

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 292

AN ACT

To repeal sections 160.400, 160.405, 160.408, 160.410, 160.415, 160.425, 160.545, 162.081, 167.125, 167.131, 167.151, 167.241, and 168.133, RSMo, and to enact in lieu thereof twenty new sections relating to alternative education options for elementary and secondary school students, with an emergency clause for certain sections.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Sections 160.400, 160.405, 160.408, 160.410,
2 160.415, 160.425, 160.545, 162.081, 167.125, 167.131, 167.151,
3 167.241, and 168.133, RSMo, are repealed and twenty new sections
4 enacted in lieu thereof, to be known as sections 160.400,
5 160.404, 160.405, 160.408, 160.410, 160.415, 160.422, 160.425,
6 160.545, 162.081, 162.1323, 167.125, 167.131, 167.132, 167.151,
7 167.241, 167.890, 167.895, 167.898, and 168.133, to read as
8 follows:

9 160.400. 1. A charter school is an independent public
10 school.

11 2. [Except as further provided in subsection 4 of this
12 section,] Charter schools may be operated only:

13 (1) In a metropolitan school district;

14 (2) In an urban school district containing most or all of a

1 city with a population greater than three hundred fifty thousand
2 inhabitants;

3 (3) In a school district that has been classified as
4 unaccredited by the state board of education;

5 (4) In a school district that has been classified as
6 provisionally accredited by the state board of education and has
7 received scores on its annual performance report consistent with
8 a classification of provisionally accredited or unaccredited for
9 three consecutive school years beginning with the 2012-13
10 accreditation year under the following conditions:

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

18 (b) The sponsor is limited to the local school board or a
19 sponsor who has met the standards of accountability and
20 performance as determined by the department based on sections
21 160.400 to 160.425 and section 167.349 and properly promulgated
22 rules of the department; [or]

23 (5) In a school district located within a county with a
24 charter form of government, provided the proposed charter school
25 sponsor receives a petition with the number of signatures of
26 parents of students who would qualify to attend the proposed
27 charter school equal to fifty percent of the number of seats with
28 which the proposed charter school intends to open. The

1 provisions of this subdivision shall not apply to any such
2 district that is accredited without provisions by the state board
3 of education and that has a resident pupil enrollment of less
4 than three thousand;

5 (6) In any urban school district as defined in section
6 160.011, provided the proposed charter school sponsor receives a
7 petition with the number of signatures of parents of students who
8 would qualify to attend the proposed charter school equal to
9 fifty percent of the number of seats with which the proposed
10 charter school intends to open. The provisions of this
11 subdivision shall not apply to any such district that is
12 accredited without provisions by the state board of education and
13 that has a resident pupil enrollment of less than three thousand;
14 or

15 (7) In a school district that has been accredited without
16 provisions, sponsored only by the local school board; provided
17 that no board with a current year enrollment of one thousand five
18 hundred fifty students or greater shall permit more than
19 thirty-five percent of its student enrollment to enroll in
20 charter schools sponsored by the local board under the authority
21 of this subdivision, except that this restriction shall not apply
22 to any school district that subsequently becomes eligible under
23 subdivision (3) or (4) of this subsection or to any district
24 accredited without provisions that sponsors charter schools prior
25 to having a current year student enrollment of one thousand five
26 hundred fifty students or greater.

27 3. [Except as further provided in subsection 4 of this
28 section,] The following entities are eligible to sponsor charter

1 schools:

2 (1) The school board of the district in any district which
3 is sponsoring a charter school as of August 27, 2012, as
4 permitted under subdivision (1) or (2) of subsection 2 of this
5 section, the special administrative board of a metropolitan
6 school district during any time in which powers granted to the
7 district's board of education are vested in a special
8 administrative board, or if the state board of education appoints
9 a special administrative board to retain the authority granted to
10 the board of education of an urban school district containing
11 most or all of a city with a population greater than three
12 hundred fifty thousand inhabitants, the special administrative
13 board of such school district;

14 (2) A public four-year college or university with an
15 approved teacher education program that meets regional or
16 national standards of accreditation;

17 (3) A community college, the service area of which
18 encompasses some portion of the district;

19 (4) Any private four-year college or university with an
20 enrollment of at least one thousand students, with its primary
21 campus in Missouri, and with an approved teacher preparation
22 program;

23 (5) Any two-year private vocational or technical school
24 designated as a 501(c)(3) nonprofit organization under the
25 Internal Revenue Code of 1986, as amended, and accredited by the
26 Higher Learning Commission, with its primary campus in Missouri;

27 (6) The Missouri charter public school commission created
28 in section 160.425.

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

5 (1) As a district transitions from unaccredited to
6 provisionally accredited, the district shall continue to fall
7 under the requirements for an unaccredited district until it
8 achieves three consecutive full school years of provisional
9 accreditation;

10 (2) As a district transitions from provisionally accredited
11 to full accreditation, the district shall continue to fall under
12 the requirements for a provisionally accredited district until it
13 achieves three consecutive full school years of full
14 accreditation;

15 (3) In any school district classified as unaccredited or
16 provisionally accredited where a charter school is operating and
17 is sponsored by an entity other than the local school board, when
18 the school district becomes classified as accredited without
19 provisions, a charter school may continue to be sponsored by the
20 entity sponsoring it prior to the classification of accredited
21 without provisions and shall not be limited to the local school
22 board as a sponsor.

23
24 A charter school operating in a school district identified in
25 subdivision (1) or (2) of subsection 2 of this section may be
26 sponsored by any of the entities identified in subsection 3 of
27 this section, irrespective of the accreditation classification of
28 the district in which it is located. A charter school in a

1 district described in this subsection whose charter provides for
2 the addition of grade levels in subsequent years may continue to
3 add levels until the planned expansion is complete to the extent
4 of grade levels in comparable schools of the district in which
5 the charter school is operated.

6 5. The mayor of a city not within a county may request a
7 sponsor under subdivision (2), (3), (4), (5), or (6) of
8 subsection 3 of this section to consider sponsoring a "workplace
9 charter school", which is defined for purposes of sections
10 160.400 to 160.425 as a charter school with the ability to target
11 prospective students whose parent or parents are employed in a
12 business district, as defined in the charter, which is located in
13 the city.

14 [6.] No sponsor shall receive from an applicant for a
15 charter school any fee of any type for the consideration of a
16 charter, nor may a sponsor condition its consideration of a
17 charter on the promise of future payment of any kind.

18 [7.] 5. The charter school shall be organized as a Missouri
19 nonprofit corporation incorporated pursuant to chapter 355. The
20 charter provided for herein shall constitute a contract between
21 the sponsor and the charter school.

22 [8.] 6. As a nonprofit corporation incorporated pursuant to
23 chapter 355, the charter school shall select the method for
24 election of officers pursuant to section 355.326 based on the
25 class of corporation selected. Meetings of the governing board
26 of the charter school shall be subject to the provisions of
27 sections 610.010 to 610.030.

28 [9.] 7. A sponsor of a charter school, its agents and

1 employees are not liable for any acts or omissions of a charter
2 school that it sponsors, including acts or omissions relating to
3 the charter submitted by the charter school, the operation of the
4 charter school and the performance of the charter school.

5 [10.] 8. A charter school may affiliate with a four-year
6 college or university, including a private college or university,
7 or a community college as otherwise specified in subsection 3 of
8 this section when its charter is granted by a sponsor other than
9 such college, university or community college. Affiliation
10 status recognizes a relationship between the charter school and
11 the college or university for purposes of teacher training and
12 staff development, curriculum and assessment development, use of
13 physical facilities owned by or rented on behalf of the college
14 or university, and other similar purposes. A university, college
15 or community college may not charge or accept a fee for
16 affiliation status.

17 [11.] 9. The expenses associated with sponsorship of
18 charter schools shall be defrayed by the department of elementary
19 and secondary education retaining one and five-tenths percent of
20 the amount of state and local funding allocated to the charter
21 school under section 160.415, not to exceed one hundred
22 twenty-five thousand dollars, adjusted for inflation. The
23 department of elementary and secondary education shall remit the
24 retained funds for each charter school to the school's sponsor,
25 provided the sponsor remains in good standing by fulfilling its
26 sponsorship obligations under sections 160.400 to 160.425 and
27 167.349 with regard to each charter school it sponsors, including
28 appropriate demonstration of the following:

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

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

9 (3) Negotiates contracts with charter schools that clearly
10 articulate the rights and responsibilities of each party
11 regarding school autonomy, expected outcomes, measures for
12 evaluating success or failure, performance consequences based on
13 the annual performance report, and other material terms;

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

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

20 [12.] 10. Sponsors receiving funds under subsection [11] 9
21 of this section shall be required to submit annual reports to the
22 joint committee on education demonstrating they are in compliance
23 with subsection [17] 15 of this section.

24 [13.] 11. No university, college or community college shall
25 grant a charter to a nonprofit corporation if an employee of the
26 university, college or community college is a member of the
27 corporation's board of directors.

28 [14.] 12. No sponsor shall grant a charter under sections

1 160.400 to 160.425 and 167.349 without ensuring that a criminal
2 background check and family care safety registry check are
3 conducted for all members of the governing board of the charter
4 schools or the incorporators of the charter school if initial
5 directors are not named in the articles of incorporation, nor
6 shall a sponsor renew a charter without ensuring a criminal
7 background check and family care safety registry check are
8 conducted for each member of the governing board of the charter
9 school.

10 [15.] 13. No member of the governing board of a charter
11 school shall hold any office or employment from the board or the
12 charter school while serving as a member, nor shall the member
13 have any substantial interest, as defined in section 105.450, in
14 any entity employed by or contracting with the board. No board
15 member shall be an employee of a company that provides
16 substantial services to the charter school. All members of the
17 governing board of the charter school shall be considered
18 decision-making public servants as defined in section 105.450 for
19 the purposes of the financial disclosure requirements contained
20 in sections 105.483, 105.485, 105.487, and 105.489.

21 [16.] 14. A sponsor shall develop the policies and
22 procedures for:

23 (1) The review of a charter school proposal including an
24 application that provides sufficient information for rigorous
25 evaluation of the proposed charter and provides clear
26 documentation that the education program and academic program are
27 aligned with the state standards and grade-level expectations,
28 and provides clear documentation of effective governance and

1 management structures, and a sustainable operational plan;

2 (2) The granting of a charter;

3 (3) The performance contract that the sponsor will use to
4 evaluate the performance of charter schools. Charter schools
5 shall meet current state academic performance standards as well
6 as other standards agreed upon by the sponsor and the charter
7 school in the performance contract;

8 (4) The sponsor's intervention, renewal, and revocation
9 policies, including the conditions under which the charter
10 sponsor may intervene in the operation of the charter school,
11 along with actions and consequences that may ensue, and the
12 conditions for renewal of the charter at the end of the term,
13 consistent with subsections 8 and 9 of section 160.405;

14 (5) Additional criteria that the sponsor will use for
15 ongoing oversight of the charter; and

16 (6) Procedures to be implemented if a charter school should
17 close, consistent with the provisions of subdivision (15) of
18 subsection 1 of section 160.405.

19
20 The department shall provide guidance to sponsors in developing
21 such policies and procedures.

22 [17.] 15. (1) A sponsor shall provide timely submission to
23 the state board of education of all data necessary to demonstrate
24 that the sponsor is in material compliance with all requirements
25 of sections 160.400 to 160.425 and section 167.349. The state
26 board of education shall ensure each sponsor is in compliance
27 with all requirements under sections 160.400 to 160.425 and
28 167.349 for each charter school sponsored by any sponsor. The

1 state board shall notify each sponsor of the standards for
2 sponsorship of charter schools, delineating both what is mandated
3 by statute and what best practices dictate. The state board
4 shall evaluate sponsors to determine compliance with these
5 standards every three years. The evaluation shall include a
6 sponsor's policies and procedures in the areas of charter
7 application approval; required charter agreement terms and
8 content; sponsor performance evaluation and compliance
9 monitoring; and charter renewal, intervention, and revocation
10 decisions. Nothing shall preclude the department from
11 undertaking an evaluation at any time for cause.

12 (2) If the department determines that a sponsor is in
13 material noncompliance with its sponsorship duties, the sponsor
14 shall be notified and given reasonable time for remediation. If
15 remediation does not address the compliance issues identified by
16 the department, the commissioner of education shall conduct a
17 public hearing and thereafter provide notice to the charter
18 sponsor of corrective action that will be recommended to the
19 state board of education. Corrective action by the department
20 may include withholding the sponsor's funding and suspending the
21 sponsor's authority to sponsor a school that it currently
22 sponsors or to sponsor any additional school until the sponsor is
23 reauthorized by the state board of education under section
24 160.403.

25 (3) The charter sponsor may, within thirty days of receipt
26 of the notice of the commissioner's recommendation, provide a
27 written statement and other documentation to show cause as to why
28 that action should not be taken. Final determination of

1 corrective action shall be determined by the state board of
2 education based upon a review of the documentation submitted to
3 the department and the charter sponsor.

