

SECOND REGULAR SESSION

SENATE BILL NO. 1072

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RUPP.

Read 1st time February 4, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

4636S.02I

AN ACT

To repeal sections 160.400 and 160.410, RSMo, and to enact in lieu thereof two new sections relating to charter schools.

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

Section A. Sections 160.400 and 160.410, RSMo, are repealed and two new

2 sections enacted in lieu thereof, to be known as sections 160.400 and 160.410, to
3 read as follows:

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

2 2. Charter schools may be operated only in a metropolitan school district
3 or in an urban school district containing most or all of a city with a population
4 greater than three hundred fifty thousand inhabitants **or in any school**
5 **district where the proposed charter specifies a student enrollment**
6 **comprising at least thirty percent of students who require special**
7 **education services as part of an existing individualized education**
8 **program** and may be sponsored by any of the following:

9 (1) The school board of the district;

10 (2) [A public four-year college or university with its primary campus in
11 the school district or in a county adjacent to the county in which the district is
12 located, with an approved teacher education program that meets regional or
13 national standards of accreditation;

14 (3)] A community college [located in] **whose service area includes any**
15 **portion of** the district; or

16 [(4)] (3) Any **public or** private four-year college or university [located
17 in a city not within a county with an enrollment of at least one thousand
18 students,] **with its primary campus in Missouri** and with an approved

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

19 teacher preparation program.

20 3. The mayor of a city not within a county may request a sponsor under
21 subdivision (2), (3), or (4) of subsection 2 of this section to consider sponsoring a
22 workplace charter school, which is defined for purposes of sections 160.400 to
23 160.420 as a charter school with the ability to target prospective students whose
24 parent or parents are employed in a business district, as defined in the charter,
25 which is located in the city.

26 4. No sponsor shall receive from an applicant for a charter school any fee
27 of any type for the consideration of a charter, nor may a sponsor condition its
28 consideration of a charter on the promise of future payment of any kind.

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

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

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

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

53 9. The expenses associated with sponsorship of charter schools shall be
54 defrayed by the department of elementary and secondary education retaining one
55 and five-tenths percent of the amount of state and local funding allocated to the

56 charter school under section 160.415, not to exceed one hundred twenty-five
57 thousand dollars, adjusted for inflation. Such amount shall not be withheld when
58 the sponsor is a school district or the state board of education. The department
59 of elementary and secondary education shall remit the retained funds for each
60 charter school to the school's sponsor, provided the sponsor remains in good
61 standing by fulfilling its sponsorship obligations under sections 160.400 to
62 160.420 and 167.349, RSMo, with regard to each charter school it sponsors.

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

66 11. No sponsor shall grant a charter under sections 160.400 to 160.420
67 and 167.349, RSMo, without ensuring that a criminal background check and child
68 abuse registry check are conducted for all members of the governing board of the
69 charter schools or the incorporators of the charter school if initial directors are
70 not named in the articles of incorporation, nor shall a sponsor renew a charter
71 without ensuring a criminal background check and child abuse registry check are
72 conducted for each member of the governing board of the charter school.

73 12. No member of the governing board of a charter school shall hold any
74 office or employment from the board or the charter school while serving as a
75 member, nor shall the member have any substantial interest, as defined in
76 section 105.450, RSMo, in any entity employed by or contracting with the board.
77 No board member shall be an employee of a company that provides substantial
78 services to the charter school. All members of the governing board of the charter
79 school shall be considered decision-making public servants as defined in section
80 105.450, RSMo, for the purposes of the financial disclosure requirements
81 contained in sections 105.483, 105.485, 105.487, and 105.489, RSMo.

82 13. A sponsor shall provide timely submission to the state board of
83 education of all data necessary to demonstrate that the sponsor is in material
84 compliance with all requirements of sections 160.400 to 160.420 and 167.349,
85 RSMo.

86 14. The state board of education shall ensure each sponsor is in
87 compliance with all requirements under sections 160.400 to 160.420 and 167.349,
88 RSMo, for each charter school sponsored by any sponsor. The state board shall
89 notify each sponsor of the standards for sponsorship of charter schools,
90 delineating both what is mandated by statute and what best practices
91 dictate. The state board, after a public hearing, may require remedial action for
92 a sponsor that it finds has not fulfilled its obligations of sponsorship, such

93 remedial actions including withholding the sponsor's funding and suspending for
94 a period of up to one year the sponsor's authority to sponsor a school that it
95 currently sponsors or to sponsor any additional school. If the state board removes
96 the authority to sponsor a currently operating charter school, the state board
97 shall become the interim sponsor of the school for a period of up to three years
98 until the school finds a new sponsor or until the charter contract period lapses.

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 charter specifies a**
6 **student enrollment comprising at least thirty percent of students who**
7 **require special education services as part of an existing individualized**
8 **education program as described in subsection 2 of section 160.400, a**
9 **nonresident pupil who submits a timely application;**

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

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

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

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

29 3. A charter school shall not limit admission based on race, ethnicity,
30 national origin, disability, gender, income level, proficiency in the English
31 language or athletic ability, but may limit admission to pupils within a given age

32 group or grade level.

33 4. The department of elementary and secondary education shall
34 commission a study of the performance of students at each charter school in
35 comparison with a comparable group and a study of the impact of charter schools
36 upon the districts in which they are located, to be conducted by a contractor
37 selected through a request for proposal. The department of elementary and
38 secondary education shall reimburse the contractor from funds appropriated by
39 the general assembly for the purpose. The study of a charter school's student
40 performance in relation to a comparable group shall be designed to provide
41 information that would allow parents and educators to make valid comparisons
42 of academic performance between the charter school's students and a group of
43 students comparable to the students enrolled in the charter school. The impact
44 study shall be undertaken every two years to determine the effect of charter
45 schools on education stakeholders in the districts where charter schools are
46 operated. The impact study may include, but is not limited to, determining if
47 changes have been made in district policy or procedures attributable to the
48 charter school and to perceived changes in attitudes and expectations on the part
49 of district personnel, school board members, parents, students, the business
50 community and other education stakeholders. The department of elementary and
51 secondary education shall make the results of the studies public and shall deliver
52 copies to the governing boards of the charter schools, the sponsors of the charter
53 schools, the school board and superintendent of the districts in which the charter
54 schools are operated.

55 5. A charter school shall make available for public inspection, and provide
56 upon request, to the parent, guardian, or other custodian of any school-age pupil
57 resident in the district in which the school is located the following information:

- 58 (1) The school's charter;
59 (2) The school's most recent annual report card published according to
60 section 160.522; and
61 (3) The results of background checks on the charter school's board
62 members.

63 The charter school may charge reasonable fees, not to exceed the rate specified
64 in section 610.026, RSMo, for furnishing copies of documents under this
65 subsection.