance  
21 with chapter 610.

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

26 10. The commission is authorized to receive and expend  
27 gifts, grants, and donations of any kind from any public or  
28 private entity to carry out the purposes of sections 160.400 to

1 160.425, subject to the terms and conditions under which they are  
2 given, provided that all such terms and conditions are  
3 permissible under law.

4 162.081. 1. Whenever any school district in this state  
5 fails or refuses in any school year to provide for the minimum  
6 school term required by section 163.021 or is classified  
7 unaccredited, the state board of education shall, upon a  
8 district's initial classification or reclassification as  
9 unaccredited:

10 (1) Review the governance of the district to establish the  
11 conditions under which the existing school board shall continue  
12 to govern; or

13 (2) Determine the date the district shall lapse and  
14 determine an alternative governing structure for the district.

15 2. If at the time any school district in this state shall  
16 be classified as unaccredited, the department of elementary and  
17 secondary education shall conduct at least two public hearings at  
18 a location in the unaccredited school district regarding the  
19 accreditation status of the school district. The hearings shall  
20 provide an opportunity to convene community resources that may be  
21 useful or necessary in supporting the school district as it  
22 attempts to return to accredited status, continues under revised  
23 governance, or plans for continuity of educational services and  
24 resources upon its attachment to a neighboring district. The  
25 department may request the attendance of stakeholders and  
26 district officials to review the district's plan to return to  
27 accredited status, if any; offer technical assistance; and  
28 facilitate and coordinate community resources. Such hearings

1 shall be conducted at least twice annually for every year in  
2 which the district remains unaccredited or provisionally  
3 accredited.

4 3. Upon classification of a district as unaccredited, the  
5 state board of education may:

6 (1) Allow continued governance by the existing school  
7 district board of education under terms and conditions  
8 established by the state board of education; or

9 (2) Lapse the corporate organization of all or part of the  
10 unaccredited district and:

11 (a) Appoint a special administrative board for the  
12 operation of all or part of the district. If a special  
13 administrative board is appointed for the operation of a part of  
14 a school district, the state board of education shall determine  
15 an equitable apportionment of state and federal aid for the part  
16 of the district and the school district shall provide local  
17 revenue in proportion to the weighted average daily attendance of  
18 the part. The number of members of the special administrative  
19 board shall not be less than five, the majority of whom shall be  
20 residents of the district. The members of the special  
21 administrative board shall reflect the population characteristics  
22 of the district and shall collectively possess strong experience  
23 in school governance, management and finance, and leadership.  
24 The state board of education may appoint members of the  
25 district's elected school board to the special administrative  
26 board, but members of the elected school board shall not comprise  
27 more than forty-nine percent of the special administrative  
28 board's membership. Within fourteen days after the appointment

1 by the state board of education, the special administrative board  
2 shall organize by the election of a president, vice president,  
3 secretary and a treasurer, with their duties and organization as  
4 enumerated in section 162.301. The special administrative board  
5 shall appoint a superintendent of schools to serve as the chief  
6 executive officer of the school district, or a subset of schools,  
7 and to have all powers and duties of any other general  
8 superintendent of schools in a seven-director school district.  
9 Any special administrative board appointed under this section  
10 shall be responsible for the operation of the district or part of  
11 the district until such time that the district is classified by  
12 the state board of education as provisionally accredited for at  
13 least two successive academic years, after which time the state  
14 board of education may provide for a transition pursuant to  
15 section 162.083; or

16 (b) Determine an alternative governing structure for the  
17 district including, at a minimum:

18 a. A rationale for the decision to use an alternative form  
19 of governance and in the absence of the district's achievement of  
20 full accreditation, the state board of education shall review and  
21 recertify the alternative form of governance every three years;

22 b. A method for the residents of the district to provide  
23 public comment after a stated period of time or upon achievement  
24 of specified academic objectives;

25 c. Expectations for progress on academic achievement, which  
26 shall include an anticipated time line for the district to reach  
27 full accreditation; and

28 d. Annual reports to the general assembly and the governor

1 on the progress towards accreditation of any district that has  
2 been declared unaccredited and is placed under an alternative  
3 form of governance, including a review of the effectiveness of  
4 the alternative governance; or

5 (c) Attach the territory of the lapsed district to another  
6 district or districts for school purposes; or

7 (d) Establish one or more school districts within the  
8 territory of the lapsed district, with a governance structure  
9 specified by the state board of education, with the option of  
10 permitting a district to remain intact for the purposes of  
11 assessing, collecting, and distributing property taxes, to be  
12 distributed equitably on a weighted average daily attendance  
13 basis, but to be divided for operational purposes, which shall  
14 take effect sixty days after the adjournment of the regular  
15 session of the general assembly next following the state board's  
16 decision unless a statute or concurrent resolution is enacted to  
17 nullify the state board's decision prior to such effective date.