4 (4) If the state board removes the authority to sponsor a
5 currently operating charter school under any provision of law,
6 the Missouri charter public school commission shall become the
7 sponsor of the school.

8 [18.] 16. If a sponsor notifies a charter school of closure
9 under subsection 8 of section 160.405, the department of
10 elementary and secondary education shall exercise its financial
11 withholding authority under subsection 12 of section 160.415 to
12 assure all obligations of the charter school shall be met. The
13 state, charter sponsor, or resident district shall not be liable
14 for any outstanding liability or obligations of the charter
15 school.

16 17. If a charter school fails to receive a renewal of its
17 charter after a three-year term as described in paragraph (e) of
18 subdivision (3) of subsection 9 of section 160.405, the sponsor
19 of the charter school at the time of the failure of renewal shall
20 not sponsor any new charter schools until the state board of
21 education has completed an evaluation and received a
22 determination of compliance with all requirements under sections
23 160.400 to 160.425 and section 167.349 for all charter schools
24 sponsored by the sponsor and meets the state standards of
25 sponsorship. The provisions of this subsection shall not apply
26 to sponsors who revoke or let lapse the three-year charter.

27 160.404. 1. For purposes of sections 160.400 to 160.425,
28 the term "underperformance", "underperforms", or "underperformed"

1 means the receipt of scores demonstrating that the percentage of
2 students who perform proficient and advanced on the annual
3 statewide system of assessments under section 160.518 in English
4 language arts and mathematics in a charter school is lower than
5 the average percentage of grade-level-equivalent students
6 attending nonselective attendance centers in the school district
7 which the charter school is located who perform proficient and
8 advanced in English language arts and mathematics.

9 2. Notwithstanding subsection 1 of this section, the term
10 "underperformance", "underperforms", or "underperformed" shall
11 not apply to any charter school in which:

12 (1) Fifty percent or more of the school's students were
13 previously considered dropouts under subdivision (5) of
14 subsection 2 of section 160.405; or

15 (2) The average rate of growth in English language arts and
16 mathematics on the annual statewide system of assessments under
17 section 160.518 based on the state's growth model for the charter
18 school's students is higher than the average growth in English
19 language arts and mathematics based on the state's growth model
20 for grade-level-equivalent students attending nonselective
21 attendance centers in the school district in which the charter
22 school is located.

23 160.405. 1. A person, group or organization seeking to
24 establish a charter school shall submit the proposed charter, as
25 provided in this section, to a sponsor. If the sponsor is not a
26 school board, the applicant shall give a copy of its application
27 to the school board of the district in which the charter school
28 is to be located and to the state board of education, within five

1 business days of the date the application is filed with the
2 proposed sponsor. The school board may file objections with the
3 proposed sponsor, and, if a charter is granted, the school board
4 may file objections with the state board of education. The
5 charter shall include a legally binding performance contract that
6 describes the obligations and responsibilities of the school and
7 the sponsor as outlined in sections 160.400 to 160.425 and
8 section 167.349 and shall address the following:

9 (1) A mission and vision statement for the charter school;

10 (2) A description of the charter school's organizational
11 structure and bylaws of the governing body, which will be
12 responsible for the policy, financial management, and operational
13 decisions of the charter school, including the nature and extent
14 of parental, professional educator, and community involvement in
15 the governance and operation of the charter school;

16 (3) A financial plan for the first three years of operation
17 of the charter school including provisions for annual audits;

18 (4) A description of the charter school's policy for
19 securing personnel services, its personnel policies, personnel
20 qualifications, and professional development plan;

21 (5) A description of the grades or ages of students being
22 served;

23 (6) The school's calendar of operation, which shall include
24 at least the equivalent of a full school term as defined in
25 section 160.011;

26 (7) A description of the charter school's pupil performance
27 standards and academic program performance standards, which shall
28 meet the requirements of subdivision (6) of subsection 4 of this

1 section. The charter school program shall be designed to enable
2 each pupil to achieve such standards and shall contain a complete
3 set of indicators, measures, metrics, and targets for academic
4 program performance, including specific goals on graduation rates
5 and standardized test performance and academic growth;

6 (8) A description of the charter school's educational
7 program and curriculum;

8 (9) The term of the charter, which shall be five years and
9 may be renewed for a five-year term; except that, if renewal
10 occurs as described under paragraph (e) of subdivision (3) of
11 subsection 9 of this section, such renewal shall be for only a
12 three-year term;

13 (10) Procedures, consistent with the Missouri financial
14 accounting manual, for monitoring the financial accountability of
15 the charter, which shall meet the requirements of subdivision (4)
16 of subsection 4 of this section;

17 (11) Preopening requirements for applications that require
18 that charter schools meet all health, safety, and other legal
19 requirements prior to opening;

20 (12) A description of the charter school's policies on
21 student discipline and student admission, which shall include a
22 statement, where applicable, of the validity of attendance of
23 students who do not reside in the district but who may be
24 eligible to attend under the terms of judicial settlements and
25 procedures that ensure admission of students with disabilities in
26 a nondiscriminatory manner;

27 (13) A description of the charter school's grievance
28 procedure for parents or guardians;

1 (14) A description of the agreement and time frame for
2 implementation between the charter school and the sponsor as to
3 when a sponsor shall intervene in a charter school, when a
4 sponsor shall revoke a charter for failure to comply with
5 subsection 8 of this section, and when a sponsor will not renew a
6 charter under subsection 9 of this section;

7 (15) Procedures to be implemented if the charter school
8 should close, as provided in subdivision (6) of subsection 16 of
9 section 160.400 including:

10 (a) Orderly transition of student records to new schools
11 and archival of student records;

12 (b) Archival of business operation and transfer or
13 repository of personnel records;

14 (c) Submission of final financial reports;

15 (d) Resolution of any remaining financial obligations;

16 (e) Disposition of the charter school's assets upon
17 closure; and

18 (f) A notification plan to inform parents or guardians of
19 students, the local school district, the retirement system in
20 which the charter school's employees participate, and the state
21 board of education within thirty days of the decision to close;

22 (16) A description of the special education and related
23 services that shall be available to meet the needs of students
24 with disabilities; and

25 (17) For all new or revised charters, procedures to be used
26 upon closure of the charter school requiring that unobligated
27 assets of the charter school be returned to the department of
28 elementary and secondary education for their disposition, which

1 upon receipt of such assets shall return them to the local school
2 district in which the school was located, the state, or any other
3 entity to which they would belong.

4
5 Charter schools operating on August 27, 2012, shall have until
6 August 28, 2015, to meet the requirements of this subsection.

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

9 (1) A charter shall be submitted to the sponsor, and follow
10 the sponsor's policies and procedures for review and granting of
11 a charter approval, and be approved by the state board of
12 education by January thirty-first prior to the school year of the
13 proposed opening date of the charter school;

14 (2) A charter may be approved when the sponsor determines
15 that the requirements of this section are met, determines that
16 the applicant is sufficiently qualified to operate a charter
17 school, and that the proposed charter is consistent with the
18 sponsor's charter sponsorship goals and capacity. The sponsor's
19 decision of approval or denial shall be made within ninety days
20 of the filing of the proposed charter;

21 (3) If the charter is denied, the proposed sponsor shall
22 notify the applicant in writing as to the reasons for its denial
23 and forward a copy to the state board of education within five
24 business days following the denial;

25 (4) If a proposed charter is denied by a sponsor, the
26 proposed charter may be submitted to the state board of
27 education, along with the sponsor's written reasons for its
28 denial. If the state board determines that the applicant meets

1 the requirements of this section, that the applicant is
2 sufficiently qualified to operate the charter school, and that
3 granting a charter to the applicant would be likely to provide
4 educational benefit to the children of the district, the state
5 board may grant a charter and act as sponsor of the charter
6 school. The state board shall review the proposed charter and
7 make a determination of whether to deny or grant the proposed
8 charter within sixty days of receipt of the proposed charter,
9 provided that any charter to be considered by the state board of
10 education under this subdivision shall be submitted no later than
11 March first prior to the school year in which the charter school
12 intends to begin operations. The state board of education shall
13 notify the applicant in writing as the reasons for its denial, if
14 applicable; and

15 (5) The sponsor of a charter school shall give priority to
16 charter school applicants that propose a school oriented to
17 high-risk students and to the reentry of dropouts into the school
18 system. If a sponsor grants three or more charters, at least
19 one-third of the charters granted by the sponsor shall be to
20 schools that actively recruit dropouts or high-risk students as
21 their student body and address the needs of dropouts or high-risk
22 students through their proposed mission, curriculum, teaching
23 methods, and services. For purposes of this subsection, a
24 "high-risk" student is one who is at least one year behind in
25 satisfactory completion of course work or obtaining high school
26 credits for graduation, has dropped out of school, is at risk of
27 dropping out of school, needs drug and alcohol treatment, has
28 severe behavioral problems, has been suspended from school three

1 or more times, has a history of severe truancy, is a pregnant or
2 parenting teen, has been referred for enrollment by the judicial
3 system, is exiting incarceration, is a refugee, is homeless or
4 has been homeless sometime within the preceding six months, has
5 been referred by an area school district for enrollment in an
6 alternative program, or qualifies as high risk under department
7 of elementary and secondary education guidelines. Dropout shall
8 be defined through the guidelines of the school core data report.
9 The provisions of this subsection do not apply to charters
10 sponsored by the state board of education.

11 3. If a charter is approved by a sponsor, the charter
12 application shall be submitted to the state board of education,
13 along with a statement of finding by the sponsor that the
14 application meets the requirements of sections 160.400 to 160.425
15 and section 167.349 and a monitoring plan under which the charter
16 sponsor shall evaluate the academic performance, including annual
17 performance reports, of students enrolled in the charter school.
18 The state board of education shall approve or deny a charter
19 application within sixty days of receipt of the application. The
20 state board of education may deny a charter on grounds that the
21 application fails to meet the requirements of sections 160.400 to
22 160.425 and section 167.349 or that a charter sponsor previously
23 failed to meet the statutory responsibilities of a charter
24 sponsor. Any denial of a charter application made by the state
25 board of education shall be in writing and shall identify the
26 specific failures of the application to meet the requirements of
27 sections 160.400 to 160.425 and section 167.349, and the written
28 denial shall be provided within ten business days to the sponsor.

1 4. A charter school shall, as provided in its charter:

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

4 (2) Comply with laws and regulations of the state, county,
5 or city relating to health, safety, and state minimum educational
6 standards, as specified by the state board of education,
7 including the requirements relating to student discipline under
8 sections 160.261, 167.161, 167.164, and 167.171, notification of
9 criminal conduct to law enforcement authorities under sections
10 167.115 to 167.117, academic assessment under section 160.518,
11 transmittal of school records under section 167.020, the minimum
12 amount of school time required under section 171.031, and the
13 employee criminal history background check and the family care
14 safety registry check under section 168.133;

15 (3) Except as provided in sections 160.400 to 160.425 and
16 as specifically provided in other sections, be exempt from all
17 laws and rules relating to schools, governing boards and school
18 districts;

19 (4) Be financially accountable, use practices consistent
20 with the Missouri financial accounting manual, provide for an
21 annual audit by a certified public accountant, publish audit
22 reports and annual financial reports as provided in chapter 165,
23 provided that the annual financial report may be published on the
24 department of elementary and secondary education's internet
25 website in addition to other publishing requirements, and provide
26 liability insurance to indemnify the school, its board, staff and
27 teachers against tort claims. A charter school that receives
28 local educational agency status under subsection 6 of this

1 section shall meet the requirements imposed by the Elementary and
2 Secondary Education Act for audits of such agencies and comply
3 with all federal audit requirements for charters with local
4 educational agency status. The charter school shall make the
5 results of such audits available on its website. For purposes of
6 an audit by petition under section 29.230, a charter school shall
7 be treated as a political subdivision on the same terms and
8 conditions as the school district in which it is located. For
9 the purposes of securing such insurance, a charter school shall
10 be eligible for the Missouri public entity risk management fund
11 pursuant to section 537.700. A charter school that incurs debt
12 shall include a repayment plan in its financial plan;

13 (5) Provide a comprehensive program of instruction for at
14 least one grade or age group from early childhood through grade
15 twelve, as specified in its charter;

16 (6) (a) Design a method to measure pupil progress toward
17 the pupil academic standards adopted by the state board of
18 education pursuant to section 160.514, establish baseline student
19 performance in accordance with the performance contract during
20 the first year of operation, collect student performance data as
21 defined by the annual performance report throughout the duration
22 of the charter to annually monitor student academic performance,
23 and to the extent applicable based upon grade levels offered by
24 the charter school, participate in the statewide system of
25 assessments, comprised of the essential skills tests and the
26 nationally standardized norm-referenced achievement tests, as
27 designated by the state board pursuant to section 160.518,
28 complete and distribute an annual report card as prescribed in

1 section 160.522, which shall also include a statement that
2 background checks have been completed on the charter school's
3 board members, and report to its sponsor, the local school
4 district, and the state board of education as to its teaching
5 methods and any educational innovations and the results thereof.
6 No charter school shall be considered in the Missouri school
7 improvement program review of the district in which it is located
8 for the resource or process standards of the program.

