

SECOND REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 576

96TH GENERAL ASSEMBLY  
2012

4705S.08T

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## AN ACT

To repeal sections 29.205, 160.400, 160.405, 160.410, 160.415, and 160.420, RSMo, and to enact in lieu thereof nine new sections relating to charter schools.

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

Section A. Sections 29.205, 160.400, 160.405, 160.410, 160.415, and  
2 160.420, RSMo, are repealed and nine new sections enacted in lieu thereof, to be  
3 known as sections 29.205, 160.400, 160.403, 160.405, 160.410, 160.415, 160.417,  
4 160.420, and 160.425, to read as follows:

29.205. Notwithstanding any provision of law to the contrary, the state  
2 auditor shall have the power to audit any school district **or charter school**  
3 within the state in the same manner as the auditor may audit any agency of the  
4 state.

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

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

4 **(1) In a metropolitan school district [or];**

5 **(2) In an urban school district containing most or all of a city with a**  
6 **population greater than three hundred fifty thousand inhabitants [and may be**  
7 **sponsored by any of the following];**

8 **(3) In a school district that has been declared unaccredited;**

9 **(4) In a school district that has been classified as provisionally**  
10 **accredited by the state board of education and has received scores on**  
11 **its annual performance report consistent with a classification of**  
12 **provisionally accredited or unaccredited for three consecutive school**

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

13 years beginning with the 2012-2013 accreditation year under the  
14 following conditions:

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

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

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

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

38 (1) The school board of the district in any district which is  
39 sponsoring a charter school as of August 27, 2012, as permitted under  
40 subdivision (1) or (2) of subsection 2 of this section, the special  
41 administrative board of a metropolitan school district during any time  
42 in which powers granted to the district's board of education are vested  
43 in a special administrative board, or if the state board of education  
44 appoints a special administrative board to retain the authority granted  
45 to the board of education of an urban school district containing most  
46 or all of a city with a population greater than three hundred fifty  
47 thousand inhabitants, the special administrative board of such school  
48 district;

49 (2) A public four-year college or university [with its primary campus in

50 the school district or in a county adjacent to the county in which the district is  
51 located,] with an approved teacher education program that meets regional or  
52 national standards of accreditation;

53 (3) A community college [located in], **the service area of which**  
54 **encompasses some portion of** the district; [or]

55 (4) Any private four-year college or university [located in a city not within  
56 a county] with an enrollment of at least one thousand students, **with its**  
57 **primary campus in Missouri**, and with an approved teacher preparation  
58 program;

59 (5) Any **two-year private vocational or technical school**  
60 **designated as a 501(c)(3) nonprofit organization under the Internal**  
61 **Revenue Code of 1986, as amended, which is a member of the North**  
62 **Central Association and accredited by the Higher Learning**  
63 **Commission, with its primary campus in Missouri; or**

64 (6) The Missouri Charter Public School Commission created in  
65 section 160.425.

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

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

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

77 (3) In any school district classified as unaccredited or  
78 provisionally accredited where a charter school is operating and is  
79 sponsored by an entity other than the local school board, when the  
80 school district becomes classified as accredited without provisions, a  
81 charter school may continue to be sponsored by the entity sponsoring  
82 it prior to the classification of accredited without provisions and shall  
83 not be limited to the local school board as a sponsor. A charter school  
84 operating in a school district identified in subdivision (1) or (2) of  
85 subsection 2 of this section may be sponsored by any of the entities  
86 identified in subsection 3 of this section, irrespective of the

87 accreditation classification of the district in which it is located. A  
88 charter school in a district described in this subsection whose charter  
89 provides for the addition of grade levels in subsequent years may  
90 continue to add levels until the planned expansion is complete to the  
91 extent of grade levels in comparable schools of the district in which the  
92 charter school is operated.

93 [3.] 5. The mayor of a city not within a county may request a sponsor  
94 under subdivision (2), (3), [or] (4), (5), or (6) of subsection [2] 3 of this section  
95 to consider sponsoring a "workplace charter school", which is defined for purposes  
96 of sections 160.400 to [160.420] 160.425 as a charter school with the ability to  
97 target prospective students whose parent or parents are employed in a business  
98 district, as defined in the charter, which is located in the city.

99 [4.] 6. No sponsor shall receive from an applicant for a charter school any  
100 fee of any type for the consideration of a charter, nor may a sponsor condition its  
101 consideration of a charter on the promise of future payment of any kind.

102 [5.] 7. The charter school shall be **organized as** a Missouri nonprofit  
103 corporation incorporated pursuant to chapter 355. The charter provided for  
104 herein shall constitute a contract between the sponsor and the charter school.

105 [6.] 8. As a nonprofit corporation incorporated pursuant to chapter 355,  
106 the charter school shall select the method for election of officers pursuant to  
107 section 355.326 based on the class of corporation selected. Meetings of the  
108 governing board of the charter school shall be subject to the provisions of sections  
109 610.010 to 610.030[, the open meetings law].

110 [7.] 9. A sponsor of a charter school, its agents and employees are not  
111 liable for any acts or omissions of a charter school that it sponsors, including acts  
112 or omissions relating to the charter submitted by the charter school, the operation  
113 of the charter school and the performance of the charter school.

114 [8.] 10. A charter school may affiliate with a four-year college or  
115 university, including a private college or university, or a community college as  
116 otherwise specified in subsection [2] 3 of this section when its charter is granted  
117 by a sponsor other than such college, university or community college. Affiliation  
118 status recognizes a relationship between the charter school and the college or  
119 university for purposes of teacher training and staff development, curriculum and  
120 assessment development, use of physical facilities owned by or rented on behalf  
121 of the college or university, and other similar purposes. [The primary campus of  
122 the college or university must be located within the county in which the school  
123 district lies wherein the charter school is located or in a county adjacent to the

124 county in which the district is located.] A university, college or community college  
125 may not charge or accept a fee for affiliation status.

126 [9.] 11. The expenses associated with sponsorship of charter schools shall  
127 be defrayed by the department of elementary and secondary education retaining  
128 one and five-tenths percent of the amount of state and local funding allocated to  
129 the charter school under section 160.415, not to exceed one hundred twenty-five  
130 thousand dollars, adjusted for inflation. [Such amount shall not be withheld  
131 when the sponsor is a school district or the state board of education.] The  
132 department of elementary and secondary education shall remit the retained funds  
133 for each charter school to the school's sponsor, provided the sponsor remains in  
134 good standing by fulfilling its sponsorship obligations under sections 160.400 to  
135 [160.420] **160.425** and 167.349 with regard to each charter school it sponsors,  
136 including appropriate demonstration of the following:

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

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

144 (3) Negotiates contracts with charter schools that clearly articulate the  
145 rights and responsibilities of each party regarding school autonomy, expected  
146 outcomes, measures for evaluating success or failure, performance consequences,  
147 and other material terms;

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

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

153 **12. Sponsors receiving funds under subsection 11 of this section**  
154 **shall be required to submit annual reports to the joint committee on**  
155 **education demonstrating they are in compliance with subsection 17 of**  
156 **this section.**

157 [10.] 13. No university, college or community college shall grant a charter  
158 to a nonprofit corporation if an employee of the university, college or community  
159 college is a member of the corporation's board of directors.