18 4. If a district remains under continued governance by the  
19 school board under subdivision (1) of subsection 3 of this  
20 section and either has been unaccredited for three consecutive  
21 school years and failed to attain accredited status after the  
22 third school year or has been unaccredited for two consecutive  
23 school years and the state board of education determines its  
24 academic progress is not consistent with attaining accredited  
25 status after the third school year, then the state board of  
26 education shall proceed under subdivision (2) of subsection 3 of  
27 this section in the following school year.

28 5. A special administrative board or any other form of

1 governance appointed under this section shall retain the  
2 authority granted to a board of education for the operation of  
3 the lapsed school district under the laws of the state in effect  
4 at the time of the lapse and may enter into contracts with  
5 accredited school districts or other education service providers  
6 in order to deliver high-quality educational programs to the  
7 residents of the district. If a student graduates while  
8 attending a school building in the district that is operated  
9 under a contract with an accredited school district as specified  
10 under this subsection, the student shall receive his or her  
11 diploma from the accredited school district. The authority of  
12 the special administrative board or any other form of governance  
13 appointed under this section shall expire at the end of the third  
14 full school year following its appointment, unless extended by  
15 the state board of education. If the lapsed district is  
16 reassigned, the [special administrative board] governing board  
17 prior to lapse shall provide an accounting of all funds, assets  
18 and liabilities of the lapsed district and transfer such funds,  
19 assets, and liabilities of the lapsed district as determined by  
20 the state board of education. Neither the special administrative  
21 board nor any other form of governance appointed under this  
22 section nor its members or employees shall be deemed to be the  
23 state or a state agency for any purpose, including section  
24 105.711, et seq. The state of Missouri, its agencies and  
25 employees shall be absolutely immune from liability for any and  
26 all acts or omissions relating to or in any way involving the  
27 lapsed district, [the] a special administrative board, [its] any  
28 other form of governance appointed under this section, or the

1 members or employees of the lapsed district, a special  
2 administrative board, or any other form of governance appointed  
3 under this section. Such immunities, and immunity doctrines as  
4 exist or may hereafter exist benefitting boards of education,  
5 their members and their employees shall be available to the  
6 special administrative board[, its] or any other form of  
7 governance appointed under this section and the members and  
8 employees of the special administrative board or any other form  
9 of governance appointed under this section members and employees.

10 6. Neither the special administrative board nor any other  
11 form of governance appointed under this section nor any district  
12 or other entity assigned territory, assets or funds from a lapsed  
13 district shall be considered a successor entity for the purpose  
14 of employment contracts, unemployment compensation payment  
15 pursuant to section 288.110, or any other purpose.

16 7. If additional teachers are needed by a district as a  
17 result of increased enrollment due to the annexation of territory  
18 of a lapsed or dissolved district, such district shall grant an  
19 employment interview to any permanent teacher of the lapsed or  
20 dissolved district upon the request of such permanent teacher.

21 8. In the event that a school district with an enrollment  
22 in excess of five thousand pupils lapses, no school district  
23 shall have all or any part of such lapsed school district  
24 attached without the approval of the board of the receiving  
25 school district.

26 9. If the state board of education reasonably believes that  
27 a school district is unlikely to provide for the minimum school  
28 term required by section 163.021 because of financial difficulty,

1 the state board of education may, prior to the start of the  
2 school term:

3 (1) Allow continued governance by the existing district  
4 school board under terms and conditions established by the state  
5 board of education; or

6 (2) Lapse the corporate organization of the district and  
7 implement one of the options available under subdivision (2) of  
8 subsection 3 of this section.

9 10. The provisions of subsection 9 of this section shall  
10 not apply to any district solely on the basis of financial  
11 difficulty resulting from paying tuition and providing  
12 transportation for transfer students under sections 167.895 and  
13 167.898.

14 162.1323. 1. For purposes of this section, "attendance  
15 center" means a public school building, public school buildings,  
16 or part of a public school building that offers education in a  
17 grade or grades not higher than the twelfth grade and that  
18 constitutes one unit for accountability and reporting purposes  
19 for the department of elementary and secondary education.

