

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 147
96TH GENERAL ASSEMBLY

1033L.03C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 160.045, 160.400, 160.405, 160.410, 160.415, 160.420, 160.522, 160.775, 163.172, 167.031, 167.131, 168.101, 168.102, 168.221, 168.410, 171.031, 191.775, and 536.018, RSMo, and to enact in lieu thereof forty-five new sections relating to education, with an emergency clause for a certain section.

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

Section A. Sections 160.045, 160.400, 160.405, 160.410, 160.415, 160.420, 160.522, 2 160.775, 163.172, 167.031, 167.131, 168.101, 168.102, 168.221, 168.410, 171.031, 191.775, and 3 536.018, RSMo, are repealed and forty-five new sections enacted in lieu thereof, to be known 4 as sections 160.045, 160.080, 160.400, 160.402, 160.403, 160.405, 160.410, 160.415, 160.417, 5 160.420, 160.425, 160.522, 160.775, 160.1990, 162.1062, 163.172, 167.031, 167.131, 168.101, 6 168.102, 168.221, 168.410, 168.999, 168.1000, 168.1002, 168.1003, 168.1004, 168.1006, 7 168.1008, 168.1009, 168.1010, 168.1011, 168.1012, 168.1016, 168.1020, 168.1022, 168.1026, 8 168.1028, 168.1030, 170.310, 171.031, 191.775, 536.018, 630.590, and 1, to read as follows:

160.045. 1. Each public school shall develop standards for teaching no later than June 2 30, 2010. The standards shall be applicable to all public schools, including public charter 3 schools operated by the board of a school district.

4 2. Teaching standards **for purposes of teacher evaluation under section 168.1026** shall 5 include, but not be limited to, the following:

- 6 (1) Students actively participate and are successful in the learning process;
7 (2) Various forms of assessment are used to monitor and manage student learning;
8 (3) The teacher is prepared and knowledgeable of the content and effectively maintains
9 students' on-task behavior;

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

10 (4) The teacher uses professional communication and interaction with the school
11 community;

12 (5) The teacher keeps current on instructional knowledge and seeks and explores changes
13 in teaching behaviors that will improve student performance; and

14 (6) The teacher acts as a responsible professional in the overall mission of the school.

15 3. The department may provide assistance to public schools in developing these
16 standards upon request.

17 **4. The Missouri teaching standards professional continuum adopted by the state**
18 **board of education may be adopted as a basis for such standards.**

160.080. 1. As authorized under its duty to classify the schools of the state under
2 **section 161.092, the state board of education shall adopt a system of classification to be**
3 **implemented after the fifth cycle of its current school improvement program that accredits**
4 **both individual schools and school districts separately from individual schools.**

5 **2. The state board of education shall, beginning December 1, 2011, report its**
6 **progress on the establishment of standards and procedures to the general assembly by**
7 **submitting a report to the joint committee on education. The report shall include notice**
8 **of any needed statutory changes to effect the new classification system.**

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

2 **2. Except as further provided in subsection 4 of this section, charter schools may be**
3 **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 population greater**
6 **than three hundred fifty thousand inhabitants [and may be sponsored by any of the following]**
7 **;**

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

9 **(4) In a provisionally accredited school district under the following conditions:**

10 **(a) A school district is first eligible for charter schools after three consecutive full**
11 **school years in provisionally accredited status;**

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

17 (c) The sponsor is limited to the local school board or a sponsor who has met
18 standards of accountability and performance in its sponsorship of other charter schools
19 as determined by rule of the state board of education; or

20 (5) In a school district that has been accredited without provisions, sponsored only
21 by the local school board.

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

24 (1) The school board of the district in any district which is sponsoring a charter
25 school as of August 27, 2011 as permitted under subdivision (1) of subsection 2 of this
26 section;

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

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

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

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

39 (6) The Missouri Charter Public School Commission created in section 160.425; or

40 (7) A nonprofit or charitable organization excluding a nonpublic sectarian or
41 religious institution which is exempt from federal taxation under section 501(c)(3) or
42 501(c)(6) of the Internal Revenue Code of 1986, as amended and is in compliance with the
43 annual filing requirements of the secretary of state under section 355.011.

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

47 (1) As a district transitions from unaccredited to provisionally accredited, the
48 district shall continue to fall under the requirements for an unaccredited district until it
49 achieves three consecutive full school years of provisional accreditation.

50 (2) A charter school in a district described in this subsection whose charter
51 provides for the addition of grade levels in subsequent years may continue to add levels

52 **until the planned expansion is complete to the extent of grade levels in comparable schools**
53 **of the district in which the school is operated.**

54 [3.] **5.** The mayor of a city not within a county may request a sponsor under subdivision
55 (2), (3), [or] (4), **(5), (6) or (7)** of subsection [2] **3** of this section to consider sponsoring a
56 "workplace charter school", which is defined for purposes of sections 160.400 to [160.420]
57 **160.425** as a charter school with the ability to target prospective students whose parent or parents
58 are employed in a business district, as defined in the charter, which is located in the city.

59 [4.] **6.** No sponsor shall receive from an applicant for a charter school any fee of any type
60 for the consideration of a charter, nor may a sponsor condition its consideration of a charter on
61 the promise of future payment of any kind.

62 [5.] **7.** The charter school shall be **organized as** a Missouri nonprofit corporation
63 incorporated pursuant to chapter 355. The charter provided for herein shall constitute a contract
64 between the sponsor and the charter school.

65 [6.] **8.** As a nonprofit corporation incorporated pursuant to chapter 355, the charter
66 school shall select the method for election of officers pursuant to section 355.326 based on the
67 class of corporation selected. Meetings of the governing board of the charter school shall be
68 subject to the provisions of sections 610.010 to 610.030[, the open meetings law].

69 [7.] **9.** A sponsor of a charter school, its agents and employees are not liable for any acts
70 or omissions of a charter school that it sponsors, including acts or omissions relating to the
71 charter submitted by the charter school, the operation of the charter school and the performance
72 of the charter school.

73 [8.] **10.** A charter school may affiliate with a four-year college or university, including
74 a private college or university, or a community college as otherwise specified in subsection [2]
75 **3** of this section when its charter is granted by a sponsor other than such college, university or
76 community college. Affiliation status recognizes a relationship between the charter school and
77 the college or university for purposes of teacher training and staff development, curriculum and
78 assessment development, use of physical facilities owned by or rented on behalf of the college
79 or university, and other similar purposes. [The primary campus of the college or university must
80 be located within the county in which the school district lies wherein the charter school is located
81 or in a county adjacent to the county in which the district is located.] A university, college or
82 community college may not charge or accept a fee for affiliation status.

83 [9.] **11.** The expenses associated with sponsorship of charter schools shall be defrayed
84 by the department of elementary and secondary education retaining one and five-tenths percent
85 of the amount of state and local funding allocated to the charter school under section 160.415,
86 not to exceed one hundred twenty-five thousand dollars, adjusted for inflation. [Such amount

87 shall not be withheld when the sponsor is a school district or the state board of education.] The
88 department of elementary and secondary education shall remit the retained funds for each charter
89 school to the school's sponsor, provided the sponsor remains in good standing by fulfilling its
90 sponsorship obligations under sections 160.400 to [160.420] **160.425** and 167.349 with regard
91 to each charter school it sponsors, including appropriate demonstration of the following:

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

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

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

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

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

105 **12. Sponsors receiving funds under subsection 11 of this section shall be required**
106 **to submit annual reports to the joint committee on education demonstrating they are in**
107 **compliance with subsection 16 of this section.**

108 [10.] **13.** No university, college or community college shall grant a charter to a nonprofit
109 corporation if an employee of the university, college or community college is a member of the
110 corporation's board of directors.

111 [11.] **14.** No sponsor shall grant a charter under sections 160.400 to [160.420] **160.425**
112 and 167.349 without ensuring that a criminal background check and [child abuse] **family care**
113 **safety** registry check are conducted for all members of the governing board of the charter schools
114 or the incorporators of the charter school if initial directors are not named in the articles of
115 incorporation, nor shall a sponsor renew a charter without ensuring a criminal background check
116 and [child abuse] **family care safety** registry check are conducted for each member of the
117 governing board of the charter school.

118 [12.] **15.** No member of the governing board of a charter school shall hold any office or
119 employment from the board or the charter school while serving as a member, nor shall the
120 member have any substantial interest, as defined in section 105.450, in any entity employed by
121 or contracting with the board. No board member shall be an employee of a company that

122 provides substantial services to the charter school. All members of the governing board of the
123 charter school shall be considered decision-making public servants as defined in section 105.450
124 for the purposes of the financial disclosure requirements contained in sections 105.483, 105.485,
125 105.487, and 105.489.

126 [13.] **16.** A sponsor shall provide timely submission to the state board of education of
127 all data necessary to demonstrate that the sponsor is in material compliance with all requirements
128 of sections 160.400 to [160.420] **160.425** and 167.349.

129 [14.] **17. A sponsor shall develop the policies and procedures for:**

130 (1) **The review of a charter school proposal;**

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

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

134 (4) **The sponsor's renewal, revocation, and nonrenewal processes;**

135 (5) **Additional criteria that the sponsor will use for ongoing oversight of the**
136 **charter; and**

137 (6) **Procedures to be implemented if a charter school should close, including but not**
138 **limited to:**

139 (a) **A notification plan to inform parents or guardians of students, the local school**
140 **district, the retirement system in which the charter school's employees participate, and the**
141 **state board of education upon closure;**

142 (b) **The transfer or repository of student records upon closure;**

143 (c) **The transfer or repository of personnel records upon closure;**

144 (d) **The disposition of the charter school's assets upon closure.**

145

146 **The department shall provide guidance to sponsors in developing such policies and**
147 **procedures.**

148 **18.** The state board of education shall ensure each sponsor is in compliance with all
149 requirements under sections 160.400 to [160.420] **160.425** and 167.349 for each charter school
150 sponsored by any sponsor. The state board shall notify each sponsor of the standards for
151 sponsorship of charter schools, delineating both what is mandated by statute and what best
152 practices dictate. The state board, after a public hearing, may require remedial action for a
153 sponsor that it finds has not fulfilled its obligations of sponsorship, such remedial actions
154 including withholding the sponsor's funding and suspending [for a period of up to one year] the
155 sponsor's authority to sponsor a school that it currently sponsors or to sponsor any additional
156 school **until the sponsor is reauthorized by the department under section 160.403.** If the

157 state board removes the authority to sponsor a currently operating charter school **under any**
158 **provision of law**, the state board shall become the interim sponsor of the school for a period of
159 up to three years until the school finds a new sponsor or until the charter contract period lapses.
160 **During such time, if the charter school fails to meet academic performance or other goals**
161 **as prescribed in the school's charter, the state board shall revoke the charter.**

162 **19. During any time in which powers granted to the board of education of a**
163 **metropolitan school district are vested in a special administrative board, the special**
164 **administrative board in equal partnership with the cooperating school districts of St. Louis**
165 **County or its successor organization, hereinafter referred to as "cooperating school**
166 **districts", may sponsor a charter school and the special administrative board may declare**
167 **itself as the local education agency of the charter school for school funding purposes. If**
168 **the special administrative board is dissolved at any time, the charter school may continue**
169 **to operate provided it seeks and obtains a new sponsorship under the new governing board**
170 **of a metropolitan school district and the cooperating school districts.**

160.402. 1. Notwithstanding sections 160.400 and 160.405, an accredited district
2 **or cooperative association of accredited districts may sponsor or operate a charter school**
3 **in a school district that has been classified as unaccredited by the state board of education**
4 **under section 161.092. The district or cooperative association shall comply with all**
5 **provisions of sections 160.400 to 160.420.**

6 **2. An unaccredited school district with unused facilities shall grant the opportunity**
7 **of first refusal for lease or purchase to a charter school authorized under subsection 1 of**
8 **this section.**

9 **3. If the school district regains accreditation without provisions, and the district or**
10 **cooperative wishes to discontinue the school, the district or cooperative shall solicit**
11 **proposals for the continuation of the school, which will be presented for a vote of the**
12 **parents or guardians of the students attending the school in the school year during which**
13 **the district undergoes its next accreditation review.**

160.403. 1. The department of elementary and secondary education shall establish
2 **an annual application and approval process for all entities eligible to sponsor charters as**
3 **set forth in section 160.400. No later than January 1, 2012, the department shall make**
4 **available information and guidelines for all eligible sponsors concerning the opportunity**
5 **to apply for sponsoring authority under this section.**