9 (b) For proposed high-risk or alternative charter schools,
10 sponsors shall approve performance measures based on mission,
11 curriculum, teaching methods, and services. Sponsors shall also
12 approve comprehensive academic and behavioral measures to
13 determine whether students are meeting performance standards on a
14 different time frame as specified in that school's charter.
15 Student performance shall be assessed comprehensively to
16 determine whether a high-risk or alternative charter school has
17 documented adequate student progress. Student performance shall
18 be based on sponsor-approved comprehensive measures as well as
19 standardized public school measures. Annual presentation of
20 charter school report card data to the department of elementary
21 and secondary education, the state board, and the public shall
22 include comprehensive measures of student progress.

23 (c) Nothing in this subdivision shall be construed as
24 permitting a charter school to be held to lower performance
25 standards than other public schools within a district; however,
26 the charter of a charter school may permit students to meet
27 performance standards on a different time frame as specified in
28 its charter. The performance standards for alternative and

1 special purpose charter schools that target high-risk students as
2 defined in subdivision (5) of subsection 2 of this section shall
3 be based on measures defined in the school's performance contract
4 with its sponsors;

5 (7) Comply with all applicable federal and state laws and
6 regulations regarding students with disabilities, including
7 sections 162.670 to 162.710, the Individuals with Disabilities
8 Education Act (20 U.S.C. Section 1400) and Section 504 of the
9 Rehabilitation Act of 1973 (29 U.S.C. Section 794) or successor
10 legislation;

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

13 (a) Documentation that the applicant has provided a copy of
14 the application to the school board of the district in which the
15 charter school is to be located, except in those circumstances
16 where the school district is the sponsor of the charter school;
17 and

18 (b) A statement outlining the reasons for approval or
19 denial by the sponsor, specifically addressing the requirements
20 of sections 160.400 to 160.425 and 167.349; and

21 (9) Seek to ensure that the percentage of its students who
22 perform proficient and advanced on the annual statewide system of
23 assessments under section 160.518 in English language arts and
24 mathematics is equal to or higher than the average percentage of
25 grade-level-equivalent students attending nonselective attendance
26 centers in the school district in which it is located who perform
27 proficient and advanced in English language arts and mathematics.

28 5. (1) Proposed or existing high-risk or alternative

1 charter schools may include alternative arrangements for students
2 to obtain credit for satisfying graduation requirements in the
3 school's charter application and charter. Alternative
4 arrangements may include, but not be limited to, credit for
5 off-campus instruction, embedded credit, work experience through
6 an internship arranged through the school, and independent
7 studies. When the state board of education approves the charter,
8 any such alternative arrangements shall be approved at such time.

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

15 6. The charter of a charter school may be amended at the
16 request of the governing body of the charter school and on the
17 approval of the sponsor. The sponsor and the governing board and
18 staff of the charter school shall jointly review the school's
19 performance, management and operations during the first year of
20 operation and then every other year after the most recent review
21 or at any point where the operation or management of the charter
22 school is changed or transferred to another entity, either public
23 or private. The governing board of a charter school may amend
24 the charter, if the sponsor approves such amendment, or the
25 sponsor and the governing board may reach an agreement in writing
26 to reflect the charter school's decision to become a local
27 educational agency. In such case the sponsor shall give the
28 department of elementary and secondary education written notice

1 no later than March first of any year, with the agreement to
2 become effective July first. The department may waive the March
3 first notice date in its discretion. The department shall
4 identify and furnish a list of its regulations that pertain to
5 local educational agencies to such schools within thirty days of
6 receiving such notice.

7 7. Sponsors shall annually review the charter school's
8 compliance with statutory standards including:

9 (1) Participation in the statewide system of assessments,
10 as designated by the state board of education under section
11 160.518;

12 (2) Assurances for the completion and distribution of an
13 annual report card as prescribed in section 160.522;

14 (3) The collection of baseline data during the first three
15 years of operation to determine the longitudinal success of the
16 charter school;

17 (4) A method to measure pupil progress toward the pupil
18 academic standards adopted by the state board of education under
19 section 160.514; and

20 (5) Publication of each charter school's annual performance
21 report.

22 8. (1) (a) A sponsor's policies shall give schools clear,
23 adequate, evidence-based, and timely notice of contract
24 violations or performance deficiencies and mandate intervention
25 based upon findings of the state board of education of the
26 following:

27 a. The charter school provides a high school program which
28 fails to maintain a graduation rate of at least seventy percent

1 in three of the last four school years unless the school has
2 dropout recovery as its mission;

3 b. The charter school's annual performance report results
4 are below the district's annual performance report results based
5 on the performance standards that are applicable to the grade
6 level configuration of both the charter school and the district
7 in which the charter school is located in three of the last four
8 school years; and

9 c. The charter school is identified as a persistently
10 lowest achieving school by the department of elementary and
11 secondary education.

12 (b) A sponsor shall have a policy to revoke a charter
13 during the charter term if there is:

14 a. Clear evidence of [underperformance] low performance as
15 demonstrated in the charter school's annual performance report in
16 three of the last four school years; or

17 b. A violation of the law or the public trust that imperils
18 students or public funds.

19 (c) A sponsor shall revoke a charter or take other
20 appropriate remedial action, which may include placing the
21 charter school on probationary status for no more than
22 twenty-four months, provided that no more than one designation of
23 probationary status shall be allowed for the duration of the
24 charter contract, at any time if the charter school commits a
25 serious breach of one or more provisions of its charter or on any
26 of the following grounds:

27 a. Failure to meet the performance contract as set forth in
28 its charter[,];

1 b. Underperformance for at least two years;

2 c. Failure to meet generally accepted standards of fiscal
3 management[,];

4 d. Failure to provide information necessary to confirm
5 compliance with all provisions of the charter and sections
6 160.400 to 160.425 and 167.349 within forty-five days following
7 receipt of written notice requesting such information[,]; or

8 e. Violation of law.

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

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

20 (4) The sponsor of a charter school shall establish
21 procedures to conduct administrative hearings upon determination
22 by the sponsor that grounds exist to revoke a charter. Final
23 decisions of a sponsor from hearings conducted pursuant to this
24 subsection are subject to an appeal to the state board of
25 education, which shall determine whether the charter shall be
26 revoked.

27 (5) A termination shall be effective only at the conclusion
28 of the school year, unless the sponsor determines that continued

1 operation of the school presents a clear and immediate threat to
2 the health and safety of the children.

3 (6) A charter sponsor shall make available the school
4 accountability report card information as provided under section
5 160.522 and the results of the academic monitoring required under
6 subsection 3 of this section.

7 9. (1) A sponsor shall take all reasonable steps necessary
8 to confirm that each charter school sponsored by such sponsor is
9 in material compliance and remains in material compliance with
10 all material provisions of the charter and sections 160.400 to
11 160.425 and 167.349. Every charter school shall provide all
12 information necessary to confirm ongoing compliance with all
13 provisions of its charter and sections 160.400 to 160.425 and
14 167.349 in a timely manner to its sponsor.

15 (2) The sponsor's renewal process of the charter school
16 shall be based on the thorough analysis of a comprehensive body
17 of objective evidence and consider if:

18 (a) The charter school has maintained results on its annual
19 performance report that meet or exceed the district in which the
20 charter school is located based on the performance standards that
21 are applicable to the grade-level configuration of both the
22 charter school and the district in which the charter school is
23 located in three of the last four school years;

24 (b) The charter school has underperformed for two of the
25 three consecutive years immediately before a decision whether to
26 renew the school's charter is made;

27 (c) The charter school is organizationally and fiscally
28 viable determining at a minimum that the school does not have:

1 a. A negative balance in its operating funds;

2 b. A combined balance of less than three percent of the
3 amount expended for such funds during the previous fiscal year;
4 or

5 c. Expenditures that exceed receipts for the most recently
6 completed fiscal year;

7 [(c)] (d) The charter is in compliance with its legally
8 binding performance contract and sections 160.400 to 160.425 and
9 section 167.349; and

10 [(d)] (e) The charter school has an annual performance
11 report consistent with a classification of accredited for three
12 of the last four years and is fiscally viable as described in
13 paragraph (b) of this subdivision. If such is the case, the
14 charter school may have an expedited renewal process as defined
15 by rule of the department of elementary and secondary education.

16 (3) (a) Beginning August first during the year in which a
17 charter is considered for renewal, a charter school sponsor shall
18 demonstrate to the state board of education that the charter
19 school is in compliance with federal and state law as provided in
20 sections 160.400 to 160.425 and section 167.349 and the school's
21 performance contract including but not limited to those
22 requirements specific to academic performance.

23 (b) Along with data reflecting the academic performance
24 standards indicated in paragraph (a) of this subdivision, the
25 sponsor shall submit a revised charter application to the state
26 board of education for review. Such application shall include a
27 financial audit performed by an independent certified public
28 accountant in accordance with generally accepted auditing

1 standards, which shall be paid for by the charter school.

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

8 (d) If a charter school sponsor demonstrates the objectives
9 identified in this subdivision, the state board of education
10 shall renew the school's charter.

11 (e) If a charter school underperforms for two of the three
12 consecutive years immediately before a decision whether to renew
13 the school's charter is made, any renewal granted shall be for
14 only a two-year term. If the charter school again underperforms
15 for both years of the two-year term, the school's charter shall
16 not be renewed.

17 10. A school district may enter into a lease with a charter
18 school for physical facilities.

19 11. A governing board or a school district employee who has
20 control over personnel actions shall not take unlawful reprisal
21 against another employee at the school district because the
22 employee is directly or indirectly involved in an application to
23 establish a charter school. A governing board or a school
24 district employee shall not take unlawful reprisal against an
25 educational program of the school or the school district because
26 an application to establish a charter school proposes the
27 conversion of all or a portion of the educational program to a
28 charter school. As used in this subsection, "unlawful reprisal"

1 means an action that is taken by a governing board or a school
2 district employee as a direct result of a lawful application to
3 establish a charter school and that is adverse to another
4 employee or an educational program.

5 12. Charter school board members shall be subject to the
6 same liability for acts while in office as if they were regularly
7 and duly elected members of school boards in any other public
8 school district in this state. The governing board of a charter
9 school may participate, to the same extent as a school board, in
10 the Missouri public entity risk management fund in the manner
11 provided under sections 537.700 to 537.756.

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

16 14. The chief financial officer of a charter school shall
17 maintain:

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

20 (2) An insurance policy issued by an insurance company
21 licensed to do business in Missouri on all employees in the
22 amount of five hundred thousand dollars or more that provides
23 coverage in the event of employee theft.

24 15. The department of elementary and secondary education
25 shall calculate an annual performance report for each charter
26 school and shall publish it in the same manner as annual
27 performance reports are calculated and published for districts
28 and attendance centers.

1 16. The joint committee on education shall create a
2 committee to investigate facility access and affordability for
3 charter schools. The committee shall be comprised of equal
4 numbers of the charter school sector and the public school sector
5 and shall report its findings to the general assembly by December
6 31, 2016.

7 160.408. 1. For purposes of this section, "high-quality
8 charter school" means a charter school operating in the state of
9 Missouri that meets the following requirements:

10 (1) Receives eighty-five percent or more of the total
11 points on the annual performance report for three out of the last
12 four school years by comparing points earned to the points
13 possible on the annual performance report for three of the last
14 four school years;

15 (2) Maintains a graduation rate of at least eighty percent
16 for three of the last four school years, if the charter school
17 provides a high school program;

18 (3) Is in material compliance with its legally binding
19 performance contract and sections 160.400 to 160.425 and section
20 167.349; and

21 (4) Is organizationally and fiscally viable as described in
22 paragraph (b) of subdivision (2) of subsection 9 of section
23 160.405.

24 2. Notwithstanding any other provision of law, high-quality
25 charter schools shall be provided expedited opportunities to
26 replicate and expand into unaccredited districts, a metropolitan
27 district, or an urban school district containing most or all of a
28 home rule city with more than four hundred thousand inhabitants

1 and located in more than one county. Such replication and
2 expansion shall be subject to the following:

3 (1) The school seeking to replicate or expand shall submit
4 its proposed charter to a proposed sponsor. The charter shall
5 include a legally binding performance contract that meets the
6 requirements of sections 160.400 to 160.425 and section 167.349;

7 (2) The sponsor's decision to approve or deny shall be made
8 within sixty days of the filing of the proposed charter with the
9 proposed sponsor;

10 (3) If a charter is approved by a sponsor, the charter
11 application shall be filed with the state board of education with
12 a statement of finding from the sponsor that the application
13 meets the requirements of sections 160.400 to 160.425 and section
14 167.349 and a monitoring plan under which the sponsor shall
15 evaluate the academic performance of students enrolled in the
16 charter school. Such filing shall be made by January
17 thirty-first prior to the school year in which the charter school
18 intends to begin operations.