20 2. (1) If an attendance center receives two or more  
21 consecutive annual performance report scores consistent with a  
22 classification of unaccredited, the district in which the  
23 attendance center is located shall notify the parent or guardian  
24 of any student enrolled in the attendance center of the annual  
25 performance report scores within fourteen business days.

26 (2) If the state board of education classifies any district  
27 as unaccredited, the district shall notify the parent or guardian  
28 of any student enrolled in the unaccredited district of the loss

1 of accreditation within fourteen business days.

2 3. The district's notice shall include an explanation of  
3 which students may be eligible to transfer, the transfer process  
4 under sections 167.895 and 167.898, and any services students may  
5 be entitled to receive. The district's notice shall be written  
6 in a clear, concise, and easy-to-understand manner.

7 4. (1) If the notice concerns an attendance center's  
8 annual performance report scores, the district shall post the  
9 notice in a conspicuous and accessible place in the attendance  
10 center.

11 (2) If the notice concerns a district's loss of  
12 accreditation, the district shall post the notice in a  
13 conspicuous and accessible place in each district attendance  
14 center.

15 5. The district shall send any notice described under this  
16 section to each municipality located within the boundaries of the  
17 district.

18 163.018. 1. (1) Notwithstanding the definition of  
19 "average daily attendance" in subdivision (2) of section 163.011  
20 to the contrary, pupils between the ages of three and five who  
21 are eligible for free and reduced price lunch and attend an early  
22 childhood education program:

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

27 (b) That is under contract with a district or charter  
28 school that has declared itself as a local educational agency and

1 that meets standards established by the state board of education;

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

11 (2) If a pupil described under subdivision (1) of this  
12 subsection leaves an early childhood education program during the  
13 school year, a district or charter school shall be allowed to  
14 fill the vacant enrollment spot with another pupil between the  
15 ages of three and five who is eligible for free and reduced price  
16 lunch without affecting the district's or charter school's  
17 calculation of average daily attendance.

18 2. This section shall not require school attendance beyond  
19 that mandated under section 167.031 and shall not change or amend  
20 the provisions of sections 160.051, 160.053, 160.054, and 160.055  
21 relating to kindergarten attendance.

22 167.131. 1. The board of education of each district in  
23 this state that does not maintain [~~an accredited~~] a high school  
24 [~~pursuant to the authority of the state board of education to~~  
25 ~~classify schools as established in section 161.092~~] offering work  
26 through the twelfth grade shall pay [~~the~~] tuition [~~of~~] as  
27 calculated by the receiving district under subsection 2 of this  
28 section and provide transportation consistent with the provisions

1 of section 167.241 for each pupil resident therein who has  
2 completed the work of the highest grade offered in the schools of  
3 the district and who attends an accredited public high school in  
4 another district of the same or an adjoining county [or who  
5 attends an approved charter school in the same or an adjoining  
6 county].

7 2. The rate of tuition to be charged by the district  
8 attended and paid by the sending district is the per pupil cost  
9 of maintaining the district's grade level grouping which includes  
10 the school attended. [The rate of tuition to be charged by the  
11 approved charter school attended and paid by the sending district  
12 is the per pupil cost of maintaining the approved charter  
13 school's grade level grouping. For a district,] The cost of  
14 maintaining a grade level grouping shall be determined by the  
15 board of education of the district but in no case shall it exceed  
16 all amounts spent for teachers' wages, incidental purposes, debt  
17 service, maintenance and replacements. [For an approved charter  
18 school, the cost of maintaining a grade level grouping shall be  
19 determined by the approved charter school but in no case shall it  
20 exceed all amounts spent by the district in which the approved  
21 charter school is located for teachers' wages, incidental  
22 purposes, debt service, maintenance, and replacements.] The term  
23 "debt service", as used in this section, means expenditures for  
24 the retirement of bonded indebtedness and expenditures for  
25 interest on bonded indebtedness. Per pupil cost of the grade  
26 level grouping shall be determined by dividing the cost of  
27 maintaining the grade level grouping by the average daily pupil  
28 attendance. If there is disagreement as to the amount of tuition

1 to be paid, the facts shall be submitted to the state board of  
2 education, and its decision in the matter shall be final.

3 Subject to the limitations of this section, each pupil shall be  
4 free to attend the public school of his or her choice.