160 [11.] 14. No sponsor shall grant a charter under sections 160.400 to

161 [160.420] **160.425** and 167.349 without ensuring that a criminal background  
162 check and [child abuse] **family care safety** registry check are conducted for all  
163 members of the governing board of the charter schools or the incorporators of the  
164 charter school if initial directors are not named in the articles of incorporation,  
165 nor shall a sponsor renew a charter without ensuring a criminal background  
166 check and [child abuse] **family care** registry check are conducted for each  
167 member of the governing board of the charter school.

168 [12.] **15.** No member of the governing board of a charter school shall hold  
169 any office or employment from the board or the charter school while serving as  
170 a member, nor shall the member have any substantial interest, as defined in  
171 section 105.450, in any entity employed by or contracting with the board. No  
172 board member shall be an employee of a company that provides substantial  
173 services to the charter school. All members of the governing board of the charter  
174 school shall be considered decision-making public servants as defined in section  
175 105.450 for the purposes of the financial disclosure requirements contained in  
176 sections 105.483, 105.485, 105.487, and 105.489.

177 [13. A sponsor shall provide timely submission to the state board of  
178 education of all data necessary to demonstrate that the sponsor is in material  
179 compliance with all requirements of sections 160.400 to 160.420 and 167.349.]

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

181 **(1) The review of a charter school proposal including an**  
182 **application that provides sufficient information for rigorous evaluation**  
183 **of the proposed charter and provides clear documentation that the**  
184 **education program and academic program are aligned with the state**  
185 **standards and grade level expectations, and provides clear**  
186 **documentation of effective governance and management structures, and**  
187 **a sustainable operational plan;**

188 **(2) The granting of a charter;**

189 **(3) The performance framework that the sponsor will use to**  
190 **evaluate the performance of charter schools;**

191 **(4) The sponsor's intervention, renewal, and revocation policies,**  
192 **including the conditions under which the charter sponsor may**  
193 **intervene in the operation of the charter school, along with actions and**  
194 **consequences that may ensue, and the conditions for renewal of the**  
195 **charter at the end of the term, consistent with subsections 8 and 9 of**  
196 **section 160.405;**

197 **(5) Additional criteria that the sponsor will use for ongoing**

198 oversight of the charter; and

199           **(6) Procedures to be implemented if a charter school should**  
200 **close, consistent with the provisions of subdivision (15) of subsection**  
201 **1 of section 160.405.**

202 **The department shall provide guidance to sponsors in developing such**  
203 **policies and procedures.**

204           **[14.] 17. (1) A sponsor shall provide timely submission to the**  
205 **state board of education of all data necessary to demonstrate that the**  
206 **sponsor is in material compliance with all requirements of sections**  
207 **160.400 to 160.425 and section 167.349.** The state board of education shall  
208 ensure each sponsor is in compliance with all requirements under sections  
209 160.400 to [160.420] **160.425** and 167.349 for each charter school sponsored by  
210 any sponsor. The state board shall notify each sponsor of the standards for  
211 sponsorship of charter schools, delineating both what is mandated by statute and  
212 what best practices dictate. [The state board, after a public hearing, may require  
213 remedial action for a sponsor that it finds has not fulfilled its obligations of  
214 sponsorship, such remedial actions including withholding the sponsor's funding  
215 and suspending for a period of up to one year the sponsor's authority to sponsor  
216 a school that it currently sponsors or to sponsor any additional school.] **The state**  
217 **board shall evaluate sponsors to determine compliance with these**  
218 **standards every three years. The evaluation shall include a sponsor's**  
219 **policies and procedures in the areas of charter application approval;**  
220 **required charter agreement terms and content; sponsor performance**  
221 **evaluation and compliance monitoring; and charter renewal,**  
222 **intervention, and revocation decisions. Nothing shall preclude the**  
223 **department from undertaking an evaluation at any time for cause.**

224           **(2) If the department determines that a sponsor is in material**  
225 **noncompliance with its sponsorship duties, the sponsor shall be**  
226 **notified and given reasonable time for remediation. If remediation**  
227 **does not address the compliance issues identified by the department,**  
228 **the commissioner of education shall conduct a public hearing and**  
229 **thereafter provide notice to the charter sponsor of corrective action**  
230 **that will be recommended to the state board of education. Corrective**  
231 **action by the department may include withholding the sponsor's**  
232 **funding and suspending the sponsor's authority to sponsor a school**  
233 **that it currently sponsors or to sponsor any additional school until the**  
234 **sponsor is reauthorized by the state board of education under section**

235 **160.403.**

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

242 **(4) If the state board removes the authority to sponsor a currently**  
243 **operating charter school under any provision of law, the [state board]**  
244 **Missouri Charter Public School Commission shall become the [interim]**  
245 **sponsor of the school [for a period of up to three years until the school finds a**  
246 **new sponsor or until the charter contract period lapses].**

**160.403. 1. The department of elementary and secondary**  
2 **education shall establish an annual application and approval process**  
3 **for all entities eligible to sponsor charters as set forth in section**  
4 **160.400 which are not sponsoring a charter school as of August 28, 2012.**  
5 **No later than November 1, 2012, the department shall make available**  
6 **information and guidelines for all eligible sponsors concerning the**  
7 **opportunity to apply for sponsoring authority under this section.**

8 **2. The application process for sponsorship shall require each**  
9 **interested eligible sponsor to submit an application by February first**  
10 **that includes the following:**

11 **(1) Written notification of intent to serve as a charter school**  
12 **sponsor in accordance with sections 160.400 to 160.425 and section**  
13 **167.349;**

14 **(2) Evidence of the applicant sponsor's budget and personnel**  
15 **capacity;**

16 **(3) An outline of the request for proposal that the applicant**  
17 **sponsor would, if approved as a charter sponsor, issue to solicit charter**  
18 **school applicants consistent with sections 160.400 to 160.425;**

19 **(4) The performance framework that the applicant sponsor**  
20 **would, if approved as a charter sponsor, use to guide the establishment**  
21 **of a charter contract and for ongoing oversight and a description of**  
22 **how it would evaluate the charter schools it sponsors; and**

23 **(5) The applicant sponsor's renewal, revocation, and nonrenewal**  
24 **processes consistent with section 160.405.**

25 **3. By April first of each year, the department shall decide**



26 whether to grant or deny a sponsoring authority to a sponsor  
27 applicant. This decision shall be made based on the applicant charter's  
28 compliance with sections 160.400 to 160.425 and properly promulgated  
29 rules of the department.