6 **2. The application process for sponsorship shall require each interested eligible**
7 **sponsor to submit an application by April first that includes the following:**

- 8 (1) **Written notification of intent to serve as a charter sponsor in accordance with**
9 **section 160.400;**
- 10 (2) **Evidence of the applicant sponsor's budget and personnel capacity;**
- 11 (3) **An outline of the request for proposal that the applicant sponsor would, if**
12 **approved as a charter sponsor, issue to solicit public charter school applicants consistent**
13 **with sections 160.400 to 160.425;**
- 14 (4) **The performance framework that the applicant sponsor would, if approved as**
15 **a charter sponsor, use to guide the establishment of a charter contract and for ongoing**
16 **oversight and a description of how it would evaluate the charter schools it sponsors; and**
- 17 (5) **The applicant sponsor's renewal, revocation, and nonrenewal processes**
18 **consistent with section 160.405.**
- 19 **3. By July first of each year, the department shall decide whether to grant or deny**
20 **a sponsoring authority to a sponsor applicant. This decision shall be made based on the**
21 **applicant charter's compliance with sections 160.400 to 160.425 and any properly**
22 **promulgated rules of the department.**
- 23 **4. Within thirty days of the department's decision, the department shall execute a**
24 **renewable sponsoring contract with each entity it has approved as a sponsor. The term of**
25 **each authorizing contract shall be ten years. No eligible sponsor which is not currently**
26 **sponsoring a charter school upon the effective date of this section shall commence charter**
27 **sponsorship without approval from the department and a sponsor contract with the**
28 **department in effect.**
- 29 **5. All entities sponsoring a charter school upon the effective date of this section**
30 **shall apply to the department for approval to continue as a sponsor no later than April 1,**
31 **2012. By July 1, 2012, the department shall decide whether to grant the sponsor the**
32 **authority to continue or deny such authority. Charter sponsors that are granted the**
33 **authority to continue sponsorship by the department shall be granted such authority for**
34 **a period of ten years. Charter sponsors that are denied the authority to continue as a**
35 **sponsor shall lose the authority to continue as a sponsor immediately. The Missouri**
36 **Charter Public School Commission shall become the interim sponsor for a period of up to**
37 **three years until the charter school finds a new sponsor or until the charter contract period**
38 **lapses.**

160.405. 1. A person, group or organization seeking to establish a charter school shall
2 submit the proposed charter, as provided in this section, to a sponsor. If the sponsor is not a
3 school board, the applicant shall give a copy of its application to the school board of the district
4 in which the charter school is to be located and to the state board of education, within five

5 business days of the date the application is filed with the proposed sponsor. The school board
6 may file objections with the proposed sponsor, and, if a charter is granted, the school board may
7 file objections with the state board of education. The charter shall include a mission statement
8 for the charter school, a description of the charter school's organizational structure and bylaws
9 of the governing body, which will be responsible for the policy and operational decisions of the
10 charter school, a financial plan for the first three years of operation of the charter school
11 including provisions for annual audits, a description of the charter school's policy for securing
12 personnel services, its personnel policies, personnel qualifications, and professional development
13 plan, a description of the grades or ages of students being served, the school's calendar of
14 operation, which shall include at least the equivalent of a full school term as defined in section
15 160.011, and an outline of criteria specified in this section designed to measure the effectiveness
16 of the school. The charter shall also state:

17 (1) [The educational goals and objectives to be achieved by the charter school] **A**
18 **performance contract, which shall contain a complete set of indicators, measures, metrics,**
19 **and targets in the following areas: academic program performance; operational program**
20 **performance, including governance; and, if applicable, elements related specifically to the**
21 **charter school's mission and vision;**

22 (2) A description of the charter school's educational program and curriculum;

23 (3) The term of the charter, which:

24 (a) Shall be [not less than] five years[, nor greater than ten years] and shall be renewable;

25 **or**

26 (b) **For any charter school sponsored by the special administrative board of a**
27 **metropolitan school district in equal partnership with the cooperating school districts of**
28 **St. Louis County or its successor organization, hereinafter referred to as "cooperating**
29 **school districts", may be for a period of three years and may be renewable. Should a**
30 **charter school sponsored by the special administrative board and cooperating school**
31 **districts not perform to the academic standards initially set out in the charter agreement**
32 **with the sponsor, the special administrative board and cooperating school districts, at the**
33 **end of a three-year term, may close the charter school and incorporate the charter school**
34 **into the metropolitan school district;**

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

38 (5) A description of the governance and operation of the charter school, including the
39 nature and extent of parental, professional educator, and community involvement in the
40 governance and operation of the charter school; [and]

41 (6) A description of the charter school's policies on student discipline and student
42 admission, which shall include a statement, where applicable, of the validity of attendance of
43 students who do not reside in the district but who may be eligible to attend under the terms of
44 judicial settlements **and procedures that ensure admission of students with disabilities in a**
45 **nondiscriminatory manner;**

46 (7) **A description of the charter school's grievance procedure for parents or**
47 **guardians;**

48 (8) **A description of the agreement between the charter school and the sponsor as**
49 **to when a charter shall be revoked for failure to comply with subsection 8 of this section**
50 **and when it will fail to be renewed under subsection 9 of this section;**

51 (9) **Procedures to be implemented if the charter school should close, as provided in**
52 **subdivision (4) of subsection 17 of section 160.400; and**

53 (10) **A description of the special education and related services that will be available**
54 **to meet the needs of students with disabilities.**

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

56 (1) **A charter shall be submitted to the sponsor, and follow the sponsor's policies**
57 **and procedures for review and granting of a charter approval, and be approved by the**
58 **state board by December first prior to the proposed opening date of the charter school;**

59 (2) A charter may be approved when the sponsor determines that the requirements of this
60 section are met and determines that the applicant is sufficiently qualified to operate a charter
61 school. The sponsor's decision of approval or denial shall be made within ninety days of the
62 filing of the proposed charter;

63 [(2)] (3) If the charter is denied, the proposed sponsor shall notify the applicant in writing
64 as to the reasons for its denial and forward a copy to the state board of education within five
65 business days following the denial;

66 [(3)] (4) If a proposed charter is denied by a sponsor, the proposed charter may be
67 submitted to the state board of education, along with the sponsor's written reasons for its denial.
68 If the state board determines that the applicant meets the requirements of this section, that the
69 applicant is sufficiently qualified to operate the charter school, and that granting a charter to the
70 applicant would be likely to provide educational benefit to the children of the district, the state
71 board may grant a charter and act as sponsor of the charter school. The state board shall review
72 the proposed charter and make a determination of whether to deny or grant the proposed charter

73 within sixty days of receipt of the proposed charter, provided that any charter to be considered
74 by the state board of education under this subdivision shall be submitted no later than March first
75 prior to the school year in which the charter school intends to begin operations. The state board
76 of education shall notify the applicant in writing as the reasons for its denial, if applicable; and

77 ~~[(4)]~~ (5) The sponsor of a charter school shall give priority to charter school applicants
78 that propose a school oriented to high-risk students and to the reentry of dropouts into the school
79 system. [If a sponsor grants three or more charters, at least one-third of the charters granted by
80 the sponsor shall be to schools that actively recruit dropouts or high-risk students as their student
81 body and address the needs of dropouts or high-risk students through their proposed mission,
82 curriculum, teaching methods, and services.] For purposes of this subsection, a "high-risk"
83 student is one who is at least one year behind in satisfactory completion of course work or
84 obtaining [credits for graduation, pregnant or a parent, homeless or has been homeless sometime
85 within the preceding six months, has limited English proficiency, has been suspended from
86 school three or more times, is eligible for free or reduced-price school lunch, or has been referred
87 by the school district for enrollment in an alternative program] **high school credits for**
88 **graduation, has dropped out of school, is at risk of dropping out of school, needs drug and**
89 **alcohol treatment, has severe behavioral problems, has been suspended from school three**
90 **or more times, has a history of severe truancy, is a pregnant or parenting teen, has been**
91 **referred for enrollment by the judicial system, is exiting incarceration, is a refugee, is**
92 **homeless or has been homeless sometime within the preceding six months, has been**
93 **referred by an area school district for enrollment in an alternative program, or qualifies**
94 **as high risk under department of elementary and secondary education guidelines.**
95 "Dropout" shall be defined through the guidelines of the school core data report. The provisions
96 of this subsection do not apply to charters sponsored by the state board of education.

97 3. If a charter is approved by a sponsor, the charter application shall be submitted to the
98 state board of education, along with a statement of finding that the application meets the
99 requirements of sections 160.400 to 160.420 and section ~~[167.439]~~ **167.349** and a monitoring
100 plan under which the charter sponsor will evaluate the academic performance of students
101 enrolled in the charter school. The state board of education may, within sixty days, disapprove
102 the granting of the charter. The state board of education may disapprove a charter on grounds
103 that the application fails to meet the requirements of sections 160.400 to 160.420 and section
104 167.349 or that a charter sponsor previously failed to meet the statutory responsibilities of a
105 charter sponsor.

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

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

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

111 (2) Comply with laws and regulations of the state, county, or city relating to health,
112 safety, and state minimum educational standards, as specified by the state board of education,
113 including the requirements relating to student discipline under sections 160.261, 167.161,
114 167.164, and 167.171, notification of criminal conduct to law enforcement authorities under
115 sections 167.115 to 167.117, academic assessment under section 160.518, transmittal of school
116 records under section 167.020, [and] the minimum number of school days and hours required
117 under section 160.041, **and the employee criminal history background check and the family**
118 **care safety registry check under section 168.133;**

119 (3) Except as provided in sections 160.400 to 160.420, be exempt from all laws and rules
120 relating to schools, governing boards and school districts;

121 (4) Be financially accountable, use practices consistent with the Missouri financial
122 accounting manual, provide for an annual audit by a certified public accountant, publish audit
123 reports and annual financial reports [as provided in chapter 165, RSMo, provided that the annual
124 financial report may be published] **on the charter school's internet website or** on the
125 department of elementary and secondary education's internet website [in addition to other
126 publishing requirements], and provide liability insurance to indemnify the school, its board, staff
127 and teachers against tort claims. A charter school that receives local educational agency status
128 under subsection [6] **7** of this section shall meet the requirements imposed by the Elementary and
129 Secondary Education Act for audits of such agencies. For purposes of an audit by petition under
130 section 29.230, a charter school shall be treated as a political subdivision on the same terms and
131 conditions as the school district in which it is located. For the purposes of securing such
132 insurance, a charter school shall be eligible for the Missouri public entity risk management fund
133 pursuant to section 537.700. A charter school that incurs debt [must] **shall** include a repayment
134 plan in its financial plan;

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

138 (6) (a) Design a method to measure pupil progress toward the pupil academic standards
139 adopted by the state board of education pursuant to section 160.514, [collect baseline data during
140 at least the first three years for determining how the charter school is performing] **establish**
141 **baseline student performance in accordance with the performance contract during the first**
142 **year of operation, collect student performance data as defined by the annual performance**

143 **report throughout the duration of the charter to annually monitor student academic**
144 **performance**, and to the extent applicable **based upon grade levels offered by the charter**
145 **school**, participate in the statewide system of assessments, comprised of the essential skills tests
146 and the nationally standardized norm-referenced achievement tests, as designated by the state
147 board pursuant to section 160.518, complete and distribute an annual report card as prescribed
148 in section 160.522, which shall also include a statement that background checks have been
149 completed on the charter school's board members, report to its sponsor, the local school district,
150 and the state board of education as to its teaching methods and any educational innovations and
151 the results thereof, and provide data required for the study of charter schools pursuant to
152 subsection 4 of section 160.410. No charter school will be considered in the Missouri school
153 improvement program review of the district in which it is located for the resource or process
154 standards of the program.

155 (b) For proposed high risk or alternative charter schools, sponsors shall approve
156 performance measures based on mission, curriculum, teaching methods, and services. Sponsors
157 shall also approve comprehensive academic and behavioral measures to determine whether
158 students are meeting performance standards on a different time frame as specified in that school's
159 charter. Student performance shall be assessed comprehensively to determine whether a high
160 risk or alternative charter school has documented adequate student progress. Student
161 performance shall be based on sponsor-approved comprehensive measures as well as
162 standardized public school measures. Annual presentation of charter school report card data to
163 the department of elementary and secondary education, the state board, and the public shall
164 include comprehensive measures of student progress.