5 [3. For purposes of this section, "approved charter school"  
6 means a charter school that has existed for less than three years  
7 or a charter school with a three-year average score of seventy  
8 percent or higher on its annual performance report.]

9 167.132. 1. For purposes of this section, the following  
10 terms mean:

11 (1) "Receiving approved charter school", an approved  
12 charter school, as defined under section 167.895, receiving  
13 transfer students under section 167.895;

14 (2) "Receiving district", a school district receiving  
15 transfer students under section 167.895;

16 (3) "Sending district", a school district from which  
17 students are transferring to a receiving district or approved  
18 charter school, as allowed under section 167.895;

19 (4) "State adequacy target", the same meaning given to the  
20 term under section 163.011.

21 2. Notwithstanding any other provision of law, the tuition  
22 rate paid by a sending district to the receiving district or the  
23 receiving approved charter school for transfer students shall be  
24 the lesser of:

25 (1) The tuition rate set by the receiving district or the  
26 receiving approved charter school under the policy adopted in  
27 accordance with section 167.895; or

28 (2) The state adequacy target plus the average sum produced

1 per child by the local tax effort above the state adequacy target  
2 of the sending district.

3 167.151. 1. The school board of any district, in its  
4 discretion, may admit to the school pupils not entitled to free  
5 instruction and prescribe the tuition fee to be paid by them,  
6 except as provided in sections 167.121 [and], 167.131, 167.132,  
7 and 167.895.

8 2. Orphan children, children with only one parent living,  
9 and children whose parents do not contribute to their support—if  
10 the children are between the ages of six and twenty years and are  
11 unable to pay tuition—may attend the schools of any district in  
12 the state in which they have a permanent or temporary home  
13 without paying a tuition fee.

14 3. Any person who pays a school tax in any other district  
15 than that in which he resides may send his children to any public  
16 school in the district in which the tax is paid and receive as a  
17 credit on the amount charged for tuition the amount of the school  
18 tax paid to the district; except that any person who owns real  
19 estate of which eighty acres or more are used for agricultural  
20 purposes and upon which his residence is situated may send his  
21 children to public school in any school district in which a part  
22 of such real estate, contiguous to that upon which his residence  
23 is situated, lies and shall not be charged tuition therefor; so  
24 long as thirty-five percent of the real estate is located in the  
25 school district of choice. The school district of choice shall  
26 count the children in its average daily attendance for the  
27 purpose of distribution of state aid through the foundation  
28 formula.

1           4. Any owner of agricultural land who, pursuant to  
2 subsection 3 of this section, has the option of sending his  
3 children to the public schools of more than one district shall  
4 exercise such option as provided in this subsection. Such person  
5 shall send written notice to all school districts involved  
6 specifying to which school district his children will attend by  
7 June thirtieth in which such a school year begins. If  
8 notification is not received, such children shall attend the  
9 school in which the majority of his property lies. Such person  
10 shall not send any of his children to the public schools of any  
11 district other than the one to which he has sent notice pursuant  
12 to this subsection in that school year or in which the majority  
13 of his property lies without paying tuition to such school  
14 district.

15           5. If a pupil is attending school in a district other than  
16 the district of residence and the pupil's parent is teaching in  
17 the school district or is a regular employee of the school  
18 district which the pupil is attending, then the district in which  
19 the pupil attends school shall allow the pupil to attend school  
20 upon payment of tuition in the same manner in which the district  
21 allows other pupils not entitled to free instruction to attend  
22 school in the district. The provisions of this subsection shall  
23 apply only to pupils attending school in a district which has an  
24 enrollment in excess of thirteen thousand pupils and not in  
25 excess of fifteen thousand pupils and which district is located  
26 in a county of the first classification with a charter form of  
27 government which has a population in excess of six hundred  
28 thousand persons and not in excess of nine hundred thousand

1 persons.

2 167.241. 1. Except as otherwise provided under this  
3 section, transportation for pupils whose tuition the district of  
4 residence is required to pay by section 167.131 or who are  
5 assigned as provided in section 167.121 shall be provided by the  
6 district of residence[; however,].

7 2. In the case of pupils covered by section 167.131, the  
8 district of residence shall be required to provide transportation  
9 only to [approved charter schools as defined in section 167.131,]  
10 school districts accredited by the state board of education  
11 pursuant to the authority of the state board of education to  
12 classify schools as established in section 161.092, and those  
13 school districts designated by the board of education of the  
14 district of residence.

15 3. (1) For purposes of this subsection, "approved charter  
16 school" has the same meaning given to the term under section  
17 167.895.