30 4. Within thirty days of the department's decision, the  
31 department shall execute a renewable sponsoring contract with each  
32 entity it has approved as a sponsor. The term of each authorizing  
33 contract shall be six years and renewable. No eligible sponsor which  
34 is not currently sponsoring a charter school as of August 28, 2012, shall  
35 commence charter sponsorship without approval from the state board  
36 of education and a sponsor contract with the state board of education  
37 in effect.

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

- 12 (1) A mission and vision statement for the charter school[.];
- 13 (2) A description of the charter school's organizational structure and  
14 bylaws of the governing body, which will be responsible for the policy, financial  
15 management, and operational decisions of the charter school, including the  
16 nature and extent of parental, professional educator, and community  
17 involvement in the governance and operation of the charter school;
- 18 (3) A financial plan for the first three years of operation of the charter  
19 school including provisions for annual audits[.];
- 20 (4) A description of the charter school's policy for securing personnel  
21 services, its personnel policies, personnel qualifications, and professional  
22 development plan[.];
- 23 (5) A description of the grades or ages of students being served[.];
- 24 (6) The school's calendar of operation, which shall include at least the  
25 equivalent of a full school term as defined in section 160.011[, and an outline of

26 criteria specified in this section designed to measure the effectiveness of the  
27 school. The charter shall also state:

28 (1) The educational goals and objectives to be achieved by the charter  
29 school];

30 **[(2)] (7) A description of the charter school's pupil performance**  
31 **standards and academic program performance standards, which shall**  
32 **meet the requirements of subdivision (6) of subsection 4 of this**  
33 **section. The charter school program shall be designed to enable each**  
34 **pupil to achieve such standards and shall contain a complete set of**  
35 **indicators, measures, metrics, and targets for academic program**  
36 **performance, including specific goals on graduation rates and**  
37 **standardized test performance and academic growth;**

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

40 **[(3)] (9) The term of the charter, which shall be [not less than] five**  
41 **years[, nor greater than ten years] and shall be renewable;**

42 **[(4) A description of the charter school's pupil performance standards,**  
43 **which must meet the requirements of subdivision (6) of subsection 5 of this**  
44 **section. The charter school program must be designed to enable each pupil to**  
45 **achieve such standards;**

46 (5) A description of the governance and operation of the charter school,  
47 including the nature and extent of parental, professional educator, and  
48 community involvement in the governance and operation of the charter school;  
49 and]

50 **(10) Procedures, consistent with the Missouri Financial**  
51 **Accounting Manual, for monitoring the financial accountability of the**  
52 **charter, which shall meet the requirements of subdivision (4) of**  
53 **subsection 4 of this section;**

54 **(11) Preopening requirements for applications that require that**  
55 **charter schools meet all health, safety, and other legal requirements**  
56 **prior to opening;**

57 **[(6)] (12) A description of the charter school's policies on student**  
58 **discipline and student admission, which shall include a statement, where**  
59 **applicable, of the validity of attendance of students who do not reside in the**  
60 **district but who may be eligible to attend under the terms of judicial settlements**  
61 **and procedures that ensure admission of students with disabilities in**  
62 **a nondiscriminatory manner;**

63           **(13) A description of the charter school's grievance procedure for**  
64 **parents or guardians;**

65           **(14) A description of the agreement between the charter school**  
66 **and the sponsor as to when a sponsor shall intervene in a charter**  
67 **school, when a sponsor shall revoke a charter for failure to comply with**  
68 **subsection 8 of this section, and when a sponsor will not renew a**  
69 **charter under subsection 9 of this section;**

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

73           **(a) Orderly transition of student records to new schools and**  
74 **archival of student records;**

75           **(b) Archival of business operation and transfer or repository of**  
76 **personnel records;**

77           **(c) Submission of final financial reports;**

78           **(d) Resolution of any remaining financial obligations; and**

79           **(e) Disposition of the charter school's assets upon closure;**

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

84           **(16) A description of the special education and related services**  
85 **that shall be available to meet the needs of students with disabilities;**  
86 **and**

87           **(17) For all new or revised charters, procedures to be used upon**  
88 **closure of the charter school requiring that unobligated assets of the**  
89 **charter school be returned to the department of elementary and**  
90 **secondary education for their disposition, which upon receipt of such**  
91 **assets shall return them to the local school district in which the school**  
92 **was located, the state, or any other entity to which they would belong.**  
93 **Charter schools operating on August 27, 2012, shall have until August**  
94 **28, 2015, to meet the requirements of this subsection.**

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

96           **(1) A charter shall be submitted to the sponsor, and follow the**  
97 **sponsor's policies and procedures for review and granting of a charter**  
98 **approval, and be approved by the state board of education by December**  
99 **first of the year prior to the proposed opening date of the charter**

100 **school;**

101           (2) A charter may be approved when the sponsor determines that the  
102 requirements of this section are met, [and] determines that the applicant is  
103 sufficiently qualified to operate a charter school, **and that the proposed**  
104 **charter is consistent with the sponsor's charter sponsorship goals and**  
105 **capacity.** The sponsor's decision of approval or denial shall be made within  
106 ninety days of the filing of the proposed charter;

107           [(2)] (3) If the charter is denied, the proposed sponsor shall notify the  
108 applicant in writing as to the reasons for its denial and forward a copy to the  
109 state board of education within five business days following the denial;

110           [(3)] (4) If a proposed charter is denied by a sponsor, the proposed  
111 charter may be submitted to the state board of education, along with the  
112 sponsor's written reasons for its denial. If the state board determines that the  
113 applicant meets the requirements of this section, that the applicant is sufficiently  
114 qualified to operate the charter school, and that granting a charter to the  
115 applicant would be likely to provide educational benefit to the children of the  
116 district, the state board may grant a charter and act as sponsor of the charter  
117 school. The state board shall review the proposed charter and make a  
118 determination of whether to deny or grant the proposed charter within sixty days  
119 of receipt of the proposed charter, provided that any charter to be considered by  
120 the state board of education under this subdivision shall be submitted no later  
121 than March first prior to the school year in which the charter school intends to  
122 begin operations. The state board of education shall notify the applicant in  
123 writing as the reasons for its denial, if applicable; and