19 3. The term of the charter for schools operating under this
20 section shall be five years, and the charter may be renewed for
21 terms of up to ten years. Renewal shall be subject to the
22 provisions of paragraphs (a) to ~~[(d)]~~ (e) of subdivision (3) of
23 subsection 9 of section 160.405.

24 160.410. 1. A charter school shall enroll:

25 (1) All pupils resident in the district in which it
26 operates;

27 (2) Nonresident pupils eligible to attend a district's
28 school under an urban voluntary transfer program;

1 (3) Nonresident pupils who transfer from an unaccredited
2 district under section ~~[167.131]~~ 167.895, provided that the
3 charter school is an approved charter school, as defined in
4 section ~~[167.131]~~ 167.895, and subject to all other provisions of
5 section ~~[167.131]~~ 167.895;

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

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

22 2. If capacity is insufficient to enroll all pupils who
23 submit a timely application, the charter school shall have an
24 admissions process that assures all applicants of an equal chance
25 of gaining admission and does not discriminate based on parents'
26 ability to pay fees or tuition except that:

27 (1) A charter school may establish a geographical area
28 around the school whose residents will receive a preference for

1 enrolling in the school, provided that such preferences do not
2 result in the establishment of racially or socioeconomically
3 isolated schools and provided such preferences conform to
4 policies and guidelines established by the state board of
5 education;

6 (2) A charter school may also give a preference for
7 admission of children whose siblings attend the school or whose
8 parents are employed at the school or in the case of a workplace
9 charter school, a child whose parent is employed in the business
10 district or at the business site of such school; [and]

11 (3) Charter schools may also give a preference for
12 admission to high-risk students, as defined in subdivision (5) of
13 subsection 2 of section 160.405, when the school targets these
14 students through its proposed mission, curriculum, teaching
15 methods, and services; and

16 (4) A charter school may also give preference for admission
17 to students who will be eligible for the free and reduced price
18 lunch program in the upcoming school year.

19 3. A charter school shall not limit admission based on
20 race, ethnicity, national origin, disability, income level except
21 as allowed under subdivision (4) of subsection 2 of this section,
22 proficiency in the English language or athletic ability, but may
23 limit admission to pupils within a given age group or grade
24 level. Charter schools may limit admission based on gender only
25 when the school is a single-gender school. Students of a charter
26 school who have been enrolled for a full academic year shall be
27 counted in the performance of the charter school on the statewide
28 assessments in that calendar year, unless otherwise exempted as

1 English language learners. For purposes of this subsection,
2 "full academic year" means the last Wednesday in September
3 through the administration of the Missouri assessment program
4 test without transferring out of the school and re-enrolling.

5 4. A charter school shall make available for public
6 inspection as well as on their website, and provide upon request,
7 to the parent, guardian, or other custodian of any school-age
8 pupil resident in the district in which the school is located the
9 following information:

10 (1) The school's charter;

11 (2) The school's most recent annual report card published
12 according to section 160.522;

13 (3) **[The results of]** A statement that the charter school
14 has completed background checks on the charter school's board
15 members, provided that the results of such background checks
16 shall be made available for public inspection and provided upon
17 request under the provisions of this subsection; and

18 (4) If a charter school is operated by a management
19 company, a copy of the written contract between the governing
20 board of the charter school and the educational management
21 organization or the charter management organization for services.
22 The charter school may charge reasonable fees, not to exceed the
23 rate specified in section 610.026 for furnishing copies of
24 documents under this subsection.

25 5. When a student attending a charter school who is a
26 resident of the school district in which the charter school is
27 located moves out of the boundaries of such school district, the
28 student may complete the current semester and shall be considered

1 a resident student. The student's parent or legal guardian shall
2 be responsible for the student's transportation to and from the
3 charter school.

4 6. If a change in school district boundary lines occurs
5 under section 162.223, 162.431, 162.441, or 162.451, or by action
6 of the state board of education under section 162.081, including
7 attachment of a school district's territory to another district
8 or dissolution, such that a student attending a charter school
9 prior to such change no longer resides in a school district in
10 which the charter school is located, then the student may
11 complete the current academic year at the charter school. The
12 student shall be considered a resident student. The student's
13 parent or legal guardian shall be responsible for the student's
14 transportation to and from the charter school.

15 7. The provisions of sections 167.018 and 167.019
16 concerning foster children's educational rights are applicable to
17 charter schools.

18 160.415. 1. For the purposes of calculation and
19 distribution of state school aid under section 163.031, pupils
20 enrolled in a charter school shall be included in the pupil
21 enrollment of the school district within which each pupil
22 resides. Each charter school shall report the names, addresses,
23 and eligibility for free and reduced price lunch, special
24 education, or limited English proficiency status, as well as
25 eligibility for categorical aid, of pupils resident in a school
26 district who are enrolled in the charter school to the school
27 district in which those pupils reside. The charter school shall
28 report the average daily attendance data, free and reduced price

1 lunch count, special education pupil count, and limited English
2 proficiency pupil count to the state department of elementary and
3 secondary education. Each charter school shall promptly notify
4 the state department of elementary and secondary education and
5 the pupil's school district when a student discontinues
6 enrollment at a charter school.

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

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

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

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

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

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

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

13 4. A charter school that has declared itself as a local
14 educational agency shall receive from the department of
15 elementary and secondary education an annual amount equal to the
16 product of the charter school's weighted average daily attendance
17 and the state adequacy target, multiplied by the dollar value
18 modifier for the district, plus local tax revenues per weighted
19 average daily attendance from the incidental and teachers funds
20 in excess of the performance levy as defined in section 163.011
21 plus all other state aid attributable to such pupils. If a
22 charter school declares itself as a local educational agency, the
23 department of elementary and secondary education shall, upon
24 notice of the declaration, reduce the payment made to the school
25 district by the amount specified in this subsection and pay
26 directly to the charter school the annual amount reduced from the
27 school district's payment.

28 5. If a school district fails to make timely payments of

1 any amount for which it is the disbursal agent, the state
2 department of elementary and secondary education shall authorize
3 payment to the charter school of the amount due pursuant to
4 subsection 2 of this section and shall deduct the same amount
5 from the next state school aid apportionment to the owing school
6 district. If a charter school is paid more or less than the
7 amounts due pursuant to this section, the amount of overpayment
8 or underpayment shall be adjusted equally in the next twelve
9 payments by the school district or the department of elementary
10 and secondary education, as appropriate. Any dispute between the
11 school district and a charter school as to the amount owing to
12 the charter school shall be resolved by the department of
13 elementary and secondary education, and the department's decision
14 shall be the final administrative action for the purposes of
15 review pursuant to chapter 536. During the period of dispute,
16 the department of elementary and secondary education shall make
17 every administrative and statutory effort to allow the continued
18 education of children in their current public charter school
19 setting.

20 6. The charter school and a local school board may agree by
21 contract for services to be provided by the school district to
22 the charter school. The charter school may contract with any
23 other entity for services. Such services may include but are not
24 limited to food service, custodial service, maintenance,
25 management assistance, curriculum assistance, media services and
26 libraries and shall be subject to negotiation between the charter
27 school and the local school board or other entity. Documented
28 actual costs of such services shall be paid for by the charter

1 school.

2 7. In the case of a proposed charter school that intends to
3 contract with an education service provider for substantial
4 educational services or management services, the request for
5 proposals shall additionally require the charter school applicant
6 to:

7 (1) Provide evidence of the education service provider's
8 success in serving student populations similar to the targeted
9 population, including demonstrated academic achievement as well
10 as successful management of nonacademic school functions, if
11 applicable;

12 (2) Provide a term sheet setting forth the proposed
13 duration of the service contract; roles and responsibilities of
14 the governing board, the school staff, and the service provider;
15 scope of services and resources to be provided by the service
16 provider; performance evaluation measures and time lines;
17 compensation structure, including clear identification of all
18 fees to be paid to the service provider; methods of contract
19 oversight and enforcement; investment disclosure; and conditions
20 for renewal and termination of the contract;

21 (3) Disclose any known conflicts of interest between the
22 school governing board and proposed service provider or any
23 affiliated business entities;

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

27 (5) Ensure that the legal counsel for the charter school
28 shall report directly to the charter school's governing board;

1 and

2 (6) Provide a process to ensure that the expenditures that
3 the education service provider intends to bill to the charter
4 school shall receive prior approval of the governing board or its
5 designee.

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

10 9. A charter school shall be eligible for transportation
11 state aid pursuant to section 163.161 and shall be free to
12 contract with the local district, or any other entity, for the
13 provision of transportation to the students of the charter
14 school.

15 10. (1) The proportionate share of state and federal
16 resources generated by students with disabilities or staff
17 serving them shall be paid in full to charter schools enrolling
18 those students by their school district where such enrollment is
19 through a contract for services described in this section. The
20 proportionate share of money generated under other federal or
21 state categorical aid programs shall be directed to charter
22 schools serving such students eligible for that aid.

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

27 11. A charter school may not charge tuition or impose fees
28 that a school district is prohibited from charging or imposing,

1 except that a charter school may receive tuition payments from
2 districts in the same or an adjoining county for nonresident
3 students who transfer to an approved charter school, as defined
4 in section ~~[167.131]~~ 167.895, from an unaccredited district.

5 12. A charter school is authorized to incur debt in
6 anticipation of receipt of funds. A charter school may also
7 borrow to finance facilities and other capital items. A school
8 district may incur bonded indebtedness or take other measures to
9 provide for physical facilities and other capital items for
10 charter schools that it sponsors or contracts with. Except as
11 otherwise specifically provided in sections 160.400 to 160.425,
12 upon the dissolution of a charter school, any liabilities of the
13 corporation will be satisfied through the procedures of chapter
14 355. A charter school shall satisfy all its financial
15 obligations within twelve months of notice from the sponsor of
16 the charter school's closure under subsection 8 of section
17 160.405. After satisfaction of all its financial obligations, a
18 charter school shall return any remaining state and federal funds
19 to the department of elementary and secondary education for
20 disposition as stated in subdivision (17) of subsection 1 of
21 section 160.405. The department of elementary and secondary
22 education may withhold funding at a level the department
23 determines to be adequate during a school's last year of
24 operation until the department determines that school records,
25 liabilities, and reporting requirements, including a full audit,
26 are satisfied.

27 13. Charter schools shall not have the power to acquire
28 property by eminent domain.

1 14. The governing body of a charter school is authorized to
2 accept grants, gifts or donations of any kind and to expend or
3 use such grants, gifts or donations. A grant, gift or donation
4 may not be accepted by the governing body if it is subject to any
5 condition contrary to law applicable to the charter school or
6 other public schools, or contrary to the terms of the charter.

7 160.422. 1. Any city not within a county shall not adopt,
8 enforce, impose, or administer an ordinance, local policy, or
9 local resolution that prohibits property sold, leased, or
10 transferred by the city not within a county from being used for
11 any lawful educational purpose by a charter school.

12 2. Any city not within a county shall not impose, enforce,
13 or apply any deed restriction that expressly, or by its
14 operation, prohibits property sold, leased, or transferred by the
15 city not within a county from being used for any lawful
16 educational purpose by a charter school. Any deed restriction or
17 affirmative use deed restriction that affirmatively allows for
18 only one or more specified uses or purposes that do not include
19 any educational use or purpose is prohibited under this section.
20 Any deed restriction or affirmative use deed restriction in
21 effect on the effective date of this section that prohibits or
22 does not permit property previously used for any educational
23 purpose from being used for any future educational purpose is
24 void.

25 3. If any city not within a county offers property of the
26 city not within a county for sale, lease, or rent, the city not
27 within a county shall not refuse to sell, lease, or rent the
28 property to a charter school solely because the charter school

1 intends to use the property for an educational purpose, if the
2 intent of the charter school is to use the property for a lawful
3 educational purpose. If the city not within a county offers
4 property of the city not within a county for sale, lease, or
5 rent, the city not within a county is not required to sell,
6 lease, or rent the property to a charter school solely because
7 the charter school intends to use the property for an educational
8 purpose.

9 4. Any ordinance, policy, regulation, deed, or contract
10 made in violation of this section shall be void from its
11 inception.

12 160.425. 1. The "Missouri Charter Public School
13 Commission" is hereby created with the authority to sponsor high
14 quality charter schools throughout the state of Missouri.

15 2. The commission shall consist of nine members appointed
16 by the governor, by and with the advice and consent of the
17 senate. No more than five of the members shall be of the same
18 political party. No more than two members shall be from the same
19 congressional district. The term of office of each member shall
20 be four years, except those of the members first appointed, of
21 which three shall be appointed for a term of one year, two for a
22 term of two years, two for a term of three years, and two for a
23 term of four years. At the expiration of the term of each
24 member, the governor, by and with the advice and consent of the
25 senate, shall appoint a successor.

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

28 (1) One member selected by the governor from a slate of

1 three recommended by the commissioner of education;

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

4 (3) One member selected by the governor from a slate of
5 three recommended by the president pro tempore of the senate;

6 (4) One member selected by the governor from a slate of
7 three recommended by the speaker of the house of representatives;
8 and

9 (5) Five additional members appointed by the governor, one
10 of whom shall be selected from a slate of three nominees
11 recommended by the Missouri School Boards Association.