18 (2) For pupils covered by section 167.895, the district of  
19 residence shall be required to provide transportation only to  
20 school districts or approved charter schools designated by the  
21 department of elementary and secondary education or its designee.  
22 For pupils covered by section 167.895, the department of  
23 elementary and secondary education or its designee shall  
24 designate at least one accredited district or approved charter  
25 school to which the district of residence shall provide  
26 transportation. If the designated district or charter school  
27 reaches full student capacity and is unable to receive additional  
28 students, the department of elementary and secondary education or

1 its designee shall designate at least one additional accredited  
2 district or approved charter school to which the district of  
3 residence shall provide transportation.

4 167.890. 1. The department of elementary and secondary  
5 education shall compile and maintain student performance data  
6 scores of all students enrolled in districts other than their  
7 resident districts as provided under section 167.895 and make  
8 such data available on the Missouri comprehensive data system.  
9 No personally identifiable data shall be accessible on the  
10 database.

11 2. The department of elementary and secondary education may  
12 promulgate all necessary rules and regulations for the  
13 administration of this section. Any rule or portion of a rule,  
14 as that term is defined in section 536.010, that is created under  
15 the authority delegated in this section shall become effective  
16 only if it complies with and is subject to all of the provisions  
17 of chapter 536, and, if applicable, section 536.028. This  
18 section and chapter 536 are nonseverable, and if any of the  
19 powers vested with the general assembly pursuant to chapter 536  
20 to review, to delay the effective date, or to disapprove and  
21 annul a rule are subsequently held unconstitutional, then the  
22 grant of rulemaking authority and any rule proposed or adopted  
23 after the effective date of this section shall be invalid and  
24 void.

25 167.895. 1. For purposes of this section and section  
26 167.898, the following terms mean:

27 (1) "Approved charter school", a charter school that has  
28 existed for less than three years or a charter school with a

1 three-year average score consistent with a classification of  
2 accredited without provisions on its annual performance report;

3 (2) "Attendance center", a public school building, public  
4 school buildings, or part of a public school building that offers  
5 education in a grade or grades not higher than the twelfth grade  
6 and that constitutes one unit for accountability and reporting  
7 purposes for the department of elementary and secondary  
8 education;

9 (3) "Available receiving district", a school district able  
10 to receive transfer students under this section;

11 (4) "Receiving district", a school district receiving  
12 transfer students under this section;

13 (5) "Sending district", a school district from which  
14 students are transferring to a receiving district or approved  
15 charter school, as allowed under this section.

16 2. (1) Any student may transfer to another public school  
17 in the student's district of residence if such student is  
18 enrolled in and has attended, for the full semester immediately  
19 prior to requesting the transfer, an attendance center:

20 (a) That is located within an unaccredited district; and

21 (b) That has an annual performance report score consistent  
22 with a classification of unaccredited.

23  
24 However, no such transfer shall result in a class size and  
25 assigned enrollment in a receiving school that exceeds the  
26 standards for class size and assigned enrollment as promulgated  
27 in the Missouri school improvement program's resource standards.  
28 If the student chooses to attend a magnet school, an academically

1 selective school, or a school with a competitive entrance process  
2 within his or her district of residence that has admissions  
3 requirements, the student shall meet the admissions requirements  
4 in order to attend.

5 (2) The school board of each unaccredited district shall  
6 determine the capacity at each of the district's attendance  
7 centers that has an annual performance report score consistent  
8 with a classification of accredited. The district's school board  
9 shall be responsible for coordinating transfers within the  
10 district as allowed under this subsection.

11 (3) The school board of each unaccredited district shall  
12 annually report to the department of elementary and secondary  
13 education or its designee the number of available slots in  
14 attendance centers within the district that have annual  
15 performance report scores consistent with a classification of  
16 accredited, the number of students who request to transfer within  
17 the district, and the number of such transfer requests that are  
18 granted.

19 3. (1) Any student who is eligible to transfer within his  
20 or her district under subsection 2 of this section but who is  
21 unable to do so due to a lack of capacity in the attendance  
22 centers in his or her district of residence may apply to the  
23 department of elementary and secondary education or its designee  
24 to transfer to:

25 (a) An attendance center:

26 a. That is located within an accredited district that is  
27 located in the same or an adjoining county; and

28 b. That has an annual performance report score consistent

1 with a classification of accredited; or

2 (b) An approved charter school located in another district  
3 in the same or an adjoining county.