124           [(4)] (5) The sponsor of a charter school shall give priority to charter  
125 school applicants that propose a school oriented to high-risk students and to the  
126 reentry of dropouts into the school system. If a sponsor grants three or more  
127 charters, at least one-third of the charters granted by the sponsor shall be to  
128 schools that actively recruit dropouts or high-risk students as their student body  
129 and address the needs of dropouts or high-risk students through their proposed  
130 mission, curriculum, teaching methods, and services. For purposes of this  
131 subsection, a "high-risk" student is one who is at least one year behind in  
132 satisfactory completion of course work or obtaining [credits for graduation,  
133 pregnant or a parent, homeless or has been homeless sometime within the  
134 preceding six months, has limited English proficiency, has been suspended from  
135 school three or more times, is eligible for free or reduced-price school lunch, or  
136 has been referred by the school district for enrollment in an alternative program]

137 **high school credits for graduation, has dropped out of school, is at risk**  
138 **of dropping out of school, needs drug and alcohol treatment, has severe**  
139 **behavioral problems, has been suspended from school three or more**  
140 **times, has a history of severe truancy, is a pregnant or parenting teen,**  
141 **has been referred for enrollment by the judicial system, is exiting**  
142 **incarceration, is a refugee, is homeless or has been homeless sometime**  
143 **within the preceding six months, has been referred by an area school**  
144 **district for enrollment in an alternative program, or qualifies as high**  
145 **risk under department of elementary and secondary education**  
146 **guidelines.** "Dropout" shall be defined through the guidelines of the school core  
147 data report. The provisions of this subsection do not apply to charters sponsored  
148 by the state board of education.

149         3. If a charter is approved by a sponsor, the charter application shall be  
150 submitted to the state board of education, along with a statement of finding that  
151 the application meets the requirements of sections 160.400 to [160.420] **160.425**  
152 and section [167.439] **167.349** and a monitoring plan under which the charter  
153 sponsor [will] **shall** evaluate the academic performance of students enrolled in  
154 the charter school. The state board of education may, within sixty days,  
155 disapprove the granting of the charter. The state board of education may  
156 disapprove a charter on grounds that the application fails to meet the  
157 requirements of sections 160.400 to [160.420] **160.425** and section 167.349 or that  
158 a charter sponsor previously failed to meet the statutory responsibilities of a  
159 charter sponsor.

160         4. [Any disapproval of a charter pursuant to subsection 3 of this section  
161 shall be subject to judicial review pursuant to chapter 536.

162         5.] A charter school shall, as provided in its charter:

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

165         (2) Comply with laws and regulations of the state, county, or city relating  
166 to health, safety, and state minimum educational standards, as specified by the  
167 state board of education, including the requirements relating to student discipline  
168 under sections 160.261, 167.161, 167.164, and 167.171, notification of criminal  
169 conduct to law enforcement authorities under sections 167.115 to 167.117,  
170 academic assessment under section 160.518, transmittal of school records under  
171 section 167.020, [and] the minimum number of school days and hours required  
172 under section 160.041, **and the employee criminal history background**  
173 **check and the family care safety registry check under section 168.133;**

174 (3) Except as provided in sections 160.400 to [160.420] **160.425**, be  
175 exempt from all laws and rules relating to schools, governing boards and school  
176 districts;

177 (4) Be financially accountable, use practices consistent with the Missouri  
178 financial accounting manual, provide for an annual audit by a certified public  
179 accountant, publish audit reports and annual financial reports as provided in  
180 chapter 165, provided that the annual financial report may be published on the  
181 department of elementary and secondary education's internet website in addition  
182 to other publishing requirements, and provide liability insurance to indemnify the  
183 school, its board, staff and teachers against tort claims. A charter school that  
184 receives local educational agency status under subsection [6] **7** of this section  
185 shall meet the requirements imposed by the Elementary and Secondary Education  
186 Act for audits of such agencies **and comply with all federal audit**  
187 **requirements for charters with local education agency status**. For  
188 purposes of an audit by petition under section 29.230, a charter school shall be  
189 treated as a political subdivision on the same terms and conditions as the school  
190 district in which it is located. For the purposes of securing such insurance, a  
191 charter school shall be eligible for the Missouri public entity risk management  
192 fund pursuant to section 537.700. A charter school that incurs debt [must] **shall**  
193 include a repayment plan in its financial plan;

194 (5) Provide a comprehensive program of instruction for at least one grade  
195 or age group from kindergarten through grade twelve, which may include early  
196 childhood education if funding for such programs is established by statute, as  
197 specified in its charter;

198 (6) (a) Design a method to measure pupil progress toward the pupil  
199 academic standards adopted by the state board of education pursuant to section  
200 160.514, [collect baseline data during at least the first three years for  
201 determining how the charter school is performing] **establish baseline student**  
202 **performance in accordance with the performance contract during the**  
203 **first year of operation, collect student performance data as defined by**  
204 **the annual performance report throughout the duration of the charter**  
205 **to annually monitor student academic performance**, and to the extent  
206 applicable **based upon grade levels offered by the charter school**,  
207 participate in the statewide system of assessments, comprised of the essential  
208 skills tests and the nationally standardized norm-referenced achievement tests,  
209 as designated by the state board pursuant to section 160.518, complete and  
210 distribute an annual report card as prescribed in section 160.522, which shall also

211 include a statement that background checks have been completed on the charter  
212 school's board members, report to its sponsor, the local school district, and the  
213 state board of education as to its teaching methods and any educational  
214 innovations and the results thereof, and provide data required for the study of  
215 charter schools pursuant to subsection 4 of section 160.410. No charter school  
216 **[will] shall** be considered in the Missouri school improvement program review of  
217 the district in which it is located for the resource or process standards of the  
218 program.

219 (b) For proposed high risk or alternative charter schools, sponsors shall  
220 approve performance measures based on mission, curriculum, teaching methods,  
221 and services. Sponsors shall also approve comprehensive academic and  
222 behavioral measures to determine whether students are meeting performance  
223 standards on a different time frame as specified in that school's charter. Student  
224 performance shall be assessed comprehensively to determine whether a high risk  
225 or alternative charter school has documented adequate student progress. Student  
226 performance shall be based on sponsor-approved comprehensive measures as well  
227 as standardized public school measures. Annual presentation of charter school  
228 report card data to the department of elementary and secondary education, the  
229 state board, and the public shall include comprehensive measures of student  
230 progress.

