

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 243
96TH GENERAL ASSEMBLY

0249L.06C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 160.400, 160.405, 160.410, 160.415, 160.420, 160.522, 162.1250, 167.131, 171.031, and 177.088, RSMo, and to enact in lieu thereof twenty-one new sections relating to educational resources and services, 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A. Sections 160.400, 160.405, 160.410, 160.415, 160.420, 160.522, 162.1250, 167.131, 171.031, and 177.088, RSMo, are repealed and twenty-one new sections enacted in lieu thereof, to be known as sections 160.080, 160.400, 160.402, 160.403, 160.405, 160.410, 160.415, 160.417, 160.420, 160.425, 160.522, 160.1990, 162.1062, 162.1250, 167.131, 170.310, 171.031, 177.088, 177.250, 630.590, and 1, to read as follows:

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

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

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

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

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

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

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.

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.**

**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, **and**
24 **whether the school district currently has a state-approved gifted education program,**
25 **including the percentage and number of students who are currently being served in the**
26 **district's state-approved gifted education program.**

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

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

33 5. The report card shall not limit or discourage other methods of public reporting and
34 accountability by local school districts. Districts shall provide information included in the report
35 card to parents, community members, the print and broadcast news media, and legislators by
36 December first annually or as soon thereafter as the information is available to the district, giving
37 preference to methods that incorporate the reporting into substantive official communications
38 such as student report cards. The school district shall provide a printed copy of the district-level

39 or school-level report card to any patron upon request and shall make reasonable efforts to supply
40 businesses such as, but not limited to, real estate and employment firms with copies or other
41 information about the reports so that parents and businesses from outside the district who may
42 be contemplating relocation have access.

**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
2 **under section 162.1060 to accept the role of coordinating agency for transfers undertaken**
3 **by students of unaccredited districts, the corporation shall provide services in accordance**
4 **with subsection 2 of this section.**

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

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

162.1250. 1. School districts shall receive state school funding under sections 163.031,
2 **163.043, and 163.087 for resident students who are enrolled in the school district and who are**
3 **taking a virtual course or full-time virtual program offered by the school district. The school**
4 **district may offer instruction in a virtual setting using technology, intranet, and Internet methods**
5 **of communications that could take place outside of the regular school district facility. The**
6 **school district may develop a virtual program for any grade level, kindergarten through twelfth**
7 **grade, with the courses available in accordance with district policy to any resident student of the**
8 **district who is enrolled in the school district. Nothing in this section shall preclude a private,**

9 parochial, or home school student residing within a school district offering virtual courses or
10 virtual programs from enrolling in the school district in accordance with the combined
11 enrollment provisions of section 167.031 for the purposes of participating in the virtual courses
12 or virtual programs.

13 2. Charter schools shall receive state school funding under section 160.415 for students
14 enrolled in the charter school who are completing a virtual course or full-time virtual program
15 offered by the charter school. Charter schools may offer instruction in a virtual setting using
16 technology, intranet, and Internet methods of communications. The charter school may develop
17 a virtual program for any grade level, kindergarten through twelfth grade, with the courses
18 available in accordance with school policy and the charter school's charter to any student enrolled
19 in the charter school.

20 3. For purposes of calculation and distribution of state school funding, attendance of a
21 student enrolled in a district or charter school virtual class shall equal, upon course completion,
22 ninety-four percent of the hours of attendance possible for such class delivered in the nonvirtual
23 program in the student's resident district or charter school. Course completion shall be calculated
24 in two increments, fifty percent completion and one hundred percent completion, based on the
25 student's completion of defined assignments and assessments, with distribution of state funding
26 to a school district or charter school at each increment equal to forty-seven percent of hours of
27 attendance possible for such course delivered in the nonvirtual program in a student's school
28 district of residence or charter school.