4 (2) A student who is eligible to begin kindergarten or  
5 first grade at an attendance center:

6 (a) That is located within an unaccredited district;

7 (b) That has an annual performance report score consistent  
8 with a classification of unaccredited; and

9 (c) That offers classes above the second grade level

10  
11 may apply to the department of elementary and secondary education  
12 or its designee for a transfer to a school described under  
13 paragraph (a) or (b) of subdivision (1) of this subsection if he  
14 or she resides in the attendance area of the attendance center  
15 described under this subdivision on March first preceding the  
16 school year of first attendance. A student who does not apply by  
17 March first for enrollment in any school year after the 2019-20  
18 school year shall be required to enroll and attend the attendance  
19 center described under this subdivision for one semester to  
20 become eligible.

21 (3) If a student who is eligible to transfer under this  
22 subsection chooses to apply to attend a magnet school, an  
23 academically selective school, or a school with a competitive  
24 entrance process that has admissions requirements, the student  
25 shall furnish proof that he or she meets the admissions  
26 requirements.

27 (4) Any student who does not maintain residency in the  
28 attendance area of his or her attendance center in the district

1 of residence shall lose eligibility to transfer.

2 (5) Except as provided under subsection 7 of this section,  
3 any student who transfers but later withdraws shall lose  
4 eligibility to transfer.

5 (6) The transfer provisions of this subsection shall not  
6 apply to a district created under sections 162.815 to 162.840 or  
7 to any early childhood programs or early childhood special  
8 education programs.

9 4. (1) No student enrolled in and attending an attendance  
10 center that does not offer classes above the second grade level  
11 shall be eligible to transfer under this section.

12 (2) No student who is eligible to begin kindergarten or  
13 first grade at an attendance center that does not offer classes  
14 above the second grade level shall be eligible to transfer under  
15 this section.

16 5. (1) (a) No provisionally accredited district shall be  
17 eligible to receive transfer students.

18 (b) Except as provided under paragraph (c) of this  
19 subdivision, no attendance center that has an annual performance  
20 report score consistent with a classification of provisionally  
21 accredited shall be eligible to receive transfer students.

22 (c) A transfer student who chooses to attend an attendance  
23 center that has an annual performance report score consistent  
24 with a classification of provisionally accredited and that is  
25 located within his or her unaccredited district of residence  
26 shall be allowed to transfer to such attendance center if there  
27 is an available slot.

28 (2) (a) No unaccredited district shall be eligible to

1 receive transfer students.

2 (b) No attendance center that has an annual performance  
3 report score consistent with a classification of unaccredited  
4 shall be eligible to receive transfer students.

5 (3) No district or attendance center that has received two  
6 consecutive annual performance reports consistent with a  
7 classification of provisionally accredited for the years  
8 immediately preceding the year in which it seeks to enroll  
9 transfer students shall be eligible to receive any transfer  
10 students, irrespective of its state board of education  
11 classification designation; except that, any student who was  
12 granted a transfer to such a district or attendance center prior  
13 to the effective date of this section may remain enrolled in that  
14 district or attendance center.

15 6. Notwithstanding the provisions of subsection 5 of this  
16 section, a student may transfer to an attendance center:

17 (1) That is located within an unaccredited or provisionally  
18 accredited district; and

19 (2) That has an annual performance report score consistent  
20 with a classification of accredited

21  
22 if the attendance center applies for and is granted a waiver by  
23 the department of elementary and secondary education or its  
24 designee to allow the attendance center to accept transfer  
25 students.

26 7. If a receiving district becomes unaccredited or  
27 provisionally accredited, or if an approved charter school loses  
28 its status as an approved charter school, any students who

1 previously transferred to the district or charter school shall  
2 receive the opportunity to remain enrolled in the district or  
3 charter school or to transfer to another district or approved  
4 charter school without losing their eligibility to transfer.

5 8. For a receiving district, no acceptance of a transfer  
6 student shall require any of the following actions, unless the  
7 board of education of the receiving district has approved the  
8 action:

9 (1) The hiring of additional classroom teachers;

10 (2) The construction of additional classrooms; or

11 (3) A class size and assigned enrollment in a receiving  
12 school that exceeds the standards for class size and assigned  
13 enrollment as promulgated in the Missouri school improvement  
14 program's resource standards.