165 (c) Nothing in this [paragraph] **subdivision** shall be construed as permitting a charter
166 school to be held to lower performance standards than other public schools within a district;
167 however, the charter of a charter school may permit students to meet performance standards on
168 a different time frame as specified in its charter; **the performance standards for alternative**
169 **and special purpose charter schools that target high-risk students as defined in subdivision**
170 **(5) of subsection 2 of this section shall be based on academic growth measures;**

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

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

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

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

183 **6. (1) Proposed or existing high-risk or alternative charter schools may include**
184 **alternative arrangements for students to obtain credit for satisfying graduation**
185 **requirements in the school's charter application and charter. Alternative arrangements**
186 **may include, but not be limited to, credit for off-campus instruction, embedded credit,**
187 **work experience through an internship arranged through the school, and independent**
188 **studies. When the state board of education approves the charter, any such alternative**
189 **arrangements shall be approved at such time.**

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

194 **7.** The charter of a charter school may be amended at the request of the governing body
195 of the charter school and on the approval of the sponsor. The sponsor and the governing board
196 and staff of the charter school shall jointly review the school's performance, management and
197 operations [at least once every two years] **during the first year of operation and then every**
198 **other year after the most recent review** or at any point where the operation or management of
199 the charter school is changed or transferred to another entity, either public or private. The
200 governing board of a charter school may amend the charter, if the sponsor approves such
201 amendment, or the sponsor and the governing board may reach an agreement in writing to reflect
202 the charter school's decision to become a local educational agency [for the sole purpose of
203 seeking direct access to federal grants]. In such case the sponsor shall give the department of
204 elementary and secondary education written notice no later than March first of any year, with the
205 agreement to become effective July first. The department may waive the March first notice date
206 in its discretion. The department shall identify and furnish a list of its regulations that pertain
207 to local educational agencies to such schools within thirty days of receiving such notice.

208 [7.] **8. (1) A sponsor shall revoke a charter or take other appropriate remedial action,**
209 **which may include placing the charter school on probationary status for no more than twelve**
210 **months, provided that no more than one designation of probationary status will be allowed**
211 **for the duration of the charter contract,** at any time if the charter school commits a serious
212 breach of one or more provisions of its charter or on any of the following grounds: failure to

213 meet [academic performance standards] **the performance contract** as set forth in its charter,
214 failure to meet generally accepted standards of fiscal management, failure to provide information
215 necessary to confirm compliance with all provisions of the charter and sections 160.400 to
216 [160.420] **160.425** and 167.349 within forty-five days following receipt of written notice
217 requesting such information, or violation of law.

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

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

225 (4) The sponsor of a charter school shall establish procedures to conduct administrative
226 hearings upon determination by the sponsor that grounds exist to revoke a charter. [Final
227 decisions of a sponsor from hearings conducted pursuant to this subsection are subject to judicial
228 review pursuant to chapter 536.]

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

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

235 [8.] **9. (1)** A sponsor shall take all reasonable steps necessary to confirm that each
236 charter school sponsored by such sponsor is in material compliance and remains in material
237 compliance with all material provisions of the charter and sections 160.400 to [160.420] **160.425**
238 and 167.349. Every charter school shall provide all information necessary to confirm ongoing
239 compliance with all provisions of its charter and sections 160.400 to [160.420] **160.425** and
240 167.349 in a timely manner to its sponsor.

241 **(2) (a) Beginning August first during the year in which a charter is considered for**
242 **renewal, a charter school sponsor shall demonstrate to the state board of education that**
243 **the charter school is in compliance with federal and state laws on accountability;**
244 **transparency; maintenance of parent, student, and employee rights; performance of**
245 **charter requirements; and the following academic performance standards:**

246 **a. For a charter school the grade span of which includes high school grades, the**
247 **sponsor shall establish that the average graduation rate for the most recent three years is**

248 no lower than seventy percent in any three of the last four years unless the school has as
249 its mission dropout recovery and enrolls students from the ages of seventeen to twenty-one;

250 b. For all charter schools, the sponsor shall establish that the school is not among
251 the persistently lowest achieving five percent of schools by using three years of Missouri
252 assessment program for communication arts and mathematics data; and

253 c. For all charter schools, the sponsor shall demonstrate growth as evidenced by
254 Missouri assessment program scores three out of the four last years.

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

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

263 (d) If compliance with all standards has not been achieved, the charter school and
264 its sponsor may file a statement no later than October thirty-first, stating the reasons why
265 the charter school should not be closed. If no such statement is filed, the charter school
266 shall cease operation at the end of the current academic year. If a statement is timely filed,
267 the department of elementary and secondary education shall hold a public hearing no later
268 than January tenth to determine if the charter should be renewed. The state board of
269 education shall review the findings from the hearing and shall vote no later than February
270 twenty-eighth to continue the operation of the charter school and may impose conditions
271 on its continuing operation as specified in subdivision (1) of subsection 8 of this section, or
272 to close the charter school at the end of the current academic year.

273 10. A charter school shall close at the end of the current academic year if any of the
274 following events takes place:

275 (1) The charter is revoked by the state board of education under subsection 18 of
276 section 160.400;

277 (2) The charter is revoked by the charter school's sponsor under subsection 8 of
278 section 160.405;

279 (3) The charter is not renewed under paragraph (b) of subdivision (2) of subsection
280 9 of section 160.405; or

281 (4) The charter is voluntarily relinquished.

282

283 **The decision of the state board of education to revoke a charter under subsection 18 of**
284 **section 160.400 or not to renew a charter under paragraph (b) of subdivision (2) of**
285 **subsection 9 of this section shall be final.**

286 [9.] **11.** A school district may enter into a lease with a charter school for physical
287 facilities. **A properly authorized charter school shall have the right to purchase or lease an**
288 **unused facility or unused portion of a facility from a school district. Such purchase or**
289 **lease shall be made available to a charter school at a fair market value prior to any unused**
290 **facility or unused portion of a facility being offered to any noncharter school entity. No**
291 **school district shall sell or lease a facility to another entity unless it has first complied with**
292 **this subsection.**

293 [10.] **12.** A governing board or a school district employee who has control over
294 personnel actions shall not take unlawful reprisal against another employee at the school district
295 because the employee is directly or indirectly involved in an application to establish a charter
296 school. A governing board or a school district employee shall not take unlawful reprisal against
297 an educational program of the school or the school district because an application to establish
298 a charter school proposes the conversion of all or a portion of the educational program to a
299 charter school. As used in this subsection, "unlawful reprisal" means an action that is taken by
300 a governing board or a school district employee as a direct result of a lawful application to
301 establish a charter school and that is adverse to another employee or an educational program.

302 [11.] **13.** Charter school board members shall be subject to the same liability for acts
303 while in office as if they were regularly and duly elected members of school boards in any other
304 public school district in this state. The governing board of a charter school may participate, to
305 the same extent as a school board, in the Missouri public entity risk management fund in the
306 manner provided under sections 537.700 to 537.756.

307 [12.] **14.** Any entity, either public or private, operating, administering, or otherwise
308 managing a charter school shall be considered a quasi-public governmental body and subject to
309 the provisions of sections 610.010 to 610.035.

310 [13.] **15.** The chief financial officer of a charter school shall maintain:

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

313 (2) An insurance policy issued by an insurance company licensed to do business in
314 Missouri on all employees in the amount of five hundred thousand dollars or more that provides
315 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 voluntary
4 transfer program; [and]

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

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

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

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

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

27 (3) **Charter alternative and special purpose schools may also give a preference for**
28 **admission to high-risk students, as defined in subdivision (5) of subsection 2 of section**
29 **160.405, when the school targets these students through its proposed mission, curriculum,**
30 **teaching methods, and services.**

31 3. A charter school shall not limit admission based on race, ethnicity, national origin,
32 disability, gender, income level, proficiency in the English language or athletic ability, but may
33 limit admission to pupils within a given age group or grade level. **Students of a charter school**
34 **that are present for the January membership count as defined in section 163.011 shall be**
35 **counted in the performance of the charter school on the statewide assessments in that**
36 **calendar year, unless otherwise exempted as English language learners.**

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

52 (1) Missouri assessment program test performance and aggregate growth over several
53 years;

54 (2) Student reenrollment rates;

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

56 (4) Graduation rates in secondary programs; and

57 (5) Performance of students enrolled in the same public school for three or more
58 consecutive years. The impact study shall be undertaken every two years to determine the impact
59 of charter schools on the constituents they serve in the districts where charter schools are
60 operated. The impact study shall include, but is not limited to, determining if changes have been
61 made in district policy or procedures attributable to the charter school and to perceived changes
62 in attitudes and expectations on the part of district personnel, school board members, parents,
63 students, the business community and other education stakeholders. The department of
64 elementary and secondary education shall make the results of the studies public and shall deliver
65 copies to the governing boards of the charter schools, the sponsors of the charter schools, the
66 school board and superintendent of the districts in which the charter schools are operated.

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

70 (1) The school's charter;

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

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

74 **(4) If a charter school is operated by a management company, a copy of the written**
75 **contract between the governing board of the charter school and the educational**
76 **management organization or the charter management organization for services.**

77 The charter school may charge reasonable fees, not to exceed the rate specified in section
78 610.026, for furnishing copies of documents under this subsection.

79 **6. When a student attending a charter school who is a resident of the school district**
80 **in which the charter school is located moves out of the boundaries of such school district,**
81 **the student may complete the current semester and shall be considered a resident student.**
82 **The student's parent or legal guardian shall be responsible for the student's transportation**
83 **to and from the charter school.**

84 **7. If a change in school district boundary lines occurs under section 162.223,**
85 **162.431, 162.441, or 162.451, or by action of the state board of education under section**
86 **162.081, including attachment of a school district's territory to another district or**
87 **dissolution, such that a student attending a charter school prior to such change no longer**
88 **resides in a school district in which the charter school is located, then the student may**
89 **complete the current academic year at the charter school. The student shall be considered**
90 **a resident student. The student's parent or legal guardian shall be responsible for the**
91 **student's transportation to and from the charter school.**

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

160.415. 1. For the purposes of calculation and distribution of state school aid under
2 section 163.031, pupils enrolled in a charter school shall be included in the pupil enrollment of
3 the school district within which each pupil resides. Each charter school shall report the names,
4 addresses, and eligibility for free and reduced lunch, special education, or limited English
5 proficiency status, as well as eligibility for categorical aid, of pupils resident in a school district
6 who are enrolled in the charter school to the school district in which those pupils reside. The
7 charter school shall report the average daily attendance data, free and reduced lunch count,
8 special education pupil count, and limited English proficiency pupil count to the state department
9 of elementary and secondary education. Each charter school shall promptly notify the state
10 department of elementary and secondary education and the pupil's school district when a student
11 discontinues enrollment at a charter school.

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

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

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

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

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

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

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

35 4. A charter school that has declared itself as a local educational agency shall receive
36 from the department of elementary and secondary education an annual amount equal to the
37 product of the charter school's weighted average daily attendance and the state adequacy target,
38 multiplied by the dollar value modifier for the district, plus local tax revenues per weighted
39 average daily attendance from the incidental and teachers funds in excess of the performance
40 levy as defined in section 163.011 plus all other state aid attributable to such pupils. If a charter
41 school declares itself as a local education agency, the department of elementary and secondary
42 education shall, upon notice of the declaration, reduce the payment made to the school district
43 by the amount specified in this subsection and pay directly to the charter school the annual
44 amount reduced from the school district's payment.

45 5. If a school district fails to make timely payments of any amount for which it is the
46 disbursal agent, the state department of elementary and secondary education shall authorize

47 payment to the charter school of the amount due pursuant to subsection 2 of this section and shall
48 deduct the same amount from the next state school aid apportionment to the owing school
49 district. If a charter school is paid more or less than the amounts due pursuant to this section,
50 the amount of overpayment or underpayment shall be adjusted equally in the next twelve
51 payments by the school district or the department of elementary and secondary education, as
52 appropriate. Any dispute between the school district and a charter school as to the amount owing
53 to the charter school shall be resolved by the department of elementary and secondary education,
54 and the department's decision shall be the final administrative action for the purposes of review
55 pursuant to chapter 536. During the period of dispute, the department of elementary and
56 secondary education shall make every administrative and statutory effort to allow the continued
57 education of children in their current public charter school setting.