231 (c) Nothing in this **[paragraph] subdivision** shall be construed as  
232 permitting a charter school to be held to lower performance standards than other  
233 public schools within a district; however, the charter of a charter school may  
234 permit students to meet performance standards on a different time frame as  
235 specified in its charter. **The performance standards for alternative and**  
236 **special purpose charter schools that target high-risk students as**  
237 **defined in subdivision (5) of subsection 2 of this section shall be based**  
238 **on measures defined in the school's performance contract with its**  
239 **sponsors;**

240 (7) **[Assure that the needs of special education children are met in**  
241 **compliance] Comply** with all applicable federal and state laws and regulations  
242 **regarding students with disabilities, including sections 162.670 to**  
243 **162.710, the Individuals with Disabilities Education Act (20 U.S.C.**  
244 **Section 1400) and Section 504 of the Rehabilitation Act of 1973 (20**  
245 **U.S.C. Section 794) or successor legislation;**

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

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

252 (b) A statement outlining the reasons for approval or disapproval by the  
253 sponsor, specifically addressing the requirements of sections 160.400 to [160.420]  
254 **160.425** and 167.349.

255 **5. (1) Proposed or existing high risk or alternative charter**  
256 **schools may include alternative arrangements for students to obtain**  
257 **credit for satisfying graduation requirements in the school's charter**  
258 **application and charter. Alternative arrangements may include, but**  
259 **not be limited to, credit for off-campus instruction, embedded credit,**  
260 **work experience through an internship arranged through the school,**  
261 **and independent studies. When the state board of education approves**  
262 **the charter, any such alternative arrangements shall be approved at**  
263 **such time.**

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

269 6. The charter of a charter school may be amended at the request of the  
270 governing body of the charter school and on the approval of the sponsor. The  
271 sponsor and the governing board and staff of the charter school shall jointly  
272 review the school's performance, management and operations [at least once every  
273 two years] **during the first year of operation and then every other year**  
274 **after the most recent review** or at any point where the operation or  
275 management of the charter school is changed or transferred to another entity,  
276 either public or private. The governing board of a charter school may amend the  
277 charter, if the sponsor approves such amendment, or the sponsor and the  
278 governing board may reach an agreement in writing to reflect the charter school's  
279 decision to become a local educational agency [for the sole purpose of seeking  
280 direct access to federal grants]. In such case the sponsor shall give the  
281 department of elementary and secondary education written notice no later than  
282 March first of any year, with the agreement to become effective July first. The  
283 department may waive the March first notice date in its discretion. The  
284 department shall identify and furnish a list of its regulations that pertain to local



285 educational agencies to such schools within thirty days of receiving such notice.

286 7. [(1)] Sponsors shall annually review the charter school's  
287 compliance with statutory standards including:

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

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

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

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

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

299 8. (1) (a) A sponsor's intervention policies shall give schools  
300 clear, adequate, evidence-based, and timely notice of contract  
301 violations or performance deficiencies and mandate intervention based  
302 upon findings of the state board of education of the following:

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

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

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

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

317 a. Clear evidence of underperformance as demonstrated in the  
318 charter schools annual performance report in three of the last four  
319 school years; or

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

322           (c) A sponsor shall revoke a charter or take other appropriate remedial  
323 action, which may include placing the charter school on probationary status **for**  
324 **no more than twelve months, provided that no more than one**  
325 **designation of probationary status shall be allowed for the duration of**  
326 **the charter contract**, at any time if the charter school commits a serious  
327 breach of one or more provisions of its charter or on any of the following grounds:  
328 failure to meet [academic performance standards] **the performance contract**  
329 as set forth in its charter, failure to meet generally accepted standards of fiscal  
330 management, failure to provide information necessary to confirm compliance with  
331 all provisions of the charter and sections 160.400 to [160.420] **160.425** and  
332 167.349 within forty-five days following receipt of written notice requesting such  
333 information, or violation of law.

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

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

343           (4) The sponsor of a charter school shall establish procedures to conduct  
344 administrative hearings upon determination by the sponsor that grounds exist to  
345 revoke a charter. Final decisions of a sponsor from hearings conducted pursuant  
346 to this subsection are subject to [judicial review pursuant to chapter 536] **an**  
347 **appeal to the state board of education, which shall determine whether**  
348 **the charter shall be revoked.**

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

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

355           **[8.] 9. (1)** A sponsor shall take all reasonable steps necessary to confirm  
356 that each charter school sponsored by such sponsor is in material compliance and  
357 remains in material compliance with all material provisions of the charter and  
358 sections 160.400 to [160.420] **160.425** and 167.349. Every charter school shall

359 provide all information necessary to confirm ongoing compliance with all  
360 provisions of its charter and sections 160.400 to [160.420] **160.425** and 167.349  
361 in a timely manner to its sponsor.

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

365 **(a) The charter school has maintained results on its annual**  
366 **performance report that meet or exceed the district in which the**  
367 **charter school is located based on the performance standards that are**  
368 **applicable to the grade level configuration of both the charter school**  
369 **and the district in which the charter school is located in three of the**  
370 **last four school years;**

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

373 **a. A negative balance in its operating funds;**

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

376 **c. Expenditures that exceed receipts for the most recently**  
377 **completed fiscal year;**

378 **(c) The charter is in compliance with its legally binding**  
379 **performance contract and sections 160.400 to 160.425 and section**  
380 **167.349.**

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

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

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

396 **application.**

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

400 [9.] **10.** A school district may enter into a lease with a charter school for  
401 physical facilities.

402 [10.] **11.** A governing board or a school district employee who has control  
403 over personnel actions shall not take unlawful reprisal against another employee  
404 at the school district because the employee is directly or indirectly involved in an  
405 application to establish a charter school. A governing board or a school district  
406 employee shall not take unlawful reprisal against an educational program of the  
407 school or the school district because an application to establish a charter school  
408 proposes the conversion of all or a portion of the educational program to a charter  
409 school. As used in this subsection, "unlawful reprisal" means an action that is  
410 taken by a governing board or a school district employee as a direct result of a  
411 lawful application to establish a charter school and that is adverse to another  
412 employee or an educational program.

413 [11.] **12.** Charter school board members shall be subject to the same  
414 liability for acts while in office as if they were regularly and duly elected  
415 members of school boards in any other public school district in this state. The  
416 governing board of a charter school may participate, to the same extent as a  
417 school board, in the Missouri public entity risk management fund in the manner  
418 provided under sections 537.700 to 537.756.