15 9. (1) By July 15, 2019, the board of education of each  
16 available receiving district and the governing board of each  
17 approved charter school eligible to receive transfer students  
18 under this section shall set the number of transfer students the  
19 district or charter school is able to receive for the 2019-20  
20 school year.

21 (2) By February first annually, the board of education of  
22 each available receiving district and the governing board of each  
23 approved charter school eligible to receive transfer students  
24 under this section shall set the number of transfer students the  
25 district or charter school is able to receive for the following  
26 school year.

27 (3) An available receiving district or approved charter  
28 school eligible to receive transfer students under this section

1 shall publish the number set under this subsection and shall not  
2 be required to accept any transfer students under this section  
3 that would cause it to exceed the published number.

4 10. (1) Each available receiving district shall adopt a  
5 policy establishing a tuition rate for transfer students by  
6 February first annually.

7 (2) Each approved charter school eligible to receive  
8 transfer students under this section shall adopt a policy  
9 establishing a tuition rate for transfer students by February  
10 first annually.

11 (3) A sending district shall pay the receiving district or  
12 the approved charter school the amount specified under section  
13 167.132 for each transfer student.

14 11. If an unaccredited district becomes classified as  
15 provisionally accredited or accredited without provisions by the  
16 state board of education, or if an attendance center within an  
17 unaccredited district improves its annual performance report  
18 score from a score that is consistent with a classification of  
19 unaccredited to a score that is consistent with a classification  
20 of provisionally accredited or accredited, any resident student  
21 of the unaccredited district who has transferred to an approved  
22 charter school or to an accredited district in the same or an  
23 adjoining county, as allowed under subsection 3 of this section,  
24 shall be permitted to continue his or her educational program in  
25 the receiving district or charter school through the completion  
26 of middle school, junior high school, or high school, whichever  
27 occurs first; except that, a student who attends any school  
28 serving students through high school graduation but starting at

1 grades lower than ninth grade shall be permitted to complete high  
2 school in the school to which he or she has transferred.

3 12. Notwithstanding the provisions of subsection 10 of this  
4 section, if costs associated with the provision of special  
5 education and related services to a student with a disability  
6 exceed the tuition amount established under this section, the  
7 unaccredited district shall remain responsible for paying the  
8 excess cost to the receiving district. If the receiving district  
9 is a component district of a special school district, the  
10 unaccredited district, including any metropolitan school  
11 district, shall contract with the special school district for the  
12 entirety of the costs to provide special education and related  
13 services, excluding transportation in accordance with this  
14 section. The special school district may contract with an  
15 unaccredited district, including any metropolitan district, for  
16 the provision of transportation of a student with a disability or  
17 the unaccredited district may provide transportation on its own.

18 13. A special school district shall continue to provide  
19 special education and related services, with the exception of  
20 transportation under this section, to a student with a disability  
21 transferring from an attendance center with an annual performance  
22 report score consistent with a classification of unaccredited  
23 that is within a component district to an attendance center with  
24 an annual performance report score consistent with a  
25 classification of accredited that is within the same or a  
26 different component district within the special school district.

27 14. If any metropolitan school district is classified as  
28 unaccredited, it shall remain responsible for the provision of

1 special education and related services, including transportation,  
2 to students with disabilities. A special school district in an  
3 adjoining county to a metropolitan school district may contract  
4 with the metropolitan school district for the reimbursement of  
5 special education services under sections 162.705 and 162.710  
6 provided by the special school district for transfer students who  
7 are residents of the unaccredited district.

8 15. Regardless of whether transportation is identified as a  
9 related service within a student's individualized education  
10 program, a receiving district that is not part of a special  
11 school district shall not be responsible for providing  
12 transportation to a student transferring under this section. An  
13 unaccredited district may contract with a receiving district that  
14 is not part of a special school district under sections 162.705  
15 and 162.710 for transportation of students with disabilities.

16 16. If a seven-director school district or urban school  
17 district is classified as unaccredited, it may contract with a  
18 receiving district that is not part of a special school district  
19 in the same or an adjoining county for the reimbursement of  
20 special education and related services under sections 162.705 and  
21 162.710 provided by the receiving district for transfer students  
22 who are residents of the unaccredited district.

23 167.898. 1. (1) By July 15, 2019, and by January first  
24 annually, each accredited district, any portion of which is  
25 located in the same county as or in an adjoining county to an  
26 unaccredited district, shall report to the department of  
27 elementary and secondary education or its designee the number of  
28 available enrollment slots by grade level.