12 4. Members appointed to the commission shall collectively
13 possess strong experience and expertise in governance, management
14 and finance, school leadership, assessment, curriculum and
15 instruction, and education law. All members of the commission
16 shall have demonstrated understanding of and commitment to
17 charter schooling as a strategy for strengthening public
18 education.

19 5. The commission shall annually elect a chairperson and
20 vice chairperson, who shall act as chairperson in his or her
21 absence. The commission shall meet at the call of the
22 chairperson. The chairperson may call meetings at such times as
23 he or she deems advisable and shall call a meeting when requested
24 to do so by three or more members of the commission. Members of
25 the commission are not eligible to receive compensation.

26 6. The commission may approve proposed charters for its
27 sponsorship under sections 160.400 to 160.425 and shall:

28 (1) Comply with all of the requirements applicable to

1 sponsors under sections 160.400 to 160.425;

2 (2) Exercise sponsorship over charters approved by the
3 commission under sections 160.400 to 160.425, including receipt
4 of sponsorship funding under subsection [11] 9 of section
5 160.400.

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

9 8. The commission shall conduct its business in accordance
10 with chapter 610.

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

15 10. The commission is authorized to receive and expend
16 gifts, grants, and donations of any kind from any public or
17 private entity to carry out the purposes of sections 160.400 to
18 160.425, subject to the terms and conditions under which they are
19 given, provided that all such terms and conditions are
20 permissible under law.

21 160.545. 1. There is hereby established within the
22 department of elementary and secondary education the "A+ Schools
23 Program" to be administered by the commissioner of education.
24 The program shall consist of grant awards made to public
25 secondary schools that demonstrate a commitment to ensure that:

26 (1) All students be graduated from school;

27 (2) All students complete a selection of high school
28 studies that is challenging and for which there are identified

1 learning expectations; and

2 (3) All students:

3 (a) Earn credits toward any type of college degree while in
4 high school; or

5 (b) Proceed from high school graduation to a college or
6 postsecondary vocational or technical school or high-wage job
7 with work place skill development opportunities.

8 2. The state board of education shall promulgate rules and
9 regulations for the approval of grants made under the program to
10 schools that:

11 (1) Establish measurable districtwide performance standards
12 for the goals of the program outlined in subsection 1 of this
13 section; and

14 (2) Specify the knowledge, skills and competencies, in
15 measurable terms, that students must demonstrate to successfully
16 complete any individual course offered by the school, and any
17 course of studies which will qualify a student for graduation
18 from the school; and

19 (3) Do not offer a general track of courses that, upon
20 completion, can lead to a high school diploma; and

21 (4) Require rigorous coursework with standards of
22 competency in basic academic subjects for students pursuing
23 vocational and technical education as prescribed by rule and
24 regulation of the state board of education; and

25 (5) Have a partnership plan developed in cooperation and
26 with the advice of local business persons, labor leaders,
27 parents, and representatives of college and postsecondary
28 vocational and technical school representatives, with the plan

1 then approved by the local board of education. The plan shall
2 specify a mechanism to receive information on an annual basis
3 from those who developed the plan in addition to senior citizens,
4 community leaders, and teachers to update the plan in order to
5 best meet the goals of the program as provided in subsection 1 of
6 this section. Further, the plan shall detail the procedures used
7 in the school to identify students that may drop out of school
8 and the intervention services to be used to meet the needs of
9 such students. The plan shall outline counseling and mentoring
10 services provided to students who will enter the work force upon
11 graduation from high school, address apprenticeship and intern
12 programs, and shall contain procedures for the recruitment of
13 volunteers from the community of the school to serve in schools
14 receiving program grants.

15 3. Any nonpublic school in this state may apply to the
16 state board of education for certification that it meets the
17 requirements of this section subject to the same criteria as
18 public high schools. Every nonpublic school that applies and has
19 met the requirements of this section shall have its students
20 eligible for reimbursement of postsecondary education under
21 subsection 8 of this section on an equal basis to students who
22 graduate from public schools that meet the requirements of this
23 section. Any nonpublic school that applies shall not be eligible
24 for any grants under this section. Students of certified
25 nonpublic schools shall be eligible for reimbursement of
26 postsecondary education under subsection 8 of this section so
27 long as they meet the other requirements of such subsection. For
28 purposes of subdivision (5) of subsection 2 of this section, the

1 nonpublic school shall be included in the partnership plan
2 developed by the public school district in which the nonpublic
3 school is located. For purposes of subdivision (1) of subsection
4 2 of this section, the nonpublic school shall establish
5 measurable performance standards for the goals of the program for
6 every school and grade level over which the nonpublic school
7 maintains control.

8 4. A school district may participate in the program
9 irrespective of its accreditation classification by the state
10 board of education, provided it meets all other requirements.

11 5. By rule and regulation, the state board of education may
12 determine a local school district variable fund match requirement
13 in order for a school or schools in the district to receive a
14 grant under the program. However, no school in any district
15 shall receive a grant under the program unless the district
16 designates a salaried employee to serve as the program
17 coordinator, with the district assuming a minimum of one-half the
18 cost of the salary and other benefits provided to the
19 coordinator. Further, no school in any district shall receive a
20 grant under the program unless the district makes available
21 facilities and services for adult literacy training as specified
22 by rule of the state board of education.

23 6. For any school that meets the requirements for the
24 approval of the grants authorized by this section and specified
25 in subsection 2 of this section for three successive school
26 years, by August first following the third such school year, the
27 commissioner of education shall present a plan to the
28 superintendent of the school district in which such school is

1 located for the waiver of rules and regulations to promote
2 flexibility in the operations of the school and to enhance and
3 encourage efficiency in the delivery of instructional services in
4 the school. The provisions of other law to the contrary
5 notwithstanding, the plan presented to the superintendent shall
6 provide a summary waiver, with no conditions, for the pupil
7 testing requirements pursuant to section 160.257 in the school.
8 Further, the provisions of other law to the contrary
9 notwithstanding, the plan shall detail a means for the waiver of
10 requirements otherwise imposed on the school related to the
11 authority of the state board of education to classify school
12 districts pursuant to subdivision (9) of section 161.092 and such
13 other rules and regulations as determined by the commissioner of
14 education, except such waivers shall be confined to the school
15 and not other schools in the school district unless such other
16 schools meet the requirements of this subsection. However, any
17 waiver provided to any school as outlined in this subsection
18 shall be void on June thirtieth of any school year in which the
19 school fails to meet the requirements for the approval of the
20 grants authorized by this section as specified in subsection 2 of
21 this section.

22 7. For any school year, grants authorized by subsections 1,
23 2, and 5 of this section shall be funded with the amount
24 appropriated for this program, less those funds necessary to
25 reimburse eligible students pursuant to subsection 8 or 9 of this
26 section.

27 8. The department of higher education shall, by rule,
28 establish a procedure for the reimbursement of the cost of

1 tuition, books and fees to any public community college or
2 vocational or technical school or within the limits established
3 in subsection [10] 11 of this section for any two-year private
4 vocational or technical school for any student:

5 (1) Who has attended a high school in the state for at
6 least [~~three~~] two years [~~prior to graduation~~] that meets the
7 requirements of subsection 2 of this section and who has
8 graduated from such a school; except that, students who are
9 active duty military dependents, and students who are
10 [~~dependants~~] dependents of retired military who relocate to
11 Missouri within one year of the date of the parent's retirement
12 from active duty[,] who[, in the school year immediately
13 preceding graduation,] meet all other requirements of this
14 subsection and are attending a school that meets the requirements
15 of subsection 2 of this section shall be exempt from the
16 [~~three-year~~] two-year attendance requirement of this subdivision;
17 and

18 (2) Who has made a good faith effort to first secure all
19 available federal sources of funding that could be applied to the
20 reimbursement described in this subsection; and

21 (3) Who has earned a minimal grade average while in high
22 school or through the semester immediately before taking the
23 course for which reimbursement is sought as determined by rule of
24 the department of higher education, and other requirements for
25 the reimbursement authorized by this subsection as determined by
26 rule and regulation of the department; and

27 (4) Who is a citizen or permanent resident of the United
28 States.

1 9. The department of higher education shall, by rule,
2 establish a procedure for the reimbursement of the cost of
3 tuition, and fees for any dual-credit or dual-enrollment course
4 offered to a student in high school in association with a public
5 community college or vocational or technical school, subject to
6 the requirements of subsection 11 of this section, for any
7 student who meets the requirements established in subsection 8 of
8 this section immediately before taking the course for which
9 reimbursement is sought.

10 10. The commissioner of education shall develop a procedure
11 for evaluating the effectiveness of the program described in this
12 section. Such evaluation shall be conducted annually with the
13 results of the evaluation provided to the governor, speaker of
14 the house, and president pro tempore of the senate.

15 [10.] 11. For a two-year private vocational or technical
16 school to obtain reimbursements under subsection 8 or 9 of this
17 section, the following requirements shall be satisfied:

18 (1) Such two-year private vocational or technical school
19 shall be a member of the North Central Association and be
20 accredited by the Higher Learning Commission as of July 1, 2008,
21 and maintain such accreditation;

22 (2) Such two-year private vocational or technical school
23 shall be designated as a 501(c)(3) nonprofit organization under
24 the Internal Revenue Code of 1986, as amended;

25 (3) No two-year private vocational or technical school
26 shall receive tuition reimbursements in excess of the tuition
27 rate charged by a public community college for course work
28 offered by the private vocational or technical school within the

1 service area of such college; and

2 (4) The reimbursements provided to any two-year private
3 vocational or technical school shall not violate the provisions
4 of Article IX, Section 8, or Article I, Section 7, of the
5 Missouri Constitution or the first amendment of the United States
6 Constitution.

7 12. The department of higher education shall distribute
8 reimbursements in the following manner:

9 (1) To community college or vocational or technical school
10 students;

11 (2) After all students from subdivision (1) of this
12 subsection have been reimbursed, to any dual-credit or dual-
13 enrollment student on the basis of financial need.

14 162.081. 1. Whenever any school district in this state
15 fails or refuses in any school year to provide for the minimum
16 school term required by section 163.021 or is classified
17 unaccredited, the state board of education shall, upon a
18 district's initial classification or reclassification as
19 unaccredited:

20 (1) Review the governance of the district to establish the
21 conditions under which the existing school board shall continue
22 to govern; or

23 (2) Determine the date the district shall lapse and
24 determine an alternative governing structure for the district.

25 2. If at the time any school district in this state shall
26 be classified as unaccredited, the department of elementary and
27 secondary education shall conduct at least two public hearings at
28 a location in the unaccredited school district regarding the

1 accreditation status of the school district. The hearings shall
2 provide an opportunity to convene community resources that may be
3 useful or necessary in supporting the school district as it
4 attempts to return to accredited status, continues under revised
5 governance, or plans for continuity of educational services and
6 resources upon its attachment to a neighboring district. The
7 department may request the attendance of stakeholders and
8 district officials to review the district's plan to return to
9 accredited status, if any; offer technical assistance; and
10 facilitate and coordinate community resources. Such hearings
11 shall be conducted at least twice annually for every year in
12 which the district remains unaccredited or provisionally
13 accredited.

14 3. Upon classification of a district as unaccredited, the
15 state board of education may:

16 (1) Allow continued governance by the existing school
17 district board of education under terms and conditions
18 established by the state board of education; or

19 (2) Lapse the corporate organization of all or part of the
20 unaccredited district and:

21 (a) Appoint a special administrative board for the
22 operation of all or part of the district. If a special
23 administrative board is appointed for the operation of a part of
24 a school district, the state board of education shall determine
25 an equitable apportionment of state and federal aid for the part
26 of the district and the school district shall provide local
27 revenue in proportion to the weighted average daily attendance of
28 the part. The number of members of the special administrative

1 board shall not be less than five, the majority of whom shall be
2 residents of the district. The members of the special
3 administrative board shall reflect the population characteristics
4 of the district and shall collectively possess strong experience
5 in school governance, management and finance, and leadership.
6 The state board of education may appoint members of the
7 district's elected school board to the special administrative
8 board, but members of the elected school board shall not comprise
9 more than forty-nine percent of the special administrative
10 board's membership. Within fourteen days after the appointment
11 by the state board of education, the special administrative board
12 shall organize by the election of a president, vice president,
13 secretary and a treasurer, with their duties and organization as
14 enumerated in section 162.301. The special administrative board
15 shall appoint a superintendent of schools to serve as the chief
16 executive officer of the school district, or a subset of schools,
17 and to have all powers and duties of any other general
18 superintendent of schools in a seven-director school district.
19 Any special administrative board appointed under this section
20 shall be responsible for the operation of the district or part of
21 the district until such time that the district is classified by
22 the state board of education as provisionally accredited for at
23 least two successive academic years, after which time the state
24 board of education may provide for a transition pursuant to
25 section 162.083; or

26 (b) Determine an alternative governing structure for the
27 district including, at a minimum:

28 a. A rationale for the decision to use an alternative form

1 of governance and in the absence of the district's achievement of
2 full accreditation, the state board of education shall review and
3 recertify the alternative form of governance every three years;

4 b. A method for the residents of the district to provide
5 public comment after a stated period of time or upon achievement
6 of specified academic objectives;

7 c. Expectations for progress on academic achievement, which
8 shall include an anticipated time line for the district to reach
9 full accreditation; and

10 d. Annual reports to the general assembly and the governor
11 on the progress towards accreditation of any district that has
12 been declared unaccredited and is placed under an alternative
13 form of governance, including a review of the effectiveness of
14 the alternative governance; or

15 (c) Attach the territory of the lapsed district to another
16 district or districts for school purposes; or

17 (d) Establish one or more school districts within the
18 territory of the lapsed district, with a governance structure
19 specified by the state board of education, with the option of
20 permitting a district to remain intact for the purposes of
21 assessing, collecting, and distributing property taxes, to be
22 distributed equitably on a weighted average daily attendance
23 basis, but to be divided for operational purposes, which shall
24 take effect sixty days after the adjournment of the regular
25 session of the general assembly next following the state board's
26 decision unless a statute or concurrent resolution is enacted to
27 nullify the state board's decision prior to such effective date.