419 [12.] **13.** Any entity, either public or private, operating, administering,  
420 or otherwise managing a charter school shall be considered a quasi-public  
421 governmental body and subject to the provisions of sections 610.010 to 610.035.

422 [13.] **14.** The chief financial officer of a charter school shall maintain:

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

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

160.410. 1. A charter school shall enroll:

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

3 (2) Nonresident pupils eligible to attend a district's school under an urban  
4 voluntary transfer program; [and]

5 (3) **In the case of a charter school whose mission includes student**

6 **drop-out prevention or recovery, any nonresident pupil from the same**  
7 **or an adjacent county who resides in a residential care facility, a**  
8 **transitional living group home, or an independent living program**  
9 **whose last school of enrollment is in the school district where the**  
10 **charter school is established, who submits a timely application; and**

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

18 2. If capacity is insufficient to enroll all pupils who submit a timely  
19 application, the charter school shall have an admissions process that assures all  
20 applicants of an equal chance of gaining admission except that:

21 (1) A charter school may establish a geographical area around the school  
22 whose residents will receive a preference for enrolling in the school, provided that  
23 such preferences do not result in the establishment of racially or  
24 socioeconomically isolated schools and provided such preferences conform to  
25 policies and guidelines established by the state board of education; [and]

26 (2) A charter school may also give a preference for admission of children  
27 whose siblings attend the school or whose parents are employed at the school or  
28 in the case of a workplace charter school, a child whose parent is employed in the  
29 business district or at the business site of such school; **and**

30 (3) **Charter alternative and special purpose schools may also give**  
31 **a preference for admission to high-risk students, as defined in**  
32 **subdivision (5) of subsection 2 of section 160.405, when the school**  
33 **targets these students through its proposed mission, curriculum,**  
34 **teaching methods, and services.**

35 3. A charter school shall not limit admission based on race, ethnicity,  
36 national origin, disability, [gender,] income level, proficiency in the English  
37 language or athletic ability, but may limit admission to pupils within a given age  
38 group or grade level. **Charter schools may limit admission based on**  
39 **gender only when the school is a single-gender school. Students of a**  
40 **charter school that are present for the January membership count as**  
41 **defined in section 163.011 shall be counted in the performance of the**  
42 **charter school on the statewide assessments in that calendar year,**

43 **unless otherwise exempted as English language learners.**

44 4. The department of elementary and secondary education shall  
45 commission a study of the performance of students at each charter school in  
46 comparison with an equivalent group of district students representing an  
47 equivalent demographic and geographic population and a study of the impact of  
48 charter schools upon the constituents they serve in the districts in which they are  
49 located, to be conducted by the joint committee on education. The charter school  
50 study shall include analysis of the administrative and instructional practices of  
51 each charter school and shall include findings on innovative programs that  
52 illustrate best practices and lend themselves to replication or incorporation in  
53 other schools. The joint committee on education shall coordinate with individuals  
54 representing charter [public] schools and the districts in which charter schools  
55 are located in conducting the study. The study of a charter school's student  
56 performance in relation to a comparable group shall be designed to provide  
57 information that would allow parents and educators to make valid comparisons  
58 of academic performance between the charter school's students and an equivalent  
59 group of district students representing an equivalent demographic and geographic  
60 population. The student performance assessment and comparison shall include,  
61 but may not be limited to:

62 (1) Missouri assessment program test performance and aggregate growth  
63 over several years;

64 (2) Student reenrollment rates;

65 (3) Educator, parent, and student satisfaction data;

66 (4) Graduation rates in secondary programs; and

67 (5) Performance of students enrolled in the same public school for three  
68 or more consecutive years. The impact study shall be undertaken every two years  
69 to determine the impact of charter schools on the constituents they serve in the  
70 districts where charter schools are operated. The impact study shall include, but  
71 is not limited to, determining if changes have been made in district policy or  
72 procedures attributable to the charter school and to perceived changes in  
73 attitudes and expectations on the part of district personnel, school board  
74 members, parents, students, the business community and other education  
75 stakeholders. The department of elementary and secondary education shall make  
76 the results of the studies public and shall deliver copies to the governing boards  
77 of the charter schools, the sponsors of the charter schools, the school board and  
78 superintendent of the districts in which the charter schools are operated.

79 5. A charter school shall make available for public inspection, and provide

80 upon request, to the parent, guardian, or other custodian of any school-age pupil  
81 resident in the district in which the school is located the following information:

82 (1) The school's charter;

83 (2) The school's most recent annual report card published according to  
84 section 160.522; [and]

85 (3) The results of background checks on the charter school's board  
86 members; **and**

87 (4) **If a charter school is operated by a management company, a**  
88 **copy of the written contract between the governing board of the**  
89 **charter school and the educational management organization or the**  
90 **charter management organization for services.** The charter school may  
91 charge reasonable fees, not to exceed the rate specified in section 610.026 for  
92 furnishing copies of documents under this subsection.

93 **6. When a student attending a charter school who is a resident**  
94 **of the school district in which the charter school is located moves out**  
95 **of the boundaries of such school district, the student may complete the**  
96 **current semester and shall be considered a resident student. The**  
97 **student's parent or legal guardian shall be responsible for the student's**  
98 **transportation to and from the charter school.**

99 **7. If a change in school district boundary lines occurs under**  
100 **section 162.223, 162.431, 162.441, or 162.451, or by action of the state**  
101 **board of education under section 162.081, including attachment of a**  
102 **school district's territory to another district or dissolution, such that**  
103 **a student attending a charter school prior to such change no longer**  
104 **resides in a school district in which the charter school is located, then**  
105 **the student may complete the current academic year at the charter**  
106 **school. The student shall be considered a resident student. The**  
107 **student's parent or legal guardian shall be responsible for the student's**  
108 **transportation to and from the charter school.**

109 **8. The provisions of sections 167.018 and 167.019 concerning**  
110 **foster children's educational rights are applicable to charter schools.**

160.415. 1. For the purposes of calculation and distribution of state  
2 school aid under section 163.031, pupils enrolled in a charter school shall be  
3 included in the pupil enrollment of the school district within which each pupil  
4 resides. Each charter school shall report the names, addresses, and eligibility for  
5 free and reduced lunch, special education, or limited English proficiency status,  
6 as well as eligibility for categorical aid, of pupils resident in a school district who

7 are enrolled in the charter school to the school district in which those pupils  
8 reside. The charter school shall report the average daily attendance data, free  
9 and reduced lunch count, special education pupil count, and limited English  
10 proficiency pupil count to the state department of elementary and secondary  
11 education. Each charter school shall promptly notify the state department of  
12 elementary and secondary education and the pupil's school district when a  
13 student discontinues enrollment at a charter school.