29 4. **Any student entitled to a free public education in the state may enroll in a school**
30 **district other than his or her school district of residence or a charter school for the purpose**
31 **of attending virtual courses or programs. For purposes of this subsection, "virtual resident**
32 **students" shall mean nonresident Missouri students who enroll in a school district or**
33 **charter school for the purpose of attending virtual courses or programs. School districts**
34 **or charter schools may enroll any virtual resident student. For purposes of calculation and**
35 **distribution of state school funding for virtual resident students, the virtual resident**
36 **student shall be included in the average daily attendance of the student's school district of**
37 **residence. The department of elementary and secondary education shall pay the school**
38 **district or charter school providing such virtual education an amount equal to eighty-five**
39 **percent of the amount of its tuition fee for pupils not entitled to free instruction or of the**
40 **state adequacy target, whichever is greater, but not to exceed one and twenty-five**
41 **hundredths times the state adequacy target for each enrolled virtual resident student under**
42 **section 163.031. If the average local tax effort per average daily attendance of the**
43 **residence district does not exceed eighty-five percent of the amount paid to the school**
44 **district or charter school enrolling the virtual resident student, the department shall pay**
45 **for deposit to the general revenue fund of the state an amount equal to ten percent of the**
46 **amount of such local educational agency's tuition fee for pupils not entitled to free**

47 **instruction or of the state adequacy target, whichever is greater, for each such enrolled**
48 **virtual resident student. The department shall withhold from the school district of**
49 **residence an amount equal to the amount paid for such virtual education plus the amount**
50 **deposited to the general revenue fund of the state. Virtual charter schools shall allow for**
51 **part-time students and shall prorate their cost per course to allow for part-time students**
52 **and, for the purpose of allowing part-time students, shall be reimbursed per course using**
53 **the funding model in this section.**

54 **5. In addition to those entities which may sponsor charter schools under section**
55 **160.400, any institution of higher education with its primary campus located in Missouri**
56 **with an approved teacher education program may sponsor virtual charter schools. Virtual**
57 **charter schools are charter schools and subject to all of the applicable provisions of**
58 **sections 160.400 to 160.420 and this section. Virtual charter schools may only offer**
59 **instruction in a virtual setting using technology, intranet and internet methods of**
60 **communication.**

61 **6.** When courses are purchased from an outside vendor, the district or charter school
62 shall ensure that they are aligned with the show-me curriculum standards and comply with state
63 requirements for teacher certification. The state board of education reserves the right to request
64 information and materials sufficient to evaluate the online course. Online classes should be
65 considered like any other class offered by the school district or charter school.

66 [5.] **7.** Any school district or charter school that offers instruction in a virtual setting,
67 develops a virtual course or courses, or develops a virtual program of instruction shall ensure that
68 the following standards are satisfied:

69 (1) The virtual course or virtual program utilizes appropriate content-specific tools and
70 software;

71 (2) Orientation training is available for teachers, instructors, and students as needed;

72 (3) Privacy policies are stated and made available to teachers, instructors, and students;

73 (4) Academic integrity and Internet etiquette expectations regarding lesson activities,
74 discussions, electronic communications, and plagiarism are stated to teachers, instructors, and
75 students prior to the beginning of the virtual course or virtual program;

76 (5) Computer system requirements, including hardware, web browser, and software, are
77 specified to participants;

78 (6) The virtual course or virtual program architecture, software, and hardware permit the
79 online teacher or instructor to add content, activities, and assessments to extend learning
80 opportunities;

81 (7) The virtual course or virtual program makes resources available by alternative means,
82 including but not limited to, video and podcasts;

83 (8) Resources and notes are available for teachers and instructors in addition to
84 assessment and assignment answers and explanations;

85 (9) Technical support and course management are available to the virtual course or
86 virtual program teacher and school coordinator;

87 (10) The virtual course or virtual program includes assignments, projects, and
88 assessments that are aligned with students' different visual, auditory, and hands-on learning
89 styles;

90 (11) The virtual course or virtual program demonstrates the ability to effectively use and
91 incorporate subject-specific and developmentally appropriate software in an online learning
92 module; and

93 (12) The virtual course or virtual program arranges media and content to help transfer
94 knowledge most effectively in the online environment.

95 [6.] **8.** Any special school district shall count any student's completion of a virtual course
96 or program in the same manner as the district counts completion of any other course or program
97 for credit.

98 [7.] **9.** A school district or charter school may contract with multiple providers of virtual
99 courses or virtual programs, provided they meet the criteria for virtual courses or virtual
100 programs under this section.

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.

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

4 2. Instruction shall include hands-on practicing and skills testing to support
5 cognitive learning. Instruction shall be through a program developed by the American
6 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.

177.088. 1. As used in this section, the following terms shall mean:

2 (1) "Board", the board of education, board of trustees, board of regents, or board of
3 governors of an educational institution;

4 (2) "Educational institution", any school district, including all community college
5 districts, and any state college or university organized under chapter 174.