28 4. If a district remains under continued governance by the

1 school board under subdivision (1) of subsection 3 of this
2 section and either has been unaccredited for three consecutive
3 school years and failed to attain accredited status after the
4 third school year or has been unaccredited for two consecutive
5 school years and the state board of education determines its
6 academic progress is not consistent with attaining accredited
7 status after the third school year, then the state board of
8 education shall proceed under subdivision (2) of subsection 3 of
9 this section in the following school year.

10 5. A special administrative board or any other form of
11 governance appointed under this section shall retain the
12 authority granted to a board of education for the operation of
13 the lapsed school district under the laws of the state in effect
14 at the time of the lapse and may enter into contracts with
15 accredited school districts or other education service providers
16 in order to deliver high-quality educational programs to the
17 residents of the district. If a student graduates while
18 attending a school building in the district that is operated
19 under a contract with an accredited school district as specified
20 under this subsection, the student shall receive his or her
21 diploma from the accredited school district. The authority of
22 the special administrative board or any other form of governance
23 appointed under this section shall expire at the end of the third
24 full school year following its appointment, unless extended by
25 the state board of education. If the lapsed district is
26 reassigned, the **[special administrative board]** governing board
27 prior to lapse shall provide an accounting of all funds, assets
28 and liabilities of the lapsed district and transfer such funds,

1 assets, and liabilities of the lapsed district as determined by
2 the state board of education. Neither the special administrative
3 board nor any other form of governance appointed under this
4 section nor its members or employees shall be deemed to be the
5 state or a state agency for any purpose, including section
6 105.711, et seq. The state of Missouri, its agencies and
7 employees shall be absolutely immune from liability for any and
8 all acts or omissions relating to or in any way involving the
9 lapsed district, ~~[the]~~ a special administrative board, [its] any
10 other form of governance appointed under this section, or the
11 members or employees of the lapsed district, a special
12 administrative board, or any other form of governance appointed
13 under this section. Such immunities, and immunity doctrines as
14 exist or may hereafter exist benefitting boards of education,
15 their members and their employees shall be available to the
16 special administrative board~~[, its]~~ or any other form of
17 governance appointed under this section and the members and
18 employees of the special administrative board or any other form
19 of governance appointed under this section members and employees.

20 6. Neither the special administrative board nor any other
21 form of governance appointed under this section nor any district
22 or other entity assigned territory, assets or funds from a lapsed
23 district shall be considered a successor entity for the purpose
24 of employment contracts, unemployment compensation payment
25 pursuant to section 288.110, or any other purpose.

26 7. If additional teachers are needed by a district as a
27 result of increased enrollment due to the annexation of territory
28 of a lapsed or dissolved district, such district shall grant an

1 employment interview to any permanent teacher of the lapsed or
2 dissolved district upon the request of such permanent teacher.

3 8. In the event that a school district with an enrollment
4 in excess of five thousand pupils lapses, no school district
5 shall have all or any part of such lapsed school district
6 attached without the approval of the board of the receiving
7 school district.

8 9. If the state board of education reasonably believes that
9 a school district is unlikely to provide for the minimum school
10 term required by section 163.021 because of financial difficulty,
11 the state board of education may, prior to the start of the
12 school term:

13 (1) Allow continued governance by the existing district
14 school board under terms and conditions established by the state
15 board of education; or

16 (2) Lapse the corporate organization of the district and
17 implement one of the options available under subdivision (2) of
18 subsection 3 of this section.

19 10. The provisions of subsection 9 of this section shall
20 not apply to any district solely on the basis of financial
21 difficulty resulting from paying tuition and providing
22 transportation for transfer students under sections 167.895 and
23 167.898.

24 162.1323. 1. For purposes of this section, "attendance
25 center" means a public school building, public school buildings,
26 or part of a public school building that offers education in a
27 grade or grades not higher than the twelfth grade and that
28 constitutes one unit for accountability and reporting purposes

1 for the department of elementary and secondary education, but the
2 term shall not include any high school that is identified as an
3 alternative high school.

4 2. (1) If an attendance center receives two or more
5 consecutive annual performance report scores consistent with a
6 classification of unaccredited, the district in which the
7 attendance center is located shall notify the parent or guardian
8 of any student enrolled in the attendance center of the annual
9 performance report scores within fourteen business days.

10 (2) If the state board of education classifies any district
11 as unaccredited, the district shall notify the parent or guardian
12 of any student enrolled in the unaccredited district of the loss
13 of accreditation within fourteen business days.

14 3. The district's notice shall include an explanation of
15 which students may be eligible to transfer, the transfer process
16 under sections 167.895 and 167.898, and any services students may
17 be entitled to receive. The district's notice shall be written
18 in a clear, concise, and easy-to-understand manner.

19 4. (1) If the notice concerns an attendance center's
20 annual performance report scores, the district shall post the
21 notice in a conspicuous and accessible place in the attendance
22 center.

23 (2) If the notice concerns a district's loss of
24 accreditation, the district shall post the notice in a
25 conspicuous and accessible place in each district attendance
26 center.

27 5. The district shall send any notice described under this
28 section to each municipality located within the boundaries of the

1 district.

2 167.125. 1. (1) For the purposes of this section, the
3 term "attendance center" shall mean a public school building or
4 buildings or part of a school building that constitutes one unit
5 for accountability purposes under the Missouri school improvement
6 program.

7 (2) For any pupil residing in any unincorporated area
8 located in any county of the first classification with more than
9 one hundred one thousand but fewer than one hundred fifteen
10 thousand inhabitants that also borders on any county with a
11 charter form of government and with more than nine hundred fifty
12 thousand inhabitants and any county with a charter form of
13 government and with more than three hundred thousand but fewer
14 than four hundred fifty thousand inhabitants, and for any pupil
15 residing in any village with more than three hundred twenty but
16 fewer than three hundred sixty inhabitants and located in any
17 county of the third classification without a township form of
18 government and with more than twenty-three thousand but fewer
19 than twenty-six thousand inhabitants and with a village with more
20 than two hundred but fewer than two hundred fifty inhabitants as
21 the county seat, and for any pupil residing in an unincorporated
22 area of a county of the third classification without a township
23 form of government and with more than nine thousand but fewer
24 than ten thousand inhabitants and with a city of the fourth
25 classification with more than five hundred fifty but fewer than
26 six hundred fifty inhabitants as the county seat, the
27 commissioner of education or his or her designee shall, upon
28 proper application by the parent or guardian of the pupil, assign

1 the pupil and any sibling of the pupil to another school district
2 if the pupil is eligible as described under subsection 2 of this
3 section and the following conditions are met:

4 (a) The actual driving distance from the pupil's residence
5 to the attendance center in the district of residence is fifteen
6 miles or more by the shortest route available as determined by
7 the commissioner or his or her designee;

8 (b) The attendance center to which the pupil would be
9 assigned in the receiving district is at least five miles closer
10 in actual driving distance by the shortest route available to the
11 pupil's residence than the current attendance center in the
12 district of residence as determined by the commissioner or his or
13 her designee; and

14 (c) The attendance of the pupil will not cause the
15 classroom in the receiving district to exceed the maximum number
16 of pupils per class as determined by the receiving district.

17 2. (1) For pupils applying to the commissioner of
18 education under this section, the commissioner, or his or her
19 designee, shall assign pupils in the order in which applications
20 are received, provided the applications are properly completed
21 and the conditions of subsection 1 of this section are met.

22 (2) Once granted, the hardship assignment shall continue
23 until the pupil, and any sibling of the pupil who attends the
24 same attendance center, completes his or her course of study in
25 the receiving district or the parent or guardian withdraws the
26 pupil. If a parent or guardian withdraws a pupil from a hardship
27 assignment, the granting of a subsequent application is
28 discretionary.

1 (3) A pupil shall be eligible to apply to the commissioner
2 of education to be assigned to another district under this
3 section if the pupil has been enrolled in and attending a public
4 school in his or her district of residence during the school year
5 prior to the application, or if the pupil has applied for
6 enrollment in a public school in his or her district of residence
7 but whose application was denied. Any pupil shall be eligible to
8 apply to the commissioner of education to be assigned to another
9 district under this section if the pupil has been enrolled in and
10 attending a public school in a district other than his or her
11 district of residence and paid nonresident tuition for such
12 enrollment during the school year prior to the application.
13 Pupils who reside in the district who become eligible for
14 kindergarten or first grade shall also be eligible to apply to
15 the commissioner of education to be assigned to another district.

16 (4) A pupil who is not currently enrolled in a public
17 school district shall become eligible to apply to the
18 commissioner of education to be assigned to another district
19 after the pupil has enrolled in and completed a full school year
20 in a public school in his or her district of residence.

21 3. The board of education of the district in which the
22 pupil resides shall pay the tuition of the pupil assigned. The
23 tuition amount shall not exceed the pro rata cost of instruction.
24 However, if the tuition of the receiving district is greater than
25 the tuition of the pupil's district of residence, the pupil's
26 parent or guardian shall pay the difference in tuition.

27 4. A receiving district shall not be required to alter its
28 transportation route to accommodate pupils that are assigned to

1 the receiving district under the provisions of this section.

2 167.131. 1. The board of education of each district in
3 this state that does not maintain [an accredited] a high school
4 [pursuant to the authority of the state board of education to
5 classify schools as established in section 161.092] offering work
6 through the twelfth grade shall pay [the] tuition [of] as
7 calculated by the receiving district under subsection 2 of this
8 section and provide transportation consistent with the provisions
9 of section 167.241 for each pupil resident therein who has
10 completed the work of the highest grade offered in the schools of
11 the district and who attends an accredited public high school in
12 another district of the same or an adjoining county [or who
13 attends an approved charter school in the same or an adjoining
14 county].

15 2. The rate of tuition to be charged by the district
16 attended and paid by the sending district is the per pupil cost
17 of maintaining the district's grade level grouping which includes
18 the school attended. [The rate of tuition to be charged by the
19 approved charter school attended and paid by the sending district
20 is the per pupil cost of maintaining the approved charter
21 school's grade level grouping. For a district,] The cost of
22 maintaining a grade level grouping shall be determined by the
23 board of education of the district but in no case shall it exceed
24 all amounts spent for teachers' wages, incidental purposes, debt
25 service, maintenance and replacements. [For an approved charter
26 school, the cost of maintaining a grade level grouping shall be
27 determined by the approved charter school but in no case shall it
28 exceed all amounts spent by the district in which the approved

1 charter school is located for teachers' wages, incidental
2 purposes, debt service, maintenance, and replacements.] The term
3 "debt service", as used in this section, means expenditures for
4 the retirement of bonded indebtedness and expenditures for
5 interest on bonded indebtedness. Per pupil cost of the grade
6 level grouping shall be determined by dividing the cost of
7 maintaining the grade level grouping by the average daily pupil
8 attendance. If there is disagreement as to the amount of tuition
9 to be paid, the facts shall be submitted to the state board of
10 education, and its decision in the matter shall be final.
11 Subject to the limitations of this section, each pupil shall be
12 free to attend the public school of his or her choice.

13 [3. For purposes of this section, "approved charter school"
14 means a charter school that has existed for less than three years
15 or a charter school with a three-year average score of seventy
16 percent or higher on its annual performance report.]

17 167.132. 1. For purposes of this section, the following
18 terms mean:

19 (1) "Receiving approved charter school", an approved
20 charter school, as defined under section 167.895, receiving
21 transfer students under section 167.895;

22 (2) "Receiving district", a school district receiving
23 transfer students under section 167.895;

24 (3) "Sending district", a school district from which
25 students are transferring to a receiving district or approved
26 charter school, as allowed under section 167.895;

27 (4) "State adequacy target", the same meaning given to the
28 term under section 163.011.