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

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

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

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

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

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

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

42 4. A charter school that has declared itself as a local educational agency  
43 shall receive from the department of elementary and secondary education an



44 annual amount equal to the product of the charter school's weighted average daily  
45 attendance and the state adequacy target, multiplied by the dollar value modifier  
46 for the district, plus local tax revenues per weighted average daily attendance  
47 from the incidental and teachers funds in excess of the performance levy as  
48 defined in section 163.011 plus all other state aid attributable to such pupils. If  
49 a charter school declares itself as a local education agency, the department of  
50 elementary and secondary education shall, upon notice of the declaration, reduce  
51 the payment made to the school district by the amount specified in this  
52 subsection and pay directly to the charter school the annual amount reduced from  
53 the school district's payment.

54         5. If a school district fails to make timely payments of any amount for  
55 which it is the disbursal agent, the state department of elementary and secondary  
56 education shall authorize payment to the charter school of the amount due  
57 pursuant to subsection 2 of this section and shall deduct the same amount from  
58 the next state school aid apportionment to the owing school district. If a charter  
59 school is paid more or less than the amounts due pursuant to this section, the  
60 amount of overpayment or underpayment shall be adjusted equally in the next  
61 twelve payments by the school district or the department of elementary and  
62 secondary education, as appropriate. Any dispute between the school district and  
63 a charter school as to the amount owing to the charter school shall be resolved by  
64 the department of elementary and secondary education, and the department's  
65 decision shall be the final administrative action for the purposes of review  
66 pursuant to chapter 536. During the period of dispute, the department of  
67 elementary and secondary education shall make every administrative and  
68 statutory effort to allow the continued education of children in their current  
69 public charter school setting.

70         6. The charter school and a local school board may agree by contract for  
71 services to be provided by the school district to the charter school. The charter  
72 school may contract with any other entity for services. Such services may include  
73 but are not limited to food service, custodial service, maintenance, management  
74 assistance, curriculum assistance, media services and libraries and shall be  
75 subject to negotiation between the charter school and the local school board or  
76 other entity. Documented actual costs of such services shall be paid for by the  
77 charter school.

78         **7. In the case of a proposed charter school that intends to**  
79 **contract with an education service provider for substantial educational**  
80 **services, management services, the request for proposals shall**

81 **additionally require the charter school applicant to:**

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

86 **(2) Provide a term sheet setting forth the proposed duration of**  
87 **the service contract; roles and responsibilities of the governing board,**  
88 **the school staff, and the service provider; scope of services and**  
89 **resources to be provided by the service provider; performance**  
90 **evaluation measures and time lines; compensation structure, including**  
91 **clear identification of all fees to be paid to the service provider;**  
92 **methods of contract oversight and enforcement; investment disclosure;**  
93 **and conditions for renewal and termination of the contract;**

94 **(3) Disclose any known conflicts of interest between the school**  
95 **governing board and proposed service provider or any affiliated**  
96 **business entities;**

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

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

102 **(6) Provide a process to ensure that the expenditures that the**  
103 **educational service provider intends to bill to the charter school shall**  
104 **receive prior approval of the governing board or its designee.**

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

108 **[8.] 9.** A charter school shall be eligible for transportation state aid  
109 pursuant to section 163.161 and shall be free to contract with the local district,  
110 or any other entity, for the provision of transportation to the students of the  
111 charter school.

112 **[9.] 10.** (1) The proportionate share of state and federal resources  
113 generated by students with disabilities or staff serving them shall be paid in full  
114 to charter schools enrolling those students by their school district where such  
115 enrollment is through a contract for services described in this section. The  
116 proportionate share of money generated under other federal or state categorical  
117 aid programs shall be directed to charter schools serving such students eligible

118 for that aid.

119 (2) A charter school [district] shall provide the special services provided  
120 pursuant to section 162.705 and may provide the special services pursuant to a  
121 contract with a school district or any provider of such services.

122 [10.] 11. A charter school may not charge tuition, nor may it impose fees  
123 that a school district is prohibited from imposing.

124 [11.] 12. A charter school is authorized to incur debt in anticipation of  
125 receipt of funds. A charter school may also borrow to finance facilities and other  
126 capital items. A school district may incur bonded indebtedness or take other  
127 measures to provide for physical facilities and other capital items for charter  
128 schools that it sponsors or contracts with. Upon the dissolution of a charter  
129 school, any liabilities of the corporation will be satisfied through the procedures  
130 of chapter 355. **The department of elementary and secondary education**  
131 **may withhold funding at a level the department determines to be**  
132 **adequate during a school's last year of operation until the department**  
133 **determines that school records, liabilities, and reporting requirements,**  
134 **including a full audit, are satisfied.**

135 [12.] 13. Charter schools shall not have the power to acquire property by  
136 eminent domain.

137 [13.] 14. The governing body of a charter school is authorized to accept  
138 grants, gifts or donations of any kind and to expend or use such grants, gifts or  
139 donations. A grant, gift or donation may not be accepted by the governing body  
140 if it is subject to any condition contrary to law applicable to the charter school or  
141 other public schools, or contrary to the terms of the charter.

**160.417. 1. By October 1, 2012, and by each October first**  
2 **thereafter, the sponsor of each charter school shall review the**  
3 **information submitted on the report required by section 162.821 to**  
4 **identify charter schools experiencing financial stress. The department**  
5 **of elementary and secondary education shall be authorized to obtain**  
6 **such additional information from a charter school as may be necessary**  
7 **to determine the financial condition of the charter school. Annually,**  
8 **a listing of charter schools identified as experiencing financial stress**  
9 **according to the provisions of this section shall be provided to the**  
10 **governor, speaker of the house of representatives, and president pro**  
11 **tempore of the senate by the department of elementary and secondary**  
12 **education.**

13 2. For the purposes of this section, a charter school shall be

14 identified as experiencing financial stress if it:

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

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

17 (b) Has a combined balance of less than three percent of the  
18 amount expended from such funds during the previous fiscal year; or

19 (2) For the most recently completed fiscal year expenditures,  
20 exceeded receipts for any of its funds because of recurring costs.