6 2. The board of any educational institution may enter into agreements as authorized in
7 this section with a not-for-profit corporation formed under the general not-for-profit corporation
8 law of Missouri, chapter 355, in order to provide for the acquisition, construction, improvement,

9 extension, repair, remodeling, renovation and financing of sites, buildings, facilities, furnishings
10 and equipment for the use of the educational institution for educational purposes.

11 3. The board may on such terms as it shall approve:

12 (1) Lease from the corporation sites, buildings, facilities, furnishings and equipment
13 which the corporation has acquired or constructed; or

14 (2) Notwithstanding the provisions of this chapter or any other provision of law to the
15 contrary, sell or lease at fair market value, which may be determined by appraisal, to the
16 corporation any existing sites owned by the educational institution, together with any existing
17 buildings and facilities thereon, in order for the corporation to acquire, construct, improve,
18 extend, repair, remodel, renovate, furnish and equip buildings and facilities thereon, and then
19 lease back or purchase such sites, buildings and facilities from the corporation; provided that
20 upon selling or leasing the sites, buildings or facilities, the corporation agrees to enter into a lease
21 for not more than one year but with not more than twenty-five successive options by the
22 educational institution to renew the lease under the same conditions; and provided further that
23 the corporation agrees to convey or sell the sites, buildings or facilities, including any
24 improvements, extensions, renovations, furnishings or equipment, back to the educational
25 institution with clear title at the end of the period of successive one-year options or at any time
26 bonds, notes or other obligations issued by the corporation to pay for the improvements,
27 extensions, renovations, furnishings or equipment have been paid and discharged.

28 4. Any consideration, promissory note or deed of trust which an educational institution
29 receives for selling or leasing property to a not-for-profit corporation pursuant to this section
30 shall be placed in a separate fund or in escrow, and neither the principal or any interest thereon
31 shall be commingled with any other funds of the educational institutions. At such time as the
32 title or deed for property acquired, constructed, improved, extended, repaired, remodeled or
33 renovated under this section is conveyed to the educational institution, the consideration shall
34 be returned to the corporation.

35 5. The board may make rental payments to the corporation under such leases out of its
36 general funds or out of any other available funds, provided that in no event shall the educational
37 institution become indebted in an amount exceeding in any year the income and revenue of the
38 educational institution for such year plus any unencumbered balances from previous years.

39 6. Any bonds, notes and other obligations issued by a corporation to pay for the
40 acquisition, construction, improvements, extensions, repairs, remodeling or renovations of sites,
41 buildings and facilities, pursuant to this section, may be secured by a mortgage, pledge or deed
42 of trust of the sites, buildings and facilities and a pledge of the revenues received from the rental
43 thereof to the educational institution. Such bonds, notes and other obligations issued by a
44 corporation shall not be a debt of the educational institution and the educational institution shall
45 not be liable thereon, and in no event shall such bonds, notes or other obligations be payable out
46 of any funds or properties other than those acquired for the purposes of this section, and such

47 bonds, notes and obligations shall not constitute an indebtedness of the educational institution
48 within the meaning of any constitutional or statutory debt limitation or restriction.

49 7. The interest on such bonds, notes and other obligations of the corporation and the
50 income therefrom shall be exempt from taxation by the state and its political subdivisions, except
51 for death and gift taxes on transfers. Sites, buildings, facilities, furnishings and equipment
52 owned by a corporation in connection with any project pursuant to this section shall be exempt
53 from taxation.

54 8. The board may make all other contracts or agreements with the corporation necessary
55 or convenient in connection with any project pursuant to this section. The corporation shall
56 comply with sections 290.210 to 290.340.

57 9. Notice that the board is considering a project pursuant to this section shall be given
58 by publication in a newspaper published within the county in which all or a part of the
59 educational institution is located which has general circulation within the area of the educational
60 institution, once a week for two consecutive weeks, the last publication to be at least seven days
61 prior to the date of the meeting of the board at which such project will be considered and acted
62 upon.

63 10. Provisions of other law to the contrary notwithstanding, the board may refinance any
64 lease purchase agreement that satisfies at least one of the conditions specified in subsection 6 of
65 section 165.011 for the purpose of payment on any lease with the corporation under this section
66 for sites, buildings, facilities, furnishings or equipment which the corporation has acquired or
67 constructed, but such refinance shall not extend the date of maturity of any obligation, and the
68 refinancing obligation shall not exceed the amount necessary to pay or provide for the payment
69 of the principal of the outstanding obligations to be refinanced, together with the interest accrued
70 thereon to the date of maturity or redemption of such obligations and any premium which may
71 be due under the terms of such obligations and any amounts necessary for the payments of costs
72 and expenses related to issuing such refunding obligations and to fund a capital projects reserve
73 fund for the obligations.

