

SECOND REGULAR SESSION

SENATE BILL NO. 933

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SIMS.

Read 1st time January 27, 2000, and 1,000 copies ordered printed.

4268S.02I

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 160.400, RSMo Supp. 1999, relating to the establishment of a state public charter school board, and to enact in lieu thereof two new sections relating to the same subject.

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

Section A. Section 160.400, RSMo Supp. 1999, is repealed and two new sections enacted in lieu thereof, to be known as sections 160.400 and 160.403, to read as follows:

- 160.400. 1. A charter school is an independent, publicly supported school.
2. Charter schools may be operated only in a metropolitan school district or in an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants and may be sponsored by any of the following:
- (1) The school board of the district;
 - (2) A public four-year college or university with its primary campus in the school district or in a county adjacent to the county in which the district is located, with an approved teacher education program that meets regional or national standards of accreditation; [or]
 - (3) A community college located in the district; **or**
 - (4) The state public charter school board established in section 160.403.**
3. A maximum of five percent of the school buildings currently in use for instructional purposes in a district may be converted to charter schools. This limitation does not apply to vacant buildings or buildings not used for instructional purposes.
4. No sponsor shall receive from an applicant for a charter school any fee of any type for the consideration of a charter, nor may a sponsor condition its consideration of a charter on the

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

promise of future payment of any kind.

5. The charter school shall be a Missouri nonprofit corporation incorporated pursuant to chapter 355, RSMo. The charter provided for herein shall constitute a contract between the sponsor and the charter school.

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

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

8. A charter school may affiliate with a four-year college or university, including a private college or university, or a community college as otherwise specified in subsection 2 of this section when its charter is granted by a sponsor other than such college, university or community college. Affiliation status recognizes a relationship between the charter school and the college or university for purposes of teacher training and staff development, curriculum and assessment development, use of physical facilities owned by or rented on behalf of the college or university, and other similar purposes. The primary campus of the college or university must be located within the county in which the school district lies wherein the charter school is located or in a county adjacent to the county in which the district is located. A university, college or community college may not charge or accept a fee for affiliation status.

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

160.403. 1. There is hereby established a "State Public Charter School Board".

2. The membership of the board shall consist of:

(1) The commissioner of education;

(2) Two members of the state board of education selected by the members of the state board;

(3) Three members of the public to be selected by the governor, with the advice and consent of the senate; and

(4) Three members of the business community to be selected by the governor, with the advice and consent of the senate.

3. Each member of the board appointed by the governor shall be a United States citizen, at least twenty-four years of age, and a resident of Missouri for at least one year

prior to appointment. The members of the board appointed by the governor shall be selected so as to ensure that a knowledge of each of the following areas is represented on the board:

(1) Research about and experience in student learning, quality teaching and evaluation of and accountability in successful schools;

(2) The operation of a financially sound enterprise, including leadership and management techniques and budgeting and accounting skills critical to the startup of a successful enterprise; and

(3) The educational, social and economic development needs of the state.

4. The commissioner of education shall serve a term on the board which runs concurrently with the commissioner's term of office. The members from the state board of education shall serve staggered four-year terms which begin and end on January first and that run concurrently with their respective terms of office on the state board of education. The public and business community members shall serve staggered four-year terms which begin and end on January first.

5. The board shall annually elect a president and such other officers as it deems necessary from among its membership.

6. The members of the board shall not be compensated, but shall receive reimbursement for reasonable and necessary expenses incurred in the performance of their duties as members of the board.

7. The board shall:

(1) Review and approve or deny charter school applications as provided in section 160.400 and sponsor charter schools;

(2) Adopt rules for its own governance, keep a record of its proceedings, and adopt and use an official seal; and

(3) Determine the policies of the board and the work undertaken pursuant to such policies.

8. The board may contract and sue and be sued.

9. The department of elementary and secondary education shall provide necessary staffing for the work of the board.

✓