21 3. The sponsor shall notify by November first the governing  
22 board of the charter school identified as experiencing financial  
23 stress. Upon receiving the notification, the governing board shall  
24 develop, or cause to have developed, and shall approve a budget and  
25 education plan on forms provided by the sponsor. The budget and  
26 education plan shall be submitted to the sponsor, signed by the officers  
27 of the charter school, within forty-five calendar days of notification  
28 that the charter school has been identified as experiencing financial  
29 stress. Minimally, the budget and education plan shall:

30 (1) Give assurances that adequate educational services to  
31 students of the charter school shall continue uninterrupted for the  
32 remainder of the current school year and that the charter school can  
33 provide the minimum number of school days and hours required by  
34 section 160.041;

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

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

41 4. Upon receipt and following review of any budget and  
42 education plan, the sponsor may make suggestions to improve the  
43 plan. Nothing in sections 160.400 to 160.425 or section 167.349 shall  
44 exempt a charter school from submitting a budget and education plan  
45 to the sponsor according to the provisions of this section following each  
46 such notification that a charter school has been identified as  
47 experiencing financial stress, except that the sponsor may permit a  
48 charter school's governing board to make amendments to or update a  
49 budget and education plan previously submitted to the sponsor.

50 5. The department may withhold any payment of financial aid

51 **otherwise due to the charter school until such time as the sponsor and**  
52 **the charter school have fully complied with this section.**

160.420. 1. Any school district in which charter schools may be  
2 established under sections 160.400 to [160.420] **160.425** shall establish a uniform  
3 policy which provides that if a charter school offers to retain the services of an  
4 employee of a school district, and the employee accepts a position at the charter  
5 school, an employee at the employee's option may remain an employee of the  
6 district and the charter school shall pay to the district the district's full costs of  
7 salary and benefits provided to the employee. The district's policy shall provide  
8 that any teacher who accepts a position at a charter school and opts to remain an  
9 employee of the district retains such teacher's permanent teacher status and  
10 retains such teacher's seniority rights in the district for three years. The school  
11 district shall not be liable for any such employee's acts while an employee of the  
12 charter school.

13 2. A charter school may employ noncertificated instructional personnel;  
14 provided that no more than twenty percent of the full-time equivalent  
15 instructional staff positions at the school are filled by noncertificated personnel.  
16 All noncertificated instructional personnel shall be supervised by certificated  
17 instructional personnel. A charter school that has a foreign language immersion  
18 experience as its chief educational mission, as stated in its charter, shall not be  
19 subject to the twenty-percent requirement of this subsection but shall ensure that  
20 any teachers whose duties include instruction given in a foreign language have  
21 current valid credentials in the country in which such teacher received his or her  
22 training and shall remain subject to the remaining requirements of this  
23 subsection. The charter school shall ensure that all instructional employees of  
24 the charter school have experience, training and skills appropriate to the  
25 instructional duties of the employee, and the charter school shall ensure that a  
26 criminal background check and [child abuse] **family care safety** registry check  
27 are conducted for each employee of the charter school prior to the hiring of the  
28 employee **under the requirements of section 168.133**. The charter school  
29 may not employ instructional personnel whose certificate of license to teach has  
30 been revoked or is currently suspended by the state board of  
31 education. Appropriate experience, training and skills of noncertificated  
32 instructional personnel shall be determined considering:

33 (1) Teaching certificates issued by another state or states;

34 (2) Certification by the National [Standards] Board **for Professional**  
35 **Teaching Standards**;

36 (3) College degrees in the appropriate field;

37 (4) Evidence of technical training and competence when such is  
38 appropriate; and

39 (5) The level of supervision and coordination with certificated  
40 instructional staff.

41 3. Personnel employed by the charter school shall participate in the  
42 retirement system of the school district in which the charter school is located,  
43 subject to the same terms, conditions, requirements and other provisions  
44 applicable to personnel employed by the school district. For purposes of  
45 participating in the retirement system, the charter school shall be considered to  
46 be a public school within the school district, and personnel employed by the  
47 charter school shall be public school employees. In the event of a lapse of the  
48 school district's corporate organization as described in subsections 1 and 4 of  
49 section 162.081, personnel employed by the charter school shall continue to  
50 participate in the retirement system and shall do so on the same terms,  
51 conditions, requirements and other provisions as they participated prior to the  
52 lapse.

53 [4. The charter school and a local school board may agree by contract for  
54 services to be provided by the school district to the charter school. The charter  
55 school may contract with any other entity for services. Such services may include  
56 but are not limited to food service, custodial service, maintenance, management  
57 assistance, curriculum assistance, media services and libraries and shall be  
58 subject to negotiation between the charter school and the local school board or  
59 other entity. Documented actual costs of such services shall be paid for by the  
60 charter school.

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

64 6. A charter school shall be eligible for transportation state aid pursuant  
65 to section 163.161 and shall be free to contract with the local district, or any  
66 other entity, for the provision of transportation to the students of the charter  
67 school.

68 7. (1) The proportionate share of state and federal resources generated  
69 by students with disabilities or staff serving them shall be paid in full to charter  
70 schools enrolling those students by their school district where such enrollment is  
71 through a contract for services described in this section. The proportionate share  
72 of money generated under other federal or state categorical aid programs shall

73 be directed to charter schools serving such students eligible for that aid.

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

77 8. A charter school may not charge tuition, nor may it impose fees that a  
78 school district is prohibited from imposing.

79 9. A charter school is authorized to incur debt in anticipation of receipt  
80 of funds. A charter school may also borrow to finance facilities and other capital  
81 items. A school district may incur bonded indebtedness or take other measures  
82 to provide for physical facilities and other capital items for charter schools that  
83 it sponsors or contracts with. Upon the dissolution of a charter school, any  
84 liabilities of the corporation will be satisfied through the procedures of chapter  
85 355.

86 10. Charter schools shall not have the power to acquire property by  
87 eminent domain.

88 11. The governing body of a charter school is authorized to accept grants,  
89 gifts or donations of any kind and to expend or use such grants, gifts or  
90 donations. A grant, gift or donation may not be accepted by the governing body  
91 if it is subject to any condition contrary to law applicable to the charter school or  
92 other public schools, or contrary to the terms of the charter.]

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

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

**14 3. The appointees to the commission shall be selected as follows:**

**15 (1) One member selected by the governor from a slate of three  
16 recommended by the commissioner of education;**

**17 (2) One member selected by the governor from a slate of three**

18 recommended by the commissioner of higher education;

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

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

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

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

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

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

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

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

46 7. Charter schools sponsored by the commission shall comply  
47 with all of the requirements applicable to charter schools under  
48 sections 160.400 to 160.425.

49 8. The commission shall conduct its business in accordance with  
50 chapter 610.

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



55           **10. The commission is authorized to receive and expend gifts,**  
56 **grants, and donations of any kind from any public or private entity to**  
57 **carry out the purposes of sections 160.400 to 160.425, subject to the**  
58 **terms and conditions under which they are given, provided that all**  
59 **such terms and conditions are permissible under law.**

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