58 6. The charter school and a local school board may agree by contract for services to be
59 provided by the school district to the charter school. The charter school may contract with any
60 other entity for services. Such services may include but are not limited to food service, custodial
61 service, maintenance, management assistance, curriculum assistance, media services and libraries
62 and shall be subject to negotiation between the charter school and the local school board or other
63 entity. Documented actual costs of such services shall be paid for by the charter school. **An**
64 **educational cooperative of school districts may provide managerial or academic services**
65 **as a contractor under this subsection.**

66 7. **In the case of a proposed charter school that intends to contract with an**
67 **education service provider for substantial educational services, management services, or**
68 **both types of services, as permitted in subsection 6 of this section, the request for proposals**
69 **shall additionally require the charter school applicants to:**

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

74 **(2) Provide a term sheet setting forth the proposed duration of the service contract;**
75 **roles and responsibilities of the governing board, the school staff, and the service provider;**
76 **scope of services and resources to be provided by the service provider; performance**
77 **evaluation measures and time lines; compensation structure, including clear identification**
78 **of all fees to be paid to the service provider; methods of contract oversight and**
79 **enforcement; investment disclosure; and conditions for renewal and termination of the**
80 **contract;**

81 **(3) Disclose and explain any existing or potential conflicts of interest between the**
82 **school governing board and proposed service provider or any affiliated business entities;**

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

85 **(5) Ensure that the lead administrator and the legal counsel of the charter school**
86 **shall be direct employees of the charter school governing board; and**

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

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

93 [8.] **9.** A charter school shall be eligible for transportation state aid pursuant to section
94 163.161 and shall be free to contract with the local district, or any other entity, for the provision
95 of transportation to the students of the charter school.

96 [9.] **10.** (1) The proportionate share of state and federal resources generated by students
97 with disabilities or staff serving them shall be paid in full to charter schools enrolling those
98 students by their school district where such enrollment is through a contract for services
99 described in this section. The proportionate share of money generated under other federal or
100 state categorical aid programs shall be directed to charter schools serving such students eligible
101 for that aid.

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

105 [10.] **11.** A charter school may not charge tuition, nor may it impose fees that a school
106 district is prohibited from imposing.

107 [11.] **12.** A charter school is authorized to incur debt in anticipation of receipt of funds.
108 A charter school may also borrow to finance facilities and other capital items. A school district
109 may incur bonded indebtedness or take other measures to provide for physical facilities and other
110 capital items for charter schools that it sponsors or contracts with. Upon the dissolution of a
111 charter school, any liabilities of the corporation will be satisfied through the procedures of
112 chapter 355. **The department of elementary and secondary education may withhold**
113 **funding at a level the department determines to be adequate during a school's last year of**
114 **operation until the department determines that school records, liabilities, and reporting**
115 **requirements, including a full audit, are satisfied.**

116 [12.] 13. Charter schools shall not have the power to acquire property by eminent
117 domain.

118 [13.] 14. The governing body of a charter school is authorized to accept grants, gifts or
119 donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or
120 donation may not be accepted by the governing body if it is subject to any condition contrary to
121 law applicable to the charter school or other public schools, or contrary to the terms of the
122 charter.

**160.417. 1. By October 1, 2011, and by each October first thereafter, the
2 department of elementary and secondary education shall review the information submitted
3 on the report required by section 162.821 to identify charter schools experiencing financial
4 stress. The department shall be authorized to obtain such additional information from a
5 charter school as may be necessary to determine the financial condition of the charter
6 school. Annually, a listing of charter schools identified as experiencing financial stress
7 according to the provisions of this section shall be provided to the governor, speaker of the
8 house of representatives, and president pro tem of the senate by the department of
9 elementary and secondary education.**

**10 2. For the purposes of this section, a charter school shall be identified as
11 experiencing financial stress if it:**

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

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

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

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

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

**26 (1) Give assurances that adequate educational services to students of the charter
27 school shall continue uninterrupted for the remainder of the current school year and that
28 the charter school can provide a minimum school term required by section 163.021;**

29 **(2) Outline a procedure to be followed by the charter school to report to charter**
30 **school patrons about the financial condition of the charter school; and**

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

33 **4. Upon receipt and following review of any budget and education plan, the**
34 **department may make suggestions to improve the plan. Nothing in the law shall exempt**
35 **a charter school from submitting a budget and education plan to the department according**
36 **to the provisions of this section following each such notification that a charter school has**
37 **been identified as experiencing financial stress, except that the commissioner of elementary**
38 **and secondary education may permit a charter board to make amendments to or update**
39 **a budget and education plan previously submitted to the department.**

40 **5. The department may withhold any payment of financial aid otherwise due to the**
41 **charter school until such time as the charter school has fully complied with this section.**

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

11 2. A charter school may employ noncertificated instructional personnel; provided that
12 no more than twenty percent of the full-time equivalent instructional staff positions at the school
13 are filled by noncertificated personnel. All noncertificated instructional personnel shall be
14 supervised by certificated instructional personnel. A charter school that has a foreign language
15 immersion experience as its chief educational mission, as stated in its charter, shall not be subject
16 to the twenty-percent requirement of this subsection but shall ensure that any teachers whose
17 duties include instruction given in a foreign language have current valid credentials in the
18 country in which such teacher received his or her training and shall remain subject to the
19 remaining requirements of this subsection. The charter school shall ensure that all instructional
20 employees of the charter school have experience, training and skills appropriate to the
21 instructional duties of the employee, and the charter school shall ensure that a criminal
22 background check and [child abuse] **family care safety** registry check are conducted for each

23 employee of the charter school prior to the hiring of the employee **under the requirements of**
24 **section 168.133**. The charter school may not employ instructional personnel whose certificate
25 of license to teach has been revoked or is currently suspended by the state board of education.
26 Appropriate experience, training and skills of noncertificated instructional personnel shall be
27 determined considering:

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

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

31 (3) College degrees in the appropriate field;

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

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

34 3. Personnel employed by the charter school shall participate in the retirement system
35 of the school district in which the charter school is located, subject to the same terms, conditions,
36 requirements and other provisions applicable to personnel employed by the school district. For
37 purposes of participating in the retirement system, the charter school shall be considered to be
38 a public school within the school district, and personnel employed by the charter school shall be
39 public school employees. In the event of a lapse of the school district's corporate organization
40 as described in subsections 1 and 4 of section 162.081, personnel employed by the charter school
41 shall continue to participate in the retirement system and shall do so on the same terms,
42 conditions, requirements and other provisions as they participated prior to the lapse.

43 [4. The charter school and a local school board may agree by contract for services to be
44 provided by the school district to the charter school. The charter school may contract with any
45 other entity for services. Such services may include but are not limited to food service, custodial
46 service, maintenance, management assistance, curriculum assistance, media services and libraries
47 and shall be subject to negotiation between the charter school and the local school board or other
48 entity. Documented actual costs of such services shall be paid for by the charter school.

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

52 6. A charter school shall be eligible for transportation state aid pursuant to section
53 163.161 and shall be free to contract with the local district, or any other entity, for the provision
54 of transportation to the students of the charter school.

55 7. (1) The proportionate share of state and federal resources generated by students with
56 disabilities or staff serving them shall be paid in full to charter schools enrolling those students
57 by their school district where such enrollment is through a contract for services described in this

58 section. The proportionate share of money generated under other federal or state categorical aid
59 programs shall be directed to charter schools serving such students eligible for that aid.

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

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

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

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

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

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

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

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

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

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

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

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

20 **(5) Five additional members appointed by the governor.**

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

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

31 **6. The commission may approve proposed charters for its sponsorship under**
32 **sections 160.400 to 160.425 and shall:**

33 **(1) Comply with all of the requirements applicable to sponsors under sections**
34 **160.400 to 160.425;**

35 **(2) Exercise sponsorship over charters approved by the commission under sections**
36 **160.400 to 160.425, including receipt of sponsorship funding under subsection 11 of section**
37 **160.400.**

38 **7. Charter schools sponsored by the commission shall comply with all of the**
39 **requirements applicable to charter schools under sections 160.400 to 160.425.**

40 **8. The commission shall conduct its business in accordance with chapter 610.**

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

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

160.522. 1. The department of elementary and secondary education shall produce or
2 cause to be produced, at least annually, a school accountability report card for each public school
3 district, each public school building in a school district, and each charter school in the state. The

4 report card shall be designed to satisfy state and federal requirements for the disclosure of
5 statistics about students, staff, finances, academic achievement, and other indicators. The
6 purpose of the report card shall be to provide educational statistics and accountability
7 information for parents, taxpayers, school personnel, legislators, and the print and broadcast
8 news media in a standardized, easily accessible form.

9 2. The department of elementary and secondary education shall develop a standard form
10 for the school accountability report card. The information reported shall include, but not be
11 limited to, the district's most recent accreditation rating, enrollment, rates of pupil attendance,
12 high school dropout rate and graduation rate, the number and rate of suspensions of ten days or
13 longer and expulsions of pupils, the district ratio of students to administrators and students to
14 classroom teachers, the average years of experience of professional staff and advanced degrees
15 earned, student achievement as measured through the assessment system developed pursuant to
16 section 160.518, student scores on the ACT, along with the percentage of graduates taking the
17 test, average teachers' and administrators' salaries compared to the state averages, average per
18 pupil current expenditures for the district as a whole and by attendance center as reported to the
19 department of elementary and secondary education, the adjusted tax rate of the district, assessed
20 valuation of the district, percent of the district operating budget received from state, federal, and
21 local sources, the percent of students eligible for free or reduced-price lunch, data on the percent
22 of students continuing their education in postsecondary programs, [and] information about the
23 job placement rate for students who complete district vocational education programs, **whether**
24 **the school district currently has a state-approved gifted education program or services.**
25 **The information shall also include the percentage and number of students who are**
26 **currently being served in the district's state-approved gifted education program or**
27 **services. Data collected on gifted students shall be collected in such a manner as to make**
28 **possible tracking postsecondary outcomes of such students, so that comparisons can be**
29 **made between gifted students who participate in state-approved gifted programs and**
30 **services and gifted students who do not participate in such programs and services.**

31 3. The report card shall permit the disclosure of data on a school-by-school basis, but the
32 reporting shall not be personally identifiable to any student or education professional in the state.

33 4. The report card shall identify each school or attendance center that has been identified
34 as a priority school under sections 160.720 and 161.092. The report also shall identify
35 attendance centers that have been categorized under federal law as needing improvement or
36 requiring specific school improvement strategies.

37 5. The report card shall not limit or discourage other methods of public reporting and
38 accountability by local school districts. Districts shall provide information included in the report

39 card to parents, community members, the print and broadcast news media, and legislators by
40 December first annually or as soon thereafter as the information is available to the district, giving
41 preference to methods that incorporate the reporting into substantive official communications
42 such as student report cards. The school district shall provide a printed copy of the district-level
43 or school-level report card to any patron upon request and shall make reasonable efforts to supply
44 businesses such as, but not limited to, real estate and employment firms with copies or other
45 information about the reports so that parents and businesses from outside the district who may
46 be contemplating relocation have access.

160.775. 1. Every district shall adopt an antibullying policy by September 1, 2007.

2 2. "Bullying" means **discrimination**, intimidation, or harassment that causes a
3 reasonable student to fear for his or her physical safety or property; **substantially interferes**
4 **with the educational performance, opportunities, or benefits of any student without**
5 **exception; or substantially disrupts the orderly operation of the school.** Bullying may
6 consist of physical actions, including gestures, or oral, cyberbullying, electronic, or written
7 communication, and any threat of retaliation for reporting of such acts. **Bullying is prohibited**
8 **by students on school property, at any school function, or on a school bus.**
9 **"Cyberbullying" is the transmission of a bullying communication, including, but not**
10 **limited to, a message, text, sound, or image by means of an electronic device, including, but**
11 **not limited to, a telephone, wireless telephone, or other wireless communication device,**
12 **computer, or pager.**

13 3. Each district's antibullying policy shall be founded on the assumption that all students
14 need a safe learning environment. Policies shall treat **all** students equally [and shall not contain
15 specific lists of protected classes of students who are to receive special treatment]. Policies may
16 include age-appropriate differences for schools based on the grade levels at the school. Each
17 such policy shall contain a statement of the consequences of bullying.