1       (2) By July 15, 2019, and by January first annually, each  
2 unaccredited district shall report to the department of  
3 elementary and secondary education or its designee the number of  
4 available enrollment slots in the schools of its district that  
5 have received annual performance report scores consistent with a  
6 classification of accredited.

7       (3) By July 15, 2019, and by January first annually, each  
8 approved charter school that is eligible to receive transfer  
9 students under section 167.895 shall report to the department of  
10 elementary and secondary education or its designee the number of  
11 available enrollment slots.

12       2. The department of elementary and secondary education or  
13 its designee shall make information and assistance available to  
14 parents or guardians who intend to transfer their child to an  
15 accredited district or to an approved charter school as described  
16 under section 167.895.

17       3. The parent or guardian of a student who intends to  
18 transfer his or her child to an accredited district or to an  
19 approved charter school as described under section 167.895 for  
20 enrollment in that district or charter school in any school year  
21 after the 2019-20 school year shall send initial notification to  
22 the department of elementary and secondary education or its  
23 designee by March first for enrollment in the subsequent school  
24 year.

25       4. The department of elementary and secondary education or  
26 its designee shall assign those students who seek to transfer to  
27 an accredited district or to an approved charter school as  
28 described under section 167.895. When assigning transfer

1 students to approved charter schools, the department of  
2 elementary and secondary education or its designee shall  
3 coordinate with each approved charter school and its admissions  
4 process if capacity is insufficient to enroll all students who  
5 submit a timely application. An approved charter school shall  
6 not be required to institute a lottery procedure for determining  
7 the admission of resident students. The department of elementary  
8 and secondary education or its designee shall give first priority  
9 to students who live in the same household with any family member  
10 within the first or second degree of consanguinity or affinity  
11 who already attends a school with an annual performance report  
12 score consistent with a classification of accredited and who  
13 apply to attend the same school. If insufficient grade-  
14 appropriate enrollment slots are available for a student to be  
15 able to transfer, the student shall receive first priority the  
16 following school year. The department of elementary and  
17 secondary education or its designee shall consider the following  
18 factors in assigning schools, with the student's or parent's  
19 choice as the most important factor:

20 (1) The student's or parent's choice of the receiving  
21 school;

22 (2) The best interests of the student;

23 (3) The availability of transportation funding, as provided  
24 under section 167.241; and

25 (4) Distance and travel time to a receiving school.

26  
27 The department of elementary and secondary education or its  
28 designee shall not consider student academic performance, free

1 and reduced price lunch status, or athletic ability in assigning  
2 a student to a school.

3 5. (1) The department of elementary and secondary  
4 education or its designee may deny a transfer to a student who in  
5 the most recent school year has been suspended from school two or  
6 more times or who has been suspended for an act of school  
7 violence under subsection 2 of section 160.261. A student whose  
8 transfer is initially precluded under this subsection may be  
9 permitted to transfer on a provisional basis as a probationary  
10 transfer student, subject to no further disruptive behavior, upon  
11 a statement from the student's current school that the student is  
12 not disruptive. A student who is denied a transfer under this  
13 subsection has the right to an in-person meeting with an employee  
14 of the department of elementary and secondary education or its  
15 designee.

16 (2) The department of elementary and secondary education  
17 shall promulgate rules to provide common standards for  
18 determining disruptive behavior that shall include, but not be  
19 limited to, criteria under section 160.261. Any rule or portion  
20 of a rule, as that term is defined in section 536.010, that is  
21 created under the authority delegated in this section shall  
22 become effective only if it complies with and is subject to all  
23 of the provisions of chapter 536 and, if applicable, section  
24 536.028. This section and chapter 536 are nonseverable, and if  
25 any of the powers vested with the general assembly pursuant to  
26 chapter 536 to review, to delay the effective date, or to  
27 disapprove and annul a rule are subsequently held  
28 unconstitutional, then the grant of rulemaking authority and any

1 rule proposed or adopted after the effective date of this section  
2 shall be invalid and void.

3           Section B. Because of the importance of improving and  
4 sustaining Missouri's elementary and secondary education system  
5 and establishing standards for student transfers to school  
6 districts, the enactment of sections 167.895 and 167.898 of this  
7 act is deemed necessary for the immediate preservation of the  
8 public health, welfare, peace and safety, and is hereby declared  
9 to be an emergency act within the meaning of the constitution,  
10 and the enactment of sections 167.895 and 167.898 of this act  
11 shall be in full force and effect upon its passage and approval.