74 11. [Provisions of other law to the contrary notwithstanding, payments made from any
75 source by a school district, after the latter of July 1, 1994, or July 12, 1994, that result in the
76 transfer of the title of real property to the school district, other than those payments made from
77 the capital projects fund, shall be deducted as an adjustment to the funds payable to the district
78 pursuant to section 163.031 beginning in the year following the transfer of title to the district,
79 as determined by the department of elementary and secondary education.] No district with
80 modular buildings leased in fiscal year 2004, with the lease payments made from the incidental
81 fund and that initiates the transfer of title to the district after fiscal year 2007, shall have any
82 adjustment to the funds payable to the district under section 163.031 as a result of the transfer
83 of title.

84 12. Notwithstanding provisions of this section to the contrary, the board of education of
85 any school district may enter into agreements with the county in which the school district is
86 located, or with a city, town, or village wholly or partially located within the boundaries of the
87 school district, in order to provide for the acquisition, construction, improvement, extension,
88 repair, remodeling, renovation, and financing of sites, buildings, facilities, furnishings, and
89 equipment for the use of the school district for educational purposes. Such an agreement may
90 provide for the present or future acquisition of an ownership interest in such facilities by the
91 school district, by lease, lease-purchase agreement, option to purchase agreement, or similar
92 provisions, and may provide for a joint venture between the school district and other entity or
93 entities that are parties to such an agreement providing for the sharing of the costs of acquisition,
94 construction, repair, maintenance, and operation of such facilities. The school district may
95 wholly own such facilities, or may acquire a partial ownership interest along with the county,
96 city, town, or village with which the agreement was executed.

**177.250. 1. This section shall be known and may be cited as the "Sharing of
2 Services and Increasing Efficiencies Act".**

**3 2. A school district or charter school may cooperate and share resources with one
4 or more school districts, charter schools or any public, private, or nonprofit entity, political
5 subdivision, public institution of higher education, or private institution of higher
6 education to achieve efficiencies, become more cost effective, reduce costs, and reduce and
7 minimize duplicative operations, services, and purchasing. Cooperative actions may
8 include, but not be limited to, the following:**

- 9 **(1) Group purchases of supplies, textbooks, and classroom materials;**
- 10 **(2) Group purchases of life insurance, property insurance, and health insurance;**
- 11 **(3) Administration of services for payroll, secretarial, human resources,
12 maintenance, sanitation, janitorial, and administrative assistance;**
- 13 **(4) Participation in a deferred compensation plan; and**
- 14 **(5) Joint lease, purchase, or use of facilities.**

**15 3. A school district or charter school may share the following personnel with one
16 or more school districts, charter schools or any public, private, or nonprofit entity, political
17 subdivision, public institution of higher education, or private institution of higher
18 education: certificated and noncertificated employees, including but not limited to,
19 superintendents, principals, administrative staff, central office staff, teachers, teacher
20 aides, paraprofessionals, information technology specialists, maintenance personnel,
21 custodial staff, cooks, bus drivers, and support staff.**

**22 4. A school district or charter school may enter into an agreement for the
23 acquisition, construction, improvement, extension, repair, remodeling, renovation, and
24 financing of sites, buildings, facilities, furnishings, and equipment for their use with one
25 or more school districts, charter schools or any public, private, or nonprofit entity, political**

26 subdivision, public institution of higher education, or private institution of higher
27 education.

28 **5. A school district or charter school may enter into an agreement for the sharing**
29 **of services that are relevant to the educational mission of the school district or charter**
30 **school with one or more school districts, charter schools or any public, private, or**
31 **nonprofit entity, political subdivision, public institution of higher education, or private**
32 **institution of higher education.**

33 **6. Nothing in this section shall be construed to prohibit any of the entities identified**
34 **in this section from entering into any cooperative agreement as described in this section or**
35 **to prohibit any entity identified in this section from altering any current agreement it may**
36 **have with another entity described in this section without agreement from all the parties**
37 **to the agreement or expiration of the contract that is in force upon the effective date of this**
38 **section.**

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

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

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