18 4. Each district's antibullying policy shall require, **at a minimum, the following**
19 **components:**

20 (1) **A statement prohibiting bullying, defined no less inclusive than that in**
21 **subsection 1 of this section;**

22 (2) **A statement requiring** district employees **and district students** to report any
23 instance of bullying of which the employee **or student** has firsthand knowledge[. The district
24 policy shall address training of employees in the requirements of the district policy.] **, has**
25 **observed, or has been involved in. The policy shall be included in the student handbook.**
26 **The school district administration shall notify the parents or legal guardians of the**

27 individual alleged in the report to be responsible for the bullying incident and the parents
28 or legal guardians of the target of the bullying incident;

29 (3) A procedure for reporting an act of bullying, including a provision that permits
30 a person to report an act of discrimination, harassment, intimidation, or bullying
31 anonymously. However, this shall not be construed to permit formal disciplinary action
32 solely on the basis of an anonymous report;

33 (4) A procedure for prompt investigation of reports of serious violations and
34 complaints, identifying either the principal or the principal's certified staff designee as the
35 person responsible for the investigation;

36 (5) The range of ways in which a school will respond once an incident of bullying
37 is confirmed;

38 (6) A statement that prohibits reprisal or retaliation against any person who
39 reports an act of bullying and the consequence and appropriate remedial action for a
40 person who engages in reprisal or retaliation;

41 (7) A statement of how the policy is to be publicized;

42 (8) A process for discussing the district's antibullying policy with students and
43 training school employees and volunteers who have significant contact with students in the
44 requirements of the policy, including at a minimum the following statements:

45 (a) The policy shall be conspicuously posted throughout each school building in
46 areas accessible to students and staff members;

47 (b) The school district annually shall provide information and any appropriate
48 training to the school district staff regarding the policy;

49 (c) The school district shall give annual notice of the policy to students, parents or
50 guardians, and staff;

51 (d) The school district shall provide education and information to students
52 regarding bullying, including information regarding the school district policy prohibiting
53 bullying, the harmful effects of bullying, and other applicable initiatives to prevent
54 bullying;

55 (e) The administration of the school district shall implement programs and other
56 initiatives to prevent bullying, to respond to such conduct in a manner that does not
57 stigmatize the victim, and to make resources or referrals available to victims of bullying;

58 (f) The policy shall be reviewed at least annually for compliance with state and
59 federal law.

60 5. Any student alleging to be the target of an incident of bullying who has
61 completed all procedures required by the district's reporting policy and continues to be

62 subjected to bullying shall be informed by the district that he or she may seek other
63 remedies. The information may include but not be limited to informing the target or the
64 target's parents or legal guardians of the possibility of civil action against the individual
65 alleged to be responsible for the bullying and against the parents or legal guardians of that
66 individual. The target and his or her parents shall also be informed that they may request
67 intervention by any other county, state, or federal agency or office that is empowered to
68 act on behalf of the target.

69 **6. The state board of education is authorized to promulgate rules and regulations**
70 **to implement this section and shall develop model policies to assist local school districts in**
71 **developing policies for the prevention of bullying no later than September 1, 2012. Any**
72 **rule or portion of a rule, as that term is defined in section 536.010, that is created under**
73 **the authority delegated in this section shall become effective only if it complies with and**
74 **is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This**
75 **section and chapter 536 are nonseverable and if any of the powers vested with the general**
76 **assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove**
77 **and annul a rule are subsequently held unconstitutional, then the grant of rulemaking**
78 **authority and any rule proposed or adopted after August 28, 2011, shall be invalid and**
79 **void.**

160.1990. 1. In order to remove barriers to educational success imposed on foster
2 **care children because of frequent moves, the department of elementary and secondary**
3 **education shall ensure that the following criteria are implemented in every school district**
4 **in this state regarding enrollment of foster care children:**

5 **(1) Facilitate the timely enrollment of foster care children and ensure that they are**
6 **not placed at a disadvantage due to difficulty in the transfer of education records from the**
7 **previous school district or districts or variations in entrance and age requirements;**

8 **(2) Facilitate the student placement process through which foster care children are**
9 **not disadvantaged by variations in attendance requirements, scheduling, sequencing,**
10 **grading, course content or assessment;**

11 **(3) Facilitate the qualification and eligibility for enrollment, educational programs,**
12 **and participation in extracurricular academic, athletic, and social activities;**

13 **(4) Facilitate the on-time graduation of foster care children;**

14 **(5) Provide for the promulgation and enforcement of administrative rules**
15 **implementing the provisions of this section;**

16 **(6) Provide for the uniform collection and sharing of information between and**
17 **among schools, foster care children, and their families under this section;**

18 (7) Promote flexibility and cooperation between the educational system, foster
19 parents, and the foster care student in order to achieve educational success for the student.

20 2. For purposes of this section, the following terms shall mean:

21 (1) "Education records", those official records, files, and data directly related to
22 a foster care student and maintained by the school or local education agency, including but
23 not limited to records encompassing all the material kept in the student's cumulative folder
24 such as general identifying data, records of attendance and of academic work completed,
25 records of achievement and results of evaluative tests, health data, disciplinary status, test
26 protocols, and individualized education programs;

27 (2) "Extracurricular activities", a voluntary activity sponsored by the school.
28 Extracurricular activities include, but are not limited to, preparation for and involvement
29 in public performances, contests, athletic competitions, demonstrations, displays, and club
30 activities;

31 (3) "Foster care child", a school-aged child enrolled in kindergarten through
32 twelfth grade who is residing in a foster care setting in this state;

33 (4) "Transition":

34 (a) The formal and physical process of transferring from school to school; or

35 (b) The period of time in which a foster care student moves from one school to
36 another school.

37 3. (1) When a foster care student transfers before or during the school year, the
38 receiving school shall initially honor placement of the student in educational courses based
39 on the student's enrollment in the sending school or educational assessments conducted at
40 the sending school if the courses are offered. Course placement includes but is not limited
41 to honors, international baccalaureate, advanced placement, vocational, technical and
42 career pathways courses. Continuing the student's academic program from the previous
43 school and promoting placement in academically and career challenging courses shall be
44 paramount when considering placement. This requirement does not preclude the receiving
45 school from performing subsequent evaluations to ensure appropriate placement and
46 continued enrollment of the student in the course.

47 (2) The receiving school shall initially honor placement of a foster care student in
48 educational programs based on current educational assessments conducted at the sending
49 school or participation or placement in like programs in the sending school. Such
50 programs include, but are not limited to gifted and talented programs and English as a
51 second language (ESL). This requirement does not preclude the receiving school from
52 performing subsequent evaluations to ensure appropriate placement of the student.

53 **(3) In compliance with the federal requirements of the Individuals with Disabilities**
54 **Education Act (IDEA), 20 U.S.C.A. Section 1400 et seq., the receiving school shall initially**
55 **provide comparable services to a foster care student with disabilities based on his or her**
56 **current Individualized Education Program (IEP). In compliance with the requirements**
57 **of Section 504 of the Rehabilitation Act, 29 U.S.C.A. Section 794, and with Title II of the**
58 **Americans with Disabilities Act, 42 U.S.C.A. Sections 12131-12165, the receiving school**
59 **shall make reasonable accommodations and modifications to address the needs of incoming**
60 **foster care students with disabilities, subject to an existing 504 or Title II Plan, to provide**
61 **the foster care student with equal access to education. This requirement does not preclude**
62 **the receiving school from performing subsequent evaluations to ensure appropriate**
63 **placement of the student.**

64 **(4) Schools shall have flexibility in waiving course or program prerequisites, or**
65 **other preconditions for placement in courses or programs offered at the school.**

66 **4. In order to facilitate the on-time graduation of foster care children, schools shall**
67 **incorporate the following procedures:**

68 **(1) Schools shall waive specific courses required for graduation if similar course**
69 **work has been satisfactorily completed in another school or shall provide reasonable**
70 **justification for denial. If a waiver is not granted to a foster care student who would**
71 **qualify to graduate from the sending school, the receiving school shall provide an**
72 **alternative means of acquiring required course work so that graduation may occur on**
73 **time;**

74 **(2) Receiving schools shall accept:**

75 **(a) Exit or end-of-course exams required for graduation from the sending school;**
76 **or**

77 **(b) National norm-referenced achievement tests; or**

78 **(c) Alternative testing, in lieu of testing requirements for graduation in the**
79 **receiving school.**

80

81 **If such alternatives cannot be accommodated by the receiving school for a foster care**
82 **student transferring in his or her senior year, the provisions of subsection 5 of this section**
83 **shall apply.**

84 **5. If a foster care student transferring at the beginning or during his or her senior**
85 **year is ineligible to graduate from the receiving school after all alternatives have been**
86 **considered, the sending and receiving schools shall ensure the receipt of a diploma from**
87 **the sending school, if the student meets the graduation requirements of the sending school.**

162.1062. 1. Upon the vote of the governing board of the corporation established under section 162.1060 to accept the role of coordinating agency for transfers undertaken by students of unaccredited districts, the corporation shall provide services in accordance with subsection 2 of this section.

2. The corporation shall act as the central repository for student applications for transfer under subsection 1 of this section. The corporation shall establish an open-enrollment period and publicize the procedure for application for transfer in advance of the open-enrollment period. The corporation shall make student assignments based on available seats in accredited school districts described in subsection 1 of this section and the availability of transportation.

3. School districts as described in subsection 1 of this section shall annually inform the corporation of their anticipated open seats at each attendance center. Officers of a school district that does not report its anticipated open seats or distorts the availability of seats may be prosecuted for a violation of school law under section 162.091.

163.172. 1. In school year 1994-95 and thereafter until school year 2006-07, the minimum teacher's salary shall be eighteen thousand dollars. Beginning in school year 2006-07, the minimum teacher's salary shall be twenty-two thousand dollars; in school year 2007-08, the minimum teacher's salary shall be twenty-three thousand dollars; in school year 2008-09, the minimum teacher's salary shall be twenty-four thousand dollars; in school year 2009-10 and thereafter, the minimum teacher's salary shall be twenty-five thousand dollars. [Beginning in the school year 1996-97 until school year 2006-07, for any full-time teacher with a master's degree and at least ten years' teaching experience in a public school or combination of public schools, the minimum salary shall be twenty-four thousand dollars. Beginning in the school year 2006-07, for any full-time teacher with a master's degree in an academic teaching field and at least ten years' teaching experience in a public school or combination of public schools, the minimum salary shall be thirty thousand dollars; in the 2007-08 school year such minimum salary shall be thirty-one thousand dollars; in the 2008-09 school year such minimum salary shall be thirty-two thousand dollars; and in the 2009-10 school year such minimum salary shall be thirty-three thousand dollars.]

2. Beginning with the budget requests for fiscal year 1991, the commissioner of education shall present to the appropriate committees of the general assembly information on the average Missouri teacher's salary, regional average salary data, and national average salary data.

3. All school salary information shall be public information.

20 4. As used in this section, the term "salary" shall be defined as the salary figure which
21 appears on the teacher's contract and as determined by the local school district's basic salary
22 schedule and does not include supplements for extra duties.

23 5. The minimum salary for any fully certificated teacher employed on a less than
24 full-time basis by a school district, state school for the severely handicapped, the Missouri
25 School for the Deaf, or the Missouri School for the Blind shall be prorated to reflect the amounts
26 provided in subsection 1 of this section.

