

FIRST REGULAR SESSION

SENATE BILL NO. 128

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LEMBKE.

Read 1st time January 18, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

0891S.011

AN ACT

To repeal section 160.400, RSMo, and to enact in lieu thereof one new section relating to sponsorship of charter schools.

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

Section A. Section 160.400, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 160.400, to read as follows:

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

2 2. Charter schools may be operated only in a metropolitan school district
3 or in an urban school district containing most or all of a city with a population
4 greater than three hundred fifty thousand inhabitants and may be sponsored by
5 any of the following:

6 (1) The school board of the district;

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

11 (3) A community college located in the district; [or]

12 (4) Any private four-year college or university located in a city not within
13 a county with an enrollment of at least one thousand students, and with an
14 approved teacher preparation program; **or**

15 **(5) The mayor of a city not within a county.**

16 3. The mayor of a city not within a county may request a sponsor under
17 subdivision (2), (3), or (4) of subsection 2 of this section to consider sponsoring a
18 "workplace charter school", which is defined for purposes of sections 160.400 to
19 160.420 as a charter school with the ability to target prospective students whose

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

20 parent or parents are employed in a business district, as defined in the charter,
21 which is located in the city.

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

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

28 6. As a nonprofit corporation incorporated pursuant to chapter 355, the
29 charter school shall select the method for election of officers pursuant to section
30 355.326 based on the class of corporation selected. Meetings of the governing
31 board of the charter school shall be subject to the provisions of sections 610.010
32 to 610.030, the open meetings law.

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

37 8. A charter school may affiliate with a four-year college or university,
38 including a private college or university, or a community college as otherwise
39 specified in subsection 2 of this section when its charter is granted by a sponsor
40 other than such college, university or community college.

41 Affiliation status recognizes a relationship between the charter school and the
42 college or university for purposes of teacher training and staff development,
43 curriculum and assessment development, use of physical facilities owned by or
44 rented on behalf of the college or university, and other similar purposes. The
45 primary campus of the college or university must be located within the county in
46 which the school district lies wherein the charter school is located or in a county
47 adjacent to the county in which the district is located. A university, college or
48 community college may not charge or accept a fee for affiliation status.

49 9. The expenses associated with sponsorship of charter schools shall be
50 defrayed by the department of elementary and secondary education retaining one
51 and five-tenths percent of the amount of state and local funding allocated to the
52 charter school under section 160.415, not to exceed one hundred twenty-five
53 thousand dollars, adjusted for inflation. Such amount shall not be withheld when
54 the sponsor is a school district or the state board of education. The department
55 of elementary and secondary education shall remit the retained funds for each

56 charter school to the school's sponsor, provided the sponsor remains in good
57 standing by fulfilling its sponsorship obligations under sections 160.400 to
58 160.420 and 167.349 with regard to each charter school it sponsors, including
59 appropriate demonstration of the following:

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

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

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

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

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

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

79 11. No sponsor shall grant a charter under sections 160.400 to 160.420
80 and 167.349 without ensuring that a criminal background check and child abuse
81 registry check are conducted for all members of the governing board of the charter
82 schools or the incorporators of the charter school if initial directors are not named
83 in the articles of incorporation, nor shall a sponsor renew a charter without
84 ensuring a criminal background check and child abuse registry check are
85 conducted for each member of the governing board of the charter school.

86 12. No member of the governing board of a charter school shall hold any
87 office or employment from the board or the charter school while serving as a
88 member, nor shall the member have any substantial interest, as defined in
89 section 105.450, in any entity employed by or contracting with the board. No
90 board member shall be an employee of a company that provides substantial
91 services to the charter school. All members of the governing board of the charter

92 school shall be considered decision-making public servants as defined in section
93 105.450 for the purposes of the financial disclosure requirements contained in
94 sections 105.483, 105.485, 105.487, and 105.489.

95 13. A sponsor shall provide timely submission to the state board of
96 education of all data necessary to demonstrate that the sponsor is in material
97 compliance with all requirements of sections 160.400 to 160.420 and 167.349.

98 14. The state board of education shall ensure each sponsor is in
99 compliance with all requirements under sections 160.400 to 160.420 and 167.349
100 for each charter school sponsored by any sponsor. The state board shall notify
101 each sponsor of the standards for sponsorship of charter schools, delineating both
102 what is mandated by statute and what best practices dictate. The state board,
103 after a public hearing, may require remedial action for a sponsor that it finds has
104 not fulfilled its obligations of sponsorship, such remedial actions including
105 withholding the sponsor's funding and suspending for a period of up to one year
106 the sponsor's authority to sponsor a school that it currently sponsors or to sponsor
107 any additional school. If the state board removes the authority to sponsor a
108 currently operating charter school, the state board shall become the interim
109 sponsor of the school for a period of up to three years until the school finds a new
110 sponsor or until the charter contract period lapses.

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