1 2. Notwithstanding any other provision of law, the tuition
2 rate paid by a sending district to the receiving district or the
3 receiving approved charter school for transfer students shall be
4 the lesser of:

5 (1) The tuition rate set by the receiving district or the
6 receiving approved charter school under the policy adopted in
7 accordance with section 167.895; or

8 (2) The state adequacy target plus the average sum produced
9 per child by the local tax effort above the state adequacy target
10 of the sending district.

11 167.151. 1. The school board of any district, in its
12 discretion, may admit to the school pupils not entitled to free
13 instruction and prescribe the tuition fee to be paid by them,
14 except as provided in sections 167.121 [and], 167.131, 167.132,
15 and 167.895.

16 2. Orphan children, children with only one parent living,
17 and children whose parents do not contribute to their support—if
18 the children are between the ages of six and twenty years and are
19 unable to pay tuition—may attend the schools of any district in
20 the state in which they have a permanent or temporary home
21 without paying a tuition fee.

22 3. Any person who pays a school tax in any other district
23 than that in which he resides may send his children to any public
24 school in the district in which the tax is paid and receive as a
25 credit on the amount charged for tuition the amount of the school
26 tax paid to the district; except that any person who owns real
27 estate of which eighty acres or more are used for agricultural
28 purposes and upon which his residence is situated may send his

1 children to public school in any school district in which a part
2 of such real estate, contiguous to that upon which his residence
3 is situated, lies and shall not be charged tuition therefor; so
4 long as thirty-five percent of the real estate is located in the
5 school district of choice. The school district of choice shall
6 count the children in its average daily attendance for the
7 purpose of distribution of state aid through the foundation
8 formula.

9 4. Any owner of agricultural land who, pursuant to
10 subsection 3 of this section, has the option of sending his
11 children to the public schools of more than one district shall
12 exercise such option as provided in this subsection. Such person
13 shall send written notice to all school districts involved
14 specifying to which school district his children will attend by
15 June thirtieth in which such a school year begins. If
16 notification is not received, such children shall attend the
17 school in which the majority of his property lies. Such person
18 shall not send any of his children to the public schools of any
19 district other than the one to which he has sent notice pursuant
20 to this subsection in that school year or in which the majority
21 of his property lies without paying tuition to such school
22 district.

23 5. If a pupil is attending school in a district other than
24 the district of residence and the pupil's parent is teaching in
25 the school district or is a regular employee of the school
26 district which the pupil is attending, then the district in which
27 the pupil attends school shall allow the pupil to attend school
28 upon payment of tuition in the same manner in which the district

1 allows other pupils not entitled to free instruction to attend
2 school in the district. The provisions of this subsection shall
3 apply only to pupils attending school in a district which has an
4 enrollment in excess of thirteen thousand pupils and not in
5 excess of fifteen thousand pupils and which district is located
6 in a county of the first classification with a charter form of
7 government which has a population in excess of six hundred
8 thousand persons and not in excess of nine hundred thousand
9 persons.

10 167.241. 1. Except as otherwise provided under this
11 section, transportation for pupils whose tuition the district of
12 residence is required to pay by section 167.131 or who are
13 assigned as provided in section 167.121 shall be provided by the
14 district of residence[; however,].

15 2. In the case of pupils covered by section 167.131, the
16 district of residence shall be required to provide transportation
17 only to [approved charter schools as defined in section 167.131,]
18 school districts accredited by the state board of education
19 pursuant to the authority of the state board of education to
20 classify schools as established in section 161.092, and those
21 school districts designated by the board of education of the
22 district of residence.

23 3. (1) For purposes of this subsection, "approved charter
24 school" has the same meaning given to the term under section
25 167.895.

26 (2) For pupils covered by section 167.895, the district of
27 residence shall be required to provide transportation only to
28 school districts or approved charter schools designated by the

1 department of elementary and secondary education or its designee.
2 For pupils covered by section 167.895, the department of
3 elementary and secondary education or its designee shall
4 designate at least one accredited district or approved charter
5 school to which the district of residence shall provide
6 transportation. If the designated district or charter school
7 reaches full student capacity and is unable to receive additional
8 students, the department of elementary and secondary education or
9 its designee shall designate at least one additional accredited
10 district or approved charter school to which the district of
11 residence shall provide transportation.

12 167.890. 1. The department of elementary and secondary
13 education shall compile and maintain student performance data
14 scores of all students enrolled in districts other than their
15 resident districts as provided under section 167.895 and make
16 such data available on the Missouri comprehensive data system.
17 No personally identifiable data shall be accessible on the
18 database.

19 2. The department of elementary and secondary education may
20 promulgate all necessary rules and regulations for the
21 administration of this section. Any rule or portion of a rule,
22 as that term is defined in section 536.010, that is created under
23 the authority delegated in this section shall become effective
24 only if it complies with and is subject to all of the provisions
25 of chapter 536, and, if applicable, section 536.028. This
26 section and chapter 536 are nonseverable, and if any of the
27 powers vested with the general assembly pursuant to chapter 536
28 to review, to delay the effective date, or to disapprove and

1 annul a rule are subsequently held unconstitutional, then the
2 grant of rulemaking authority and any rule proposed or adopted
3 after the effective date of this section shall be invalid and
4 void.

5 167.895. 1. For purposes of this section and section
6 167.898, the following terms mean:

7 (1) "Approved charter school", a charter school that has
8 existed for less than three years or a charter school with a
9 three-year average score consistent with a classification of
10 accredited without provisions on its annual performance report;

11 (2) "Attendance center", a public school building, public
12 school buildings, or part of a public school building that offers
13 education in a grade or grades not higher than the twelfth grade
14 and that constitutes one unit for accountability and reporting
15 purposes for the department of elementary and secondary
16 education, but the term shall not include any high school that is
17 identified as an alternative high school;

18 (3) "Available receiving district", a school district able
19 to receive transfer students under this section;

20 (4) "Receiving district", a school district receiving
21 transfer students under this section;

22 (5) "Sending district", a school district from which
23 students are transferring to a receiving district or approved
24 charter school, as allowed under this section.

25 2. (1) Any student may transfer to another public school
26 in the student's district of residence if such student is
27 enrolled in and has attended, for the full semester immediately
28 prior to requesting the transfer, an attendance center:

1 (a) That is located within an unaccredited district; and
2 (b) That has an annual performance report score consistent
3 with a classification of unaccredited.

4
5 However, no such transfer shall result in a class size and
6 assigned enrollment in a receiving school that exceeds the
7 standards for class size and assigned enrollment as promulgated
8 in the Missouri school improvement program's resource standards.
9 If the student chooses to attend a magnet school, an academically
10 selective school, or a school with a competitive entrance process
11 within his or her district of residence that has admissions
12 requirements, the student shall meet the admissions requirements
13 in order to attend.

14 (2) The school board of each unaccredited district shall
15 determine the capacity at each of the district's attendance
16 centers that has an annual performance report score consistent
17 with a classification of accredited. The district's school board
18 shall be responsible for coordinating transfers within the
19 district as allowed under this subsection.

20 (3) The school board of each unaccredited district shall
21 annually report to the department of elementary and secondary
22 education or its designee the number of available slots in
23 attendance centers within the district that have annual
24 performance report scores consistent with a classification of
25 accredited, the number of students who request to transfer within
26 the district, and the number of such transfer requests that are
27 granted.

28 3. (1) Any student who is eligible to transfer within his

1 or her district under subsection 2 of this section but who is
2 unable to do so due to a lack of capacity in the attendance
3 centers in his or her district of residence may apply to the
4 department of elementary and secondary education or its designee
5 to transfer to:

6 (a) An attendance center:

7 a. That is located within an accredited district that is
8 located in the same or an adjoining county; and

9 b. That has an annual performance report score consistent
10 with a classification of accredited; or

11 (b) An approved charter school located in another district
12 in the same or an adjoining county.

13 (2) A student who is eligible to begin kindergarten or
14 first grade at an attendance center:

15 (a) That is located within an unaccredited district;

16 (b) That has an annual performance report score consistent
17 with a classification of unaccredited; and

18 (c) That offers classes above the second grade level

19
20 may apply to the department of elementary and secondary education
21 or its designee for a transfer to a school described under
22 paragraph (a) or (b) of subdivision (1) of this subsection if he
23 or she resides in the attendance area of the attendance center
24 described under this subdivision on March first preceding the
25 school year of first attendance. A student who does not apply by
26 March first for enrollment in any school year after the 2019-20
27 school year shall be required to enroll and attend the attendance
28 center described under this subdivision for one semester to

1 become eligible.

2 (3) If a student who is eligible to transfer under this
3 subsection chooses to apply to attend a magnet school, an
4 academically selective school, or a school with a competitive
5 entrance process that has admissions requirements, the student
6 shall furnish proof that he or she meets the admissions
7 requirements.

8 (4) Any student who does not maintain residency in the
9 attendance area of his or her attendance center in the district
10 of residence shall lose eligibility to transfer.

11 (5) Except as provided under subsection 7 of this section,
12 any student who transfers but later withdraws shall lose
13 eligibility to transfer.

14 (6) The transfer provisions of this subsection shall not
15 apply to a district created under sections 162.815 to 162.840 or
16 to any early childhood programs or early childhood special
17 education programs.

18 4. (1) No student enrolled in and attending an attendance
19 center that does not offer classes above the second grade level
20 shall be eligible to transfer under this section.

21 (2) No student who is eligible to begin kindergarten or
22 first grade at an attendance center that does not offer classes
23 above the second grade level shall be eligible to transfer under
24 this section.

25 5. (1) (a) No provisionally accredited district shall be
26 eligible to receive transfer students.

27 (b) Except as provided under paragraph (c) of this
28 subdivision, no attendance center that has an annual performance

1 report score consistent with a classification of provisionally
2 accredited shall be eligible to receive transfer students.

3 (c) A transfer student who chooses to attend an attendance
4 center that has an annual performance report score consistent
5 with a classification of provisionally accredited and that is
6 located within his or her unaccredited district of residence
7 shall be allowed to transfer to such attendance center if there
8 is an available slot.

9 (2) (a) No unaccredited district shall be eligible to
10 receive transfer students.

11 (b) No attendance center that has an annual performance
12 report score consistent with a classification of unaccredited
13 shall be eligible to receive transfer students.

14 (3) No district or attendance center that has received two
15 consecutive annual performance reports consistent with a
16 classification of provisionally accredited for the years
17 immediately preceding the year in which it seeks to enroll
18 transfer students shall be eligible to receive any transfer
19 students, irrespective of its state board of education
20 classification designation; except that, any student who was
21 granted a transfer to such a district or attendance center prior
22 to the effective date of this section may remain enrolled in that
23 district or attendance center.

24 6. Notwithstanding the provisions of subsection 5 of this
25 section, a student may transfer to an attendance center:

26 (1) That is located within an unaccredited or provisionally
27 accredited district; and

28 (2) That has an annual performance report score consistent

1 with a classification of accredited

2
3 if the attendance center applies for and is granted a waiver by
4 the department of elementary and secondary education or its
5 designee to allow the attendance center to accept transfer
6 students.

7 7. If a receiving district becomes unaccredited or
8 provisionally accredited, or if an approved charter school loses
9 its status as an approved charter school, any students who
10 previously transferred to the district or charter school shall
11 receive the opportunity to remain enrolled in the district or
12 charter school or to transfer to another district or approved
13 charter school without losing their eligibility to transfer.

14 8. For a receiving district, no acceptance of a transfer
15 student shall require any of the following actions, unless the
16 board of education of the receiving district has approved the
17 action:

18 (1) The hiring of additional classroom teachers;

19 (2) The construction of additional classrooms; or

20 (3) A class size and assigned enrollment in a receiving
21 school that exceeds the standards for class size and assigned
22 enrollment as promulgated in the Missouri school improvement
23 program's resource standards.

24 9. (1) By July 15, 2019, the board of education of each
25 available receiving district and the governing board of each
26 approved charter school eligible to receive transfer students
27 under this section shall set the number of transfer students the
28 district or charter school is able to receive for the 2019-20

1 school year.

2 (2) By February first annually, the board of education of
3 each available receiving district and the governing board of each
4 approved charter school eligible to receive transfer students
5 under this section shall set the number of transfer students the
6 district or charter school is able to receive for the following
7 school year.

8 (3) An available receiving district or approved charter
9 school eligible to receive transfer students under this section
10 shall publish the number set under this subsection and shall not
11 be required to accept any transfer students under this section
12 that would cause it to exceed the published number.

13 10. (1) Each available receiving district shall adopt a
14 policy establishing a tuition rate for transfer students by
15 February first annually.

16 (2) Each approved charter school eligible to receive
17 transfer students under this section shall adopt a policy
18 establishing a tuition rate for transfer students by February
19 first annually.

20 (3) A sending district shall pay the receiving district or
21 the approved charter school the amount specified under section
22 167.132 for each transfer student.