 167.031. 1. Every parent, guardian or other person in this state having charge, control
2 or custody of a child not enrolled in a public, private, parochial, parish school or full-time
3 equivalent attendance in a combination of such schools and between the ages of seven years and
4 the compulsory attendance age for the district is responsible for enrolling the child in a program
5 of academic instruction which complies with subsection 2 of this section. Any parent, guardian
6 or other person who enrolls a child between the ages of five and seven years in a public school
7 program of academic instruction shall cause such child to attend the academic program on a
8 regular basis, according to this section. Nonattendance by such child shall cause such parent,
9 guardian or other responsible person to be in violation of the provisions of section 167.061,
10 except as provided by this section. A parent, guardian or other person in this state having charge,
11 control, or custody of a child between the ages of seven years of age and the compulsory
12 attendance age for the district shall cause the child to attend regularly some public, private,
13 parochial, parish, home school or a combination of such schools not less than the entire school
14 term of the school which the child attends; except that:

15 (1) A child who, to the satisfaction of the superintendent of public schools of the district
16 in which he resides, or if there is no superintendent then the chief school officer, is determined
17 to be mentally or physically incapacitated may be excused from attendance at school for the full
18 time required, or any part thereof;

19 (2) A child between fourteen years of age and the compulsory attendance age for the
20 district may be excused from attendance at school for the full time required, or any part thereof,
21 by the superintendent of public schools of the district, or if there is none then by a court of
22 competent jurisdiction, when legal employment has been obtained by the child and found to be
23 desirable, and after the parents or guardian of the child have been advised of the pending action;
24 or

25 (3) A child between five and seven years of age shall be excused from attendance at
26 school if a parent, guardian or other person having charge, control or custody of the child makes
27 a written request that the child be dropped from the school's rolls **for any of the following**
28 **reasons:**

- 29 **(a) Transfer to a different school within the district;**
30 **(b) Transfer to a different school outside the district;**
31 **(c) Health reasons, when an in-home teacher is not an appropriate method of**
32 **handling the child's continuing education;**
33 **(d) After a discussion with the principal or other person designated by school policy**
34 **of educational options available to the child, the parent believes the best interests of the**
35 **child are served by withdrawal.**

36 2. (1) As used in sections 167.031 to 167.071, a "home school" is a school, whether
37 incorporated or unincorporated, that:

- 38 (a) Has as its primary purpose the provision of private or religious-based instruction;
39 (b) Enrolls pupils between the ages of seven years and the compulsory attendance age
40 for the district, of which no more than four are unrelated by affinity or consanguinity in the third
41 degree; and
42 (c) Does not charge or receive consideration in the form of tuition, fees, or other
43 remuneration in a genuine and fair exchange for provision of instruction.

44 (2) As evidence that a child is receiving regular instruction, the parent shall, except as
45 otherwise provided in this subsection:

- 46 (a) Maintain the following records:
47 a. A plan book, diary, or other written record indicating subjects taught and activities
48 engaged in; and
49 b. A portfolio of samples of the child's academic work; and
50 c. A record of evaluations of the child's academic progress; or
51 d. Other written, or credible evidence equivalent to subparagraphs a., b. and c.; and
52 (b) Offer at least one thousand hours of instruction, at least six hundred hours of which
53 will be in reading, language arts, mathematics, social studies and science or academic courses
54 that are related to the aforementioned subject areas and consonant with the pupil's age and
55 ability. At least four hundred of the six hundred hours shall occur at the regular home school
56 location.

57 (3) The requirements of subdivision (2) of this subsection shall not apply to any pupil
58 above the age of sixteen years.

59 3. Nothing in this section shall require a private, parochial, parish or home school to
60 include in its curriculum any concept, topic, or practice in conflict with the school's religious
61 doctrines or to exclude from its curriculum any concept, topic, or practice consistent with the
62 school's religious doctrines. Any other provision of the law to the contrary notwithstanding, all
63 departments or agencies of the state of Missouri shall be prohibited from dictating through rule,

64 regulation or other device any statewide curriculum for private, parochial, parish or home
65 schools.

66 4. A school year begins on the first day of July and ends on the thirtieth day of June
67 following.

68 5. The production by a parent of a daily log showing that a home school has a course of
69 instruction which satisfies the requirements of this section or, in the case of a pupil over the age
70 of sixteen years who attended a metropolitan school district the previous year, a written
71 statement that the pupil is attending home school in compliance with this section shall be a
72 defense to any prosecution under this section and to any charge or action for educational neglect
73 brought pursuant to chapter 210.

74 6. As used in sections 167.031 to 167.051, the term "compulsory attendance age for the
75 district" shall mean:

76 (1) Seventeen years of age for any metropolitan school district for which the school
77 board adopts a resolution to establish such compulsory attendance age; provided that such
78 resolution shall take effect no earlier than the school year next following the school year during
79 which the resolution is adopted; and

80 (2) Seventeen years of age or having successfully completed sixteen credits towards high
81 school graduation in all other cases. The school board of a metropolitan school district for which
82 the compulsory attendance age is seventeen years may adopt a resolution to lower the
83 compulsory attendance age to sixteen years; provided that such resolution shall take effect no
84 earlier than the school year next following the school year during which the resolution is
85 adopted.

86 7. For purposes of subsection 2 of this section as applied in subsection 6 [herein] **of this**
87 **section**, a "completed credit towards high school graduation" shall be defined as one hundred
88 hours or more of instruction in a course. Home school education enforcement and records
89 pursuant to this section, and sections 210.167 and 211.031, shall be subject to review only by the
90 local prosecuting attorney.

167.131. 1. The board of education of each district in this state that does not maintain
2 an accredited school **for specific grade levels** pursuant to the authority of the state board of
3 education to classify schools as established in section 161.092 shall pay [the] tuition [of] **as**
4 **calculated by the receiving district under subsection 2 of this section** and provide
5 transportation consistent with the provisions of section 167.241 for each pupil resident therein
6 who attends an accredited **public** school in another district of the same or an adjoining county.

7 2. The rate of tuition to be charged by the district attended and paid by the sending
8 district is the per pupil cost of maintaining the district's grade level grouping which includes the

9 school attended. The cost of maintaining a grade level grouping shall be determined by the board
10 of education of the district but in no case shall it exceed all amounts spent for teachers' wages,
11 incidental purposes, debt service, maintenance and replacements. The term "debt service", as
12 used in this section, means expenditures for the retirement of bonded indebtedness and
13 expenditures for interest on bonded indebtedness. Per pupil cost of the grade level grouping
14 shall be determined by dividing the cost of maintaining the grade level grouping by the average
15 daily pupil attendance. If there is disagreement as to the amount of tuition to be paid, the facts
16 shall be submitted to the state board of education, and its decision in the matter shall be final.
17 Subject to the limitations of this section, each pupil shall be free to attend the public school of
18 his or her choice.

19 **3. The board of education of each district in this state that has been declared**
20 **unaccredited pursuant to the authority of the state board of education as established in**
21 **section 161.092 shall pay tuition and provide transportation consistent with the provisions**
22 **of section 167.241 for each pupil resident therein who meets the criteria of this subsection**
23 **and subsection 5 of this section. A pupil from an unaccredited district may attend a school**
24 **in another district of the same or an adjoining county if the receiving district is accredited**
25 **without provision and if the pupil has been enrolled in and attending a public school in the**
26 **district during the school year when such declaration is made, or has enrolled and attended**
27 **in the unaccredited district in school years subsequent to the year in which the declaration**
28 **is made. Pupils who reside in the unaccredited district who become eligible for**
29 **kindergarten or first grade in a school year after the effective date of this section are also**
30 **eligible to transfer. The rate of tuition to be charged by the district attended and paid by**
31 **the sending district shall be the lesser of the nonresident tuition established by each district**
32 **under subsection 2 of this section or, in the absence of an established nonresident tuition,**
33 **the lesser of the two districts' average expenditure per pupil for the most recently**
34 **completed year for which data are available. The residence district shall pay the cost of**
35 **education in the receiving district, under section 162.705, for any resident student with an**
36 **individualized education plan who is accepted in the receiving district.**

37 **4. Before a student who currently attends a public school in an unaccredited school**
38 **district applies for a transfer to attend a public school in an accredited school district in**
39 **the same or an adjoining county under subsection 3 of this section, the unaccredited**
40 **district shall determine if a space is available for the student in a school in the unaccredited**
41 **district that meets adequate yearly progress standards under the federal No Child Left**
42 **Behind Act. If such a space exists, the student shall remain enrolled in the unaccredited**

43 **district attending such school. The right of first intervention by the unaccredited school**
44 **district shall remain in effect as long as available spaces are open in qualifying schools.**

45 **5. By June 30, 2011, each school district shall establish specific criteria through**
46 **board policy for the admission of nonresident pupils from districts that have been classified**
47 **as unaccredited by the state board of education who seek admission into a school district**
48 **under subsection 3 of this section. The primary criteria shall be the availability of highly**
49 **qualified teachers in existing classroom space. Each district shall establish criteria for**
50 **calculating available seats that take into account the district's resident student population**
51 **growth or decrease, based on demographic projections provided by the office of**
52 **socioeconomic data analysis, such that the receiving district shall not be required to employ**
53 **additional teachers or construct new classrooms to accommodate such transfer pupils. No**
54 **resident pupil shall be displaced from a school to which he or she would otherwise be**
55 **assigned to accommodate the admission of a nonresident pupil. The assignment of a**
56 **student to a particular building shall be the decision of the receiving district.**

57 **6. Once a student from an unaccredited district has been accepted under**
58 **subsections 3 and 5 of this section, the student may complete the educational program in**
59 **the building to which he or she has been assigned even if the student's residence district has**
60 **regained its accreditation. Upon a student's transition from an educational program in the**
61 **building to which the student was assigned to an educational program in a different**
62 **building, if the student's residence district has regained accreditation, the student shall**
63 **return to the residence district to begin the next educational program.**

64 **7. Subject to the limitations of this section and section 167.020, each pupil shall be**
65 **free to attend the public school of his or her choice.**

168.101. 1. **Until June 30, 2013,** in addition to the employment of teachers as provided
2 in section 168.104, the school board or board of directors of a school district, except a
3 metropolitan school district, may, at any regular or special meeting, contract and employ legally
4 certificated teachers not employed as superintendent of the district and not eligible under section
5 168.104 to gain permanent status or tenure in the position held within the school system. The
6 contract shall be made by the order of the board, shall specify the number of months the
7 employee is to work and the wages per month to be paid, shall be signed by the employee and
8 the president of the board, or a facsimile signature of the president may be affixed at his
9 direction, and the contract shall be attested by the secretary of the board by signature or
10 facsimile.

11 2. After the original employment of a certificated employee not employed as
12 superintendent of the district under this section, his employment shall continue in the same staff
13 position from year to year subject to the regulations hereinafter set forth.

14 3. Each school board having one or more certificated employees as described in
15 subsection 1 of this section under contract shall notify each such certificated employee in writing
16 concerning his reemployment in his present staff position or lack thereof on or before the
17 fifteenth day of April of the year in which the contract then in force expires. Failure on the part
18 of a board to give the notice constitutes reemployment on the same terms and in the same staff
19 position as those provided in the contract of the current fiscal year; and not later than the
20 fifteenth day of May of the same year the board shall present a contract to each such certificated
21 employee notified of reemployment by the district.

22 4. Any motion regarding reemployment of such certificated employee shall include only
23 one person and a motion to reemploy shall be made in the positive sense and a majority of the
24 elected members voting in the affirmative shall constitute reemployment.

25 5. Any such certificated employee not employed as superintendent of the district who
26 receives a contract shall within fifteen days thereafter present to the employing board a written
27 acceptance or rejection of the employment tendered and his failure to present the acceptance
28 within such time constitutes a rejection of the board's offer.

29 6. If such certificated employee has been reemployed five times within the district, the
30 school board, if requested in writing by such certificated employee within ten days after receipt
31 of notice of demotion or lack of reemployment on the same terms and in the same staff position,
32 shall make available in writing a statement of reasons for demotion or lack of reemployment
33 within ten days after receipt of the request. The board shall grant such certificated employee a
34 hearing if requested in writing by him within ten days after the receipt of statement of reasons,
35 the hearing to be held within ten days after the request therefor, and to be open at the request of
36 the certificated employee. The certificated employee may have counsel at the hearing, may
37 testify and offer testimony of witnesses as well as other evidence sustaining his defense and may
38 cross-examine adverse witnesses.

39 7. A contract between the board of education and such certificated employee may be
40 terminated at any time by mutual consent of the certificated employee and the board.

41 8. This section shall not affect the employment or reemployment of the superintendent
42 of schools by a board of education.

 168.102. Sections 168.102 to 168.130 shall be known and may be cited as the "Teacher
2 Tenure Act" and shall become effective July 1, 1970, **and remain in effect until June 30, 2013.**

168.221. 1. The first five years of employment of all teachers entering the employment of the metropolitan school district shall be deemed a period of probation during which period all appointments of teachers shall expire at the end of each school year. **Beginning July 1, 2013, the provisions of sections 168.1000 to 168.1030 shall be in effect in the metropolitan school district.** During the probationary period any probationary teacher whose work is unsatisfactory shall be furnished by the superintendent of schools with a written statement setting forth the nature of his incompetency. If improvement satisfactory to the superintendent is not made within one semester after the receipt of the statement, the probationary teacher shall be dismissed. The semester granted the probationary teacher in which to improve shall not in any case be a means of prolonging the probationary period beyond five years and six months from the date on which the teacher entered the employ of the board of education. The superintendent of schools on or before the fifteenth day of April in each year shall notify probationary teachers who will not be retained by the school district of the termination of their services. Any probationary teacher who is not so notified shall be deemed to have been appointed for the next school year. Any principal who prior to becoming a principal had attained permanent employee status as a teacher shall upon ceasing to be a principal have a right to resume his or her permanent teacher position with the time served as a principal being treated as if such time had been served as a teacher for the purpose of calculating seniority and pay scale. The rights and duties and remuneration of a teacher who was formerly a principal shall be the same as any other teacher with the same level of qualifications and time of service.

2. After completion of satisfactory probationary services, appointments of teachers shall become permanent, subject to removal for any one or more causes herein described and to the right of the board to terminate the services of all who attain the age of compulsory retirement fixed by the retirement system. In determining the duration of the probationary period of employment in this section specified, the time of service rendered as a substitute teacher shall not be included.

3. No teacher whose appointment has become permanent may be removed except for one or more of the following causes: immorality, inefficiency in line of duty, violation of the published regulations of the school district, violation of the laws of Missouri governing the public schools of the state, or physical or mental condition which incapacitates him for instructing or associating with children, and then only by a vote of not less than a majority of all the members of the board, upon written charges presented by the superintendent of schools, to be heard by the board after thirty days' notice, with copy of the charges served upon the person against whom they are preferred, who shall have the privilege of being present at the hearing, together with counsel, offering evidence and making defense thereto. Notifications received by

36 an employee during a vacation period shall be considered as received on the first day of the
37 school term following. At the request of any person so charged the hearing shall be public.
38 During any time in which powers granted to the district's board of education are vested in a
39 special administrative board, the special administrative board may appoint a hearing officer to
40 conduct the hearing. The hearing officer shall conduct the hearing as a contested case under
41 chapter 536 and shall issue a written recommendation to the board rendering the charges against
42 the teacher. The board shall render a decision on the charges upon the review of the hearing
43 officer's recommendations and the record from the hearing. The action and decision of the board
44 upon the charges shall be final. Pending the hearing of the charges, the person charged may be
45 suspended if the rules of the board so prescribe, but in the event the board does not by a majority
46 vote of all the members remove the teacher upon charges presented by the superintendent, the
47 person shall not suffer any loss of salary by reason of the suspension. Inefficiency in line of duty
48 is cause for dismissal only after the teacher has been notified in writing at least one semester
49 prior to the presentment of charges against him by the superintendent. The notification shall
50 specify the nature of the inefficiency with such particularity as to enable the teacher to be
51 informed of the nature of his inefficiency.

52 4. No teacher whose appointment has become permanent shall be demoted nor shall his
53 salary be reduced unless the same procedure is followed as herein stated for the removal of the
54 teacher because of inefficiency in line of duty, and any teacher whose salary is reduced or who
55 is demoted may waive the presentment of charges against him by the superintendent and a
56 hearing thereon by the board. The foregoing provision shall apply only to permanent teachers
57 prior to the compulsory retirement age under the retirement system. Nothing herein contained
58 shall in any way restrict or limit the power of the board of education to make reductions in the
59 number of teachers or principals, or both, because of insufficient funds, decrease in pupil
60 enrollment, or abolition of particular subjects or courses of instruction, except that the abolition
61 of particular subjects or courses of instruction shall not cause those teachers who have been
62 teaching the subjects or giving the courses of instruction to be placed on leave of absence as
63 herein provided who are qualified to teach other subjects or courses of instruction, if positions
64 are available for the teachers in the other subjects or courses of instruction.

65 5. Whenever it is necessary to decrease the number of teachers because of insufficient
66 funds or a substantial decrease of pupil population within the school district, the board of
67 education upon recommendation of the superintendent of schools may cause the necessary
68 number of teachers beginning with those serving probationary periods to be placed on leave of
69 absence without pay, but only in the inverse order of their appointment. Nothing herein stated
70 shall prevent a readjustment by the board of education of existing salary schedules. No teacher

71 placed on a leave of absence shall be precluded from securing other employment during the
72 period of the leave of absence. Each teacher placed on leave of absence shall be reinstated in
73 inverse order of his placement on leave of absence. Such reemployment shall not result in a loss
74 of status or credit for previous years of service. No new appointments shall be made while there
75 are available teachers on leave of absence who are seventy years of age or less and who are
76 adequately qualified to fill the vacancy unless the teachers fail to advise the superintendent of
77 schools within thirty days from the date of notification by the superintendent of schools that
78 positions are available to them that they will return to employment and will assume the duties
79 of the position to which appointed not later than the beginning of the school year next following
80 the date of the notice by the superintendent of schools.

81 6. If any regulation which deals with the promotion of teachers is amended by increasing
82 the qualifications necessary to be met before a teacher is eligible for promotion, the amendment
83 shall fix an effective date which shall allow a reasonable length of time within which teachers
84 may become qualified for promotion under the regulations.

85 7. A teacher whose appointment has become permanent may give up the right to a
86 permanent appointment to participate in the teacher choice compensation package under sections
87 168.745 to 168.750.

168.410. **1.** School administrators and school district superintendents shall be evaluated
2 in the following manner:

3 (1) The board of education of each school district shall cause a comprehensive
4 performance-based evaluation for each administrator employed by the district. Such evaluation
5 shall be **at least annual**, ongoing, and of sufficient specificity and frequency to provide for
6 demonstrated standards of competency and academic ability;

7 (2) All evaluations shall be maintained in the respective administrator's personnel file
8 at the office of the board of education of the school district. A copy of each evaluation shall be
9 provided to the person being evaluated and to the appropriate administrator;

10 (3) The state department of elementary and secondary education shall provide suggested
11 procedures for the evaluations performed under this section. **The Missouri administration**
12 **standards professional continuum may be adopted as a basis for such standards.**

13 **2. School administrators may enter into a contract for employment with the school**
14 **district for a period of up to three years.**

168.999. 1. Beginning July 1, 2013, in addition to the employment of teachers as
2 **provided in sections 168.1000 to 168.1030, the school board of a school district may, at any**
3 **regular or special meeting, contract and employ legally certificated teachers not employed**
4 **as superintendent of the district. The contract shall be made by the order of the board,**

5 shall specify the number of months the employee is to work and the wages per month to
6 be paid, shall be signed by the employee and the president of the board, or a facsimile
7 signature of the president may be affixed at his or her direction, and the contract shall be
8 attested by the secretary of the board by signature or facsimile.

9 2. Each school board having one or more certificated employees as described in
10 subsection 1 of this section under contract shall notify each such certificated employee in
11 writing concerning his or her reemployment or nonrenewal in his or her present staff
12 position on or before the fifteenth day of April of the year in which the contract then in
13 force expires. No later than the fifteenth day of May of the same year the board shall
14 present a contract to each such certificated employee notified of reemployment by the
15 district.

16 3. Any motion regarding reemployment of such certificated employee shall include
17 only one person and a motion to reemploy shall be made in the positive sense, and a
18 majority of the elected members voting in the affirmative shall constitute reemployment.

19 4. Any such certificated employee not employed as superintendent of the district
20 who receives a contract shall within fifteen days thereafter present to the employing board
21 a written acceptance or rejection of the employment tendered. Failure to present the
22 acceptance within such time constitutes a rejection of the board's offer.

23 5. A teacher employed under this section shall be subject to the requirement of
24 notice of nonrenewal under section 168.1011.

25 6. A contract between the board of education and such certificated employee may
26 be terminated at any time by mutual consent of the certificated employee and the board.

27 7. This section shall not affect the employment or reemployment of the
28 superintendent of schools by a board of education.

168.1000. Sections 168.1000 to 168.1030 shall be known and may be cited as the
2 "Teacher Continuing Contract Act" and shall become effective July 1, 2013. During the
3 school year 2011-2012, the department of elementary and secondary education shall work
4 with districts on the development of standards under section 160.045; during the school
5 year 2012-2013, the standards shall be implemented on a trial basis; beginning with school
6 year 2013-2014, employment decisions shall be made based on the standards.

168.1002. The following words and phrases when used in sections 168.1000 to
2 168.1030, except in those instances where the context indicates otherwise, mean:

3 (1) "Board of education", the school board or board of directors of a school district
4 having general control of the affairs of the district;

5 (2) "Continuing contract", every contract entered into between a school district
6 and a teacher for a period of up to three consecutive years;

7 (3) "Continuing contract teacher", any teacher as herein defined who is employed
8 on a continuing contract;

9 (4) "Demotion", any reduction in salary or transfer to a position carrying a lower
10 salary, except on request of a teacher, other than any change in salary applicable to all
11 teachers or all teachers in a classification;

12 (5) "Evaluation", a systematic assessment of teacher performance, undertaken by
13 personnel who have received appropriate training in teacher performance assessment, that
14 includes both formative and summative elements. Formative assessment primarily
15 provides feedback for the improvement of teacher performance. Summative assessment
16 provides a basis for employment decisions and may contain information from formative
17 assessments as provided in the school district's policy on teacher evaluation;

18 (6) "School district", every school district in this state;

19 (7) "Teacher", any employee of a school district regularly required to be certified
20 under laws relating to the certification of teachers, except building administrators,
21 superintendents, and assistant superintendents, but including certified teachers who teach
22 at the prekindergarten level in a seven-director or urban public school within a
23 prekindergarten program in which no fees are charged to parents or guardians.

 168.1003. 1. Each school district shall place any teacher who has tenure in a school
2 district under sections 168.102 to 168.130 or section 168.221 on June 30, 2013, or who has
3 contracted by May 15, 2013, to begin his or her first year of tenure on July 1, 2013, on a
4 three-year continuing contract beginning July 1, 2013.

5 2. Each school district shall initially place any teacher who is not in his or her
6 career's first teaching position but is in his or her first to fourth year of employment with
7 the district during the 2012-2013 school district whose contract will be renewed for the
8 2013-2014 school year on a one- or two-year contract at its discretion.

9 3. Each school district shall initially place any teacher who is beginning his or her
10 career's first teaching position and who is contracted to begin as of July 1, 2013, on a
11 one-year contract.

12 4. School districts shall develop policies that guide decisions concerning the
13 recommended length of continuing contracts for school years subsequent to 2013-2014.

14 5. Notwithstanding subsection 4 of this section, a teacher who is beginning his or
15 her career's first teaching position shall initially receive a one-year contract.

168.1004. The contract between a school district and a continuing contract teacher shall be known as a continuing contract and shall continue in effect for the period decided upon by the school board, subject to:

- (1) Compulsory or optional retirement;**
- (2) The death of the teacher;**
- (3) Resignation of the teacher with the written consent of the school board;**
- (4) Termination by the board of education;**
- (5) The revocation or lapse of the teacher's certificate; or**
- (6) Modifications under subsection 1 of section 168.1008 with the consent of the teacher.**

168.1006. 1. Every contract shall contain the following provisions in substantially the following form:

"It is hereby agreed by and between, the teacher, and the Board of Education of School District, the employer, that the teacher, beginning on the day of, 20..., shall serve in the employ of the Board of Education and its successors for a term of months for an annual compensation of \$, to be paid to the teacher in equal installments according to local school board regulations less the contributions required by law."

2. Every contract shall be:

- (1) Made by the order of the board of education;**
- (2) In writing;**
- (3) Signed by the teacher and the president of the board of education, or a facsimile signature of the president may be affixed at his or her direction; and**
- (4) Attested by the secretary of the board of education by signature or facsimile.**

3. Nothing in the terms of a continuing contract shall restrict the power of the board of education to terminate the continuing contract for cause at any time.

4. The terms of a continuing contract, including salary, may be made contingent upon available funding.

5. A two-year or three-year continuing contract may not be renewed more than fourteen months before its expiration.

6. The board of education shall not employ one of its members as a teacher, nor shall any person be employed as a teacher who is related within the fourth degree to any board member, either by consanguinity or affinity, where the vote of the board member is necessary to the selection of the person.

168.1008. 1. The board of education of a school district may modify a continuing contract on or before the fifteenth day of May in the following particulars:

(1) Determination of the date of beginning and length of the next school year; and

(2) Fixing the amount of annual compensation for the following school year.

2. The modifications shall be effective at the beginning of the next school year. All teachers affected by the modification shall be furnished written copies of the modifications within thirty days after their adoption by the board of education.