23 11. If an unaccredited district becomes classified as
24 provisionally accredited or accredited without provisions by the
25 state board of education, or if an attendance center within an
26 unaccredited district improves its annual performance report
27 score from a score that is consistent with a classification of
28 unaccredited to a score that is consistent with a classification

1 of provisionally accredited or accredited, any resident student
2 of the unaccredited district who has transferred to an approved
3 charter school or to an accredited district in the same or an
4 adjoining county, as allowed under subsection 3 of this section,
5 shall be permitted to continue his or her educational program in
6 the receiving district or charter school through the completion
7 of middle school, junior high school, or high school, whichever
8 occurs first; except that, a student who attends any school
9 serving students through high school graduation but starting at
10 grades lower than ninth grade shall be permitted to complete high
11 school in the school to which he or she has transferred.

12 12. Notwithstanding the provisions of subsection 10 of this
13 section, if costs associated with the provision of special
14 education and related services to a student with a disability
15 exceed the tuition amount established under this section, the
16 unaccredited district shall remain responsible for paying the
17 excess cost to the receiving district. If the receiving district
18 is a component district of a special school district, the
19 unaccredited district, including any metropolitan school
20 district, shall contract with the special school district for the
21 entirety of the costs to provide special education and related
22 services, excluding transportation in accordance with this
23 section. The special school district may contract with an
24 unaccredited district, including any metropolitan district, for
25 the provision of transportation of a student with a disability or
26 the unaccredited district may provide transportation on its own.

27 13. A special school district shall continue to provide
28 special education and related services, with the exception of

1 transportation under this section, to a student with a disability
2 transferring from an attendance center with an annual performance
3 report score consistent with a classification of unaccredited
4 that is within a component district to an attendance center with
5 an annual performance report score consistent with a
6 classification of accredited that is within the same or a
7 different component district within the special school district.

8 14. If any metropolitan school district is classified as
9 unaccredited, it shall remain responsible for the provision of
10 special education and related services, including transportation,
11 to students with disabilities. A special school district in an
12 adjoining county to a metropolitan school district may contract
13 with the metropolitan school district for the reimbursement of
14 special education services under sections 162.705 and 162.710
15 provided by the special school district for transfer students who
16 are residents of the unaccredited district.

17 15. Regardless of whether transportation is identified as a
18 related service within a student's individualized education
19 program, a receiving district that is not part of a special
20 school district shall not be responsible for providing
21 transportation to a student transferring under this section. An
22 unaccredited district may contract with a receiving district that
23 is not part of a special school district under sections 162.705
24 and 162.710 for transportation of students with disabilities.

25 16. If a seven-director school district or urban school
26 district is classified as unaccredited, it may contract with a
27 receiving district that is not part of a special school district
28 in the same or an adjoining county for the reimbursement of

1 special education and related services under sections 162.705 and
2 162.710 provided by the receiving district for transfer students
3 who are residents of the unaccredited district.

4 167.898. 1. (1) By July 15, 2019, and by January first
5 annually, each accredited district, any portion of which is
6 located in the same county as or in an adjoining county to an
7 unaccredited district, shall report to the department of
8 elementary and secondary education or its designee the number of
9 available enrollment slots by grade level.

10 (2) By July 15, 2019, and by January first annually, each
11 unaccredited district shall report to the department of
12 elementary and secondary education or its designee the number of
13 available enrollment slots in the schools of its district that
14 have received annual performance report scores consistent with a
15 classification of accredited.

16 (3) By July 15, 2019, and by January first annually, each
17 approved charter school that is eligible to receive transfer
18 students under section 167.895 shall report to the department of
19 elementary and secondary education or its designee the number of
20 available enrollment slots.

21 2. The department of elementary and secondary education or
22 its designee shall make information and assistance available to
23 parents or guardians who intend to transfer their child to an
24 accredited district or to an approved charter school as described
25 under section 167.895.

26 3. The parent or guardian of a student who intends to
27 transfer his or her child to an accredited district or to an
28 approved charter school as described under section 167.895 for

1 enrollment in that district or charter school in any school year
2 after the 2019-20 school year shall send initial notification to
3 the department of elementary and secondary education or its
4 designee by March first for enrollment in the subsequent school
5 year.

6 4. The department of elementary and secondary education or
7 its designee shall assign those students who seek to transfer to
8 an accredited district or to an approved charter school as
9 described under section 167.895. When assigning transfer
10 students to approved charter schools, the department of
11 elementary and secondary education or its designee shall
12 coordinate with each approved charter school and its admissions
13 process if capacity is insufficient to enroll all students who
14 submit a timely application. An approved charter school shall
15 not be required to institute a lottery procedure for determining
16 the admission of resident students. The department of elementary
17 and secondary education or its designee shall give first priority
18 to students who live in the same household with any family member
19 within the first or second degree of consanguinity or affinity
20 who already attends a school with an annual performance report
21 score consistent with a classification of accredited and who
22 apply to attend the same school. If insufficient grade-
23 appropriate enrollment slots are available for a student to be
24 able to transfer, the student shall receive first priority the
25 following school year. The department of elementary and
26 secondary education or its designee shall consider the following
27 factors in assigning schools, with the student's or parent's
28 choice as the most important factor:

1 (1) The student's or parent's choice of the receiving
2 school;

3 (2) The best interests of the student;

4 (3) The availability of transportation funding, as provided
5 under section 167.241; and

6 (4) Distance and travel time to a receiving school.

7
8 The department of elementary and secondary education or its
9 designee shall not consider student academic performance, free
10 and reduced price lunch status, or athletic ability in assigning
11 a student to a school.

12 5. (1) The department of elementary and secondary
13 education or its designee may deny a transfer to a student who in
14 the most recent school year has been suspended from school two or
15 more times or who has been suspended for an act of school
16 violence under subsection 2 of section 160.261. A student whose
17 transfer is initially precluded under this subsection may be
18 permitted to transfer on a provisional basis as a probationary
19 transfer student, subject to no further disruptive behavior, upon
20 a statement from the student's current school that the student is
21 not disruptive. A student who is denied a transfer under this
22 subsection has the right to an in-person meeting with an employee
23 of the department of elementary and secondary education or its
24 designee.

25 (2) The department of elementary and secondary education
26 shall promulgate rules to provide common standards for
27 determining disruptive behavior that shall include, but not be
28 limited to, criteria under section 160.261. Any rule or portion

1 of a rule, as that term is defined in section 536.010, that is
2 created under the authority delegated in this section shall
3 become effective only if it complies with and is subject to all
4 of the provisions of chapter 536 and, if applicable, section
5 536.028. This section and chapter 536 are nonseverable, and if
6 any of the powers vested with the general assembly pursuant to
7 chapter 536 to review, to delay the effective date, or to
8 disapprove and annul a rule are subsequently held
9 unconstitutional, then the grant of rulemaking authority and any
10 rule proposed or adopted after the effective date of this section
11 shall be invalid and void.

12 168.133. 1. As used in this section, "screened volunteer"
13 shall mean any person who assists a school or charter school by
14 providing uncompensated service and who may periodically be left
15 alone with students. The school district or charter school shall
16 ensure that a criminal background check is conducted for all
17 screened volunteers, who shall complete the criminal background
18 check prior to being left alone with a student. Screened
19 volunteers include, but are not limited to, persons who regularly
20 assist in the office or library, mentor or tutor students, coach
21 or supervise a school-sponsored activity before or after school,
22 or chaperone students on an overnight trip. Screened volunteers
23 may only access student education records when necessary to
24 assist the district and while supervised by staff members.
25 Volunteers that are not screened shall not be left alone with a
26 student or have access to student records.

27 2. The school district shall ensure that a criminal
28 background check is conducted on any person employed after

1 January 1, 2005, authorized to have contact with pupils and prior
2 to the individual having contact with any pupil. Such persons
3 include, but are not limited to, administrators, teachers, aides,
4 paraprofessionals, assistants, secretaries, custodians, cooks,
5 screened volunteers, and nurses. The school district shall also
6 ensure that a criminal background check is conducted for school
7 bus drivers. The district may allow such drivers to operate
8 buses pending the result of the criminal background check. For
9 bus drivers, the school district shall be responsible for
10 conducting the criminal background check on drivers employed by
11 the school district. For drivers employed by a pupil
12 transportation company under contract with the school district,
13 the criminal background check shall be conducted pursuant to
14 section 43.540 and conform to the requirements established in the
15 National Child Protection Act of 1993, as amended by the
16 Volunteers for Children Act. Personnel who have successfully
17 undergone a criminal background check and a check of the family
18 care safety registry as part of the professional license
19 application process under section 168.021 and who have received
20 clearance on the checks within one prior year of employment shall
21 be considered to have completed the background check requirement.
22 A criminal background check under this section shall include a
23 search of any information publicly available in an electronic
24 format through a public index or single case display.

25 [2.] 3. In order to facilitate the criminal history
26 background check, the applicant shall submit a set of
27 fingerprints collected pursuant to standards determined by the
28 Missouri highway patrol. The fingerprints shall be used by the

1 highway patrol to search the criminal history repository and
2 shall be forwarded to the Federal Bureau of Investigation for
3 searching the federal criminal history files.

4 [3.] 4. The applicant shall pay the fee for the state
5 criminal history record information pursuant to section 43.530
6 and sections 210.900 to 210.936 and pay the appropriate fee
7 determined by the Federal Bureau of Investigation for the federal
8 criminal history record when he or she applies for a position
9 authorized to have contact with pupils pursuant to this section.
10 The department shall distribute the fees collected for the state
11 and federal criminal histories to the Missouri highway patrol.

12 [4.] 5. The department of elementary and secondary
13 education shall facilitate an annual check of employed persons
14 holding current active certificates under section 168.021 against
15 criminal history records in the central repository under section
16 43.530, the sexual offender registry under sections 589.400 to
17 [589.475] 589.426, and child abuse central registry under
18 sections 210.109 to 210.183. The department of elementary and
19 secondary education shall facilitate procedures for school
20 districts to submit personnel information annually for persons
21 employed by the school districts who do not hold a current valid
22 certificate who are required by subsection 1 of this section to
23 undergo a criminal background check, sexual offender registry
24 check, and child abuse central registry check. The Missouri
25 state highway patrol shall provide ongoing electronic updates to
26 criminal history background checks of those persons previously
27 submitted, both those who have an active certificate and those
28 who do not have an active certificate, by the department of

1 elementary and secondary education. This shall fulfill the
2 annual check against the criminal history records in the central
3 repository under section 43.530.

4 [5.] 6. The school district may adopt a policy to provide
5 for reimbursement of expenses incurred by an employee for state
6 and federal criminal history information pursuant to section
7 43.530.

8 [6.] 7. If, as a result of the criminal history background
9 check mandated by this section, it is determined that the holder
10 of a certificate issued pursuant to section 168.021 has pled
11 guilty or nolo contendere to, or been found guilty of a crime or
12 offense listed in section 168.071, or a similar crime or offense
13 committed in another state, the United States, or any other
14 country, regardless of imposition of sentence, such information
15 shall be reported to the department of elementary and secondary
16 education.

17 [7.] 8. Any school official making a report to the
18 department of elementary and secondary education in conformity
19 with this section shall not be subject to civil liability for
20 such action.

21 [8.] 9. For any teacher who is employed by a school
22 district on a substitute or part-time basis within one year of
23 such teacher's retirement from a Missouri school, the state of
24 Missouri shall not require such teacher to be subject to any
25 additional background checks prior to having contact with pupils.
26 Nothing in this subsection shall be construed as prohibiting or
27 otherwise restricting a school district from requiring additional
28 background checks for such teachers employed by the school

1 district.

2 [9.] 10. A criminal background check and fingerprint
3 collection conducted under subsections 1 [and 2] to 3 of this
4 section shall be valid for at least a period of one year and
5 transferrable from one school district to another district. A
6 school district may, in its discretion, conduct a new criminal
7 background check and fingerprint collection under subsections 1
8 [and 2] to 3 for a newly hired employee at the district's
9 expense. A teacher's change in type of certification shall have
10 no effect on the transferability or validity of such records.

11 [10.] 11. Nothing in this section shall be construed to
12 alter the standards for suspension, denial, or revocation of a
13 certificate issued pursuant to this chapter.

14 [11.] 12. The state board of education may promulgate rules
15 for criminal history background checks made pursuant to this
16 section. Any rule or portion of a rule, as that term is defined
17 in section 536.010, that is created under the authority delegated
18 in this section shall become effective only if it complies with
19 and is subject to all of the provisions of chapter 536 and, if
20 applicable, section 536.028. This section and chapter 536 are
21 nonseverable and if any of the powers vested with the general
22 assembly pursuant to chapter 536 to review, to delay the
23 effective date, or to disapprove and annul a rule are
24 subsequently held unconstitutional, then the grant of rulemaking
25 authority and any rule proposed or adopted after January 1, 2005,
26 shall be invalid and void.

27 Section B. Because of the importance of improving and
28 sustaining Missouri's elementary and secondary education system

1 and establishing standards for student transfers to school
2 districts, the enactment of sections 167.895 and 167.898 of this
3 act is deemed necessary for the immediate preservation of the
4 public health, welfare, peace and safety, and is hereby declared
5 to be an emergency act within the meaning of the constitution,
6 and the enactment of sections 167.895 and 167.898 of this act
7 shall be in full force and effect upon its passage and approval.