168.1009. Each school district shall develop a compensation plan for certificated personnel and update it annually.

168.1010. A continuing contract between a continuing contract teacher and a board of education may be terminated or modified at any time by the mutual consent of the parties thereto. Any teacher who desires to terminate his or her continuing contract at the end of a school term shall give written notice of his or her intention to do so and the reasons therefor not later than June first of the year in which the term ends.

168.1011. 1. When an administrator recommends that the contract of a teacher not be renewed, the administrator shall provide written notice to the teacher no later than January thirty-first.

2. The administrator shall present the name of each teacher whose contract is not recommended for renewal to the board of education of the school district by March thirty-first of each year. The board shall conduct a vote to accept or reject the administrator's recommendation separately on each name by April fifteenth.

168.1012. 1. A contract may be terminated by the board of education of a school district for one or more of the following causes:

(1) Unsatisfactory performance based on the teacher evaluation under section 168.1026;

(2) Willful or persistent violation of, or failure to obey, the school laws of the state or the published regulations of the board of education of the school district employing him or her, or insubordination in the line of duty;

(3) Excessive or unreasonable absence from performance of duties in violation of school district policy; or

(4) Immoral conduct or conviction of a felony or a crime involving moral turpitude.

2. In determining the professional competency or efficiency of a continuing contract teacher, consideration shall be given to regular and special evaluation reports prepared in accordance with the policy of the employing school district and to any written standards

14 of performance which have been adopted by the school board under sections 160.045 and
15 168.1026.

168.1016. Each school district shall develop a policy, adopted by resolution of the
2 board no later than May 15, 2013, to ensure due process for the dismissal of any teacher
3 who holds a continuing contract under the provisions of sections 168.1000 to 168.1030.

168.1020. A board of education may establish policies for granting a leave of
2 absence including but not limited to sabbatical leave, maternity leave, sick leave, and
3 military leave. The board of education of a school district may, upon the written request
4 of a teacher, and for good cause shown, grant a leave of absence or place him or her on a
5 part-time teaching schedule for a period of one year, subject to renewal from year to year.
6 Leaves and military service shall not impair the continuing contract previously acquired
7 by a teacher under sections 168.1000 to 168.1030.

168.1022. 1. The board of education of a school district may place on leave of
2 absence as many teachers as may be necessary because of a decrease in pupil enrollment,
3 school district reorganization, or the financial condition of the school district.

4 2. Teachers may be reinstated to the positions from which they have been given
5 leaves of absence, or if the positions are not available, to positions requiring like training
6 and experience, or to other positions in the school system for which they are qualified by
7 training and experience.

8 3. A teacher placed on leave of absence may engage in teaching or another
9 occupation during the period of such leave.

10 4. The leave of absence shall not impair the continuing contract of a teacher.

11 5. If a board of education chooses to reduce its teacher forces as provided in
12 subsection 1 of this section in an attempt to manage adverse financial conditions caused at
13 least partially by a withholding of, or a decrease or less than expected increase in,
14 education appropriations, then the district additionally shall follow the provisions of
15 subsection 6 of this section.

16 6. If a school district has an unrestricted combined ending fund balance of more
17 than ten percent of current expenditures in its teachers' and incidental funds, and in the
18 subsequent fiscal year such district, because of state appropriations, places a teacher on
19 leave of absence after forty days subsequent to the governor signing the elementary and
20 secondary education appropriation bill, the district shall pay the affected teacher the
21 greater of his or her salary for any days worked under the contract, or a sum equal to three
22 thousand dollars.

168.1026. 1. The board of education of each school district shall maintain records showing periods of service, dates of appointment, and other necessary information for the enforcement of sections 168.1000 to 168.1030.

2. The board of education of each school district shall undertake a system of comprehensive, performance-based formative and summative evaluation for each teacher employed by the district. A portion of a teacher's summative evaluation shall be based on the performance of students.

3. All teachers shall be evaluated annually by a certified administrator, who may be an employee of another accredited district, a retired administrator, or other qualified personnel as specified in the district's evaluation policies. Nothing in this subsection shall be construed to prohibit more frequent evaluation if a district's policy permits it. Summative evaluation may be conducted with advance notice; at least one formative evaluation shall involve observation without advance notice.

4. All evaluations shall be maintained in the teacher's personnel file at the office of the board of education. A copy of each evaluation shall be provided to the teacher and appropriate administrator.

5. The state department of elementary and secondary education shall develop suggested procedures and models for student performance evaluations, including suggestions for evaluation of student performance that may be equitably applied to certificated teachers who are not assigned to a classroom, whose classroom assignment may involve students who chronically score significantly above or below proficient performance, or who otherwise lack evaluation instruments specific to their assignments.

168.1028. No member of a board of education or duly designated administrative officer of a board of education shall be liable in a civil action based on an evaluation of or a statement of charges against a school teacher.

168.1030. No teacher shall take part in the management of a campaign for the election or defeat of members of a board of education by which he or she is employed. Any teacher who violates the provisions of this section shall be subject to termination of his or her employment by the district with the right of a hearing as heretofore provided.

170.310. 1. Each school district that operates a high school, and each charter school that contains grades 9 to 12, shall provide instruction in cardiopulmonary resuscitation. Instruction may be embedded in any health education course in grades 9 to 12.

2. Instruction shall include hands-on practicing and skills testing to support cognitive learning. Instruction shall be through a program developed by the American Heart Association or the American Red Cross, or through a nationally recognized program

7 based on the most current national evidence-based emergency cardiovascular care
8 guidelines for cardiopulmonary resuscitation.

9 **3. The teacher of the health education course shall not be required to be a certified**
10 **trainer of cardiopulmonary resuscitation if the instruction is not designed to result in**
11 **certification of students. Instruction that is designed to result in certification being earned**
12 **shall be required to be taught by an authorized cardiopulmonary instructor. Schools may**
13 **develop agreements with any local chapter of a voluntary organization of first responders**
14 **to provide the required hands-on practice and skills testing.**

15 **4. Instruction as required under this section shall become a requirement for high**
16 **school graduation for students graduating in the 2014-2015 school year and subsequent**
17 **school years.**

18 **5. The department of elementary and secondary education may promulgate rules**
19 **to implement this section. Any rule or portion of a rule, as that term is defined in section**
20 **536.010, that is created under the authority delegated in this section shall become effective**
21 **only if it complies with and is subject to all of the provisions of chapter 536 and, if**
22 **applicable, section 536.028. This section and chapter 536 are nonseverable and if any of**
23 **the powers vested with the general assembly pursuant to chapter 536 to review, to delay**
24 **the effective date, or to disapprove and annul a rule are subsequently held**
25 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
26 **after August 28, 2011, shall be invalid and void.**

171.031. 1. Each school board shall prepare annually a calendar for the school term,
2 specifying the opening date and providing a minimum term [of] **as follows:**

3 **(1) At least one hundred seventy-four days for schools with a five-day school week or**
4 **one hundred forty-two days for schools with a four-day school week, and one thousand forty-four**
5 **hours of actual pupil attendance. In addition, such calendar shall include six make-up days for**
6 **possible loss of attendance due to inclement weather as defined in subsection 1 of section**
7 **171.033; or**

8 **(2) At least one thousand eighty-eight hours of actual pupil attendance with no**
9 **minimum number of days required.**

10 2. Each local school district may set its opening date each year, which date shall be no
11 earlier than ten calendar days prior to the first Monday in September. No public school district
12 shall select an earlier start date unless the district follows the procedure set forth in subsection
13 3 of this section.

14 3. A district may set an opening date that is more than ten calendar days prior to the first
15 Monday in September only if the local school board first gives public notice of a public meeting

16 to discuss the proposal of opening school on a date more than ten days prior to the first Monday
17 in September, and the local school board holds said meeting and, at the same public meeting, a
18 majority of the board votes to allow an earlier opening date. If all of the previous conditions are
19 met, the district may set its opening date more than ten calendar days prior to the first Monday
20 in September. The condition provided in this subsection must be satisfied by the local school
21 board each year that the board proposes an opening date more than ten days before the first
22 Monday in September.

23 4. If any local district violates the provisions of this section, the department of
24 elementary and secondary education shall withhold an amount equal to one quarter of the state
25 funding the district generated under section 163.031 for each date the district was in violation
26 of this section.

27 5. The provisions of subsections 2 to 4 of this section shall not apply to school districts
28 in which school is in session for twelve months of each calendar year.

29 6. The state board of education may grant an exemption from this section to a school
30 district that demonstrates highly unusual and extenuating circumstances justifying exemption
31 from the provisions of subsections 2 to 4 of this section. Any exemption granted by the state
32 board of education shall be valid for one academic year only.

33 7. No school day for schools with a five-day school week shall be longer than seven
34 hours except for vocational schools which may adopt an eight-hour day in a metropolitan school
35 district and a school district in a first class county adjacent to a city not within a county, and any
36 school that adopts a four-day school week in accordance with section 171.029.

191.775. No person shall smoke or otherwise use tobacco or tobacco products [in any
2 indoor area of a public elementary or secondary school building or educational facility, excluding
3 institutions of higher education, or on buses used solely to transport students to or from school
4 or to transport students to or from any place for educational purposes. Any school board of any
5 school district may set policy on the permissible uses of tobacco products in any other
6 nonclassroom or nonstudent occupant facility, and on the school grounds or outdoor facility areas
7 as the school board deems proper] **on any public elementary or secondary school property
8 or on buses used to transport students to or from school or to transport students to or from
9 any place for educational purposes. For purposes of this section, "school property" means
10 a building, facility, or structure and other real estate owned, leased, or otherwise controlled
11 by a public school district.** Any person who violates the provisions of this section shall be
12 guilty of an infraction.

536.018. The term "agency" and the term "state agency" as defined by section 536.010
2 shall not include an institution of higher education, supported in whole or in part from state

3 funds, **or a school district** if such institution **or school district** has established written
4 procedures to assure that constitutionally required due process safeguards exist and apply to a
5 proceeding that would otherwise constitute a "contested case" as defined in section 536.010.

630.590. 1. In order to promote early recognition of and appropriate responses to
2 **eating disorders by those education professionals who are in the best position to observe**
3 **young people most at risk for eating disorders, the department of mental health, in**
4 **collaboration with the department of elementary and secondary education, and in**
5 **consultation with the Missouri eating disorder council established in section 630.575, shall**
6 **develop a continuing professional education curriculum as described in subsection 2 of this**
7 **section by December 31, 2011.**

8 **2. Such continuing professional education curriculum shall include information**
9 **concerning:**

10 **(1) Recognition of those individuals who are at risk of developing an eating**
11 **disorder, the warning signs and behaviors associated with eating disorders, and ways to**
12 **assist those who may have an eating disorder, and their families and friends;**

13 **(2) How to effectively disseminate information concerning the seriousness and**
14 **potential mortality of eating disorders;**

15 **(3) Counseling and treatment resources available to those with eating disorders and**
16 **their families;**

17 **(4) Educational and informational materials, including printed, web-based and**
18 **other materials available to middle and high school students and their families, including**
19 **but not limited to utilization of materials from associations and organizations associated**
20 **with eating disorders; and**

21 **(5) A healthy body image and the development of positive self-esteem.**

22 **3. Any school district may adopt and implement the continuing professional**
23 **education curriculum in this section for school personnel responsible for students in grades**
24 **6 to 12, including but not limited to: school nurses, health care professionals,**
25 **psychologists, counselors, and athletic coaches.**

Section 1. The joint committee on education shall review the fifth cycle school
2 **improvement program standards to determine what effects, if any, changes to performance**
3 **standards may have on the number and type of charter schools and charter school**
4 **sponsorship as a consequence of a district's accreditation status. The joint committee on**
5 **education shall deliver its report, which may contain recommendations for changes to law**
6 **or to state board of education policy, no later than December 31, 2011, and again upon any**
7 **subsequent substantive revision of the standards.**

Section B. Because immediate action is necessary to clarify the enrollment options of
2 students in unaccredited districts prior to the commencement of the 2011-2012 school year, the
3 repeal and reenactment of section 167.131 of section A of this act is deemed necessary for the
4 immediate preservation of the public health, welfare, peace, and safety, and is hereby declared
5 to be an emergency act within the meaning of the constitution, and the repeal and reenactment
6 of section 167.131 of section A of this act shall be in full force and effect upon its passage and
7 approval.

✓