

FIRST REGULAR SESSION

# SENATE BILL NO. 271

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR EMERY.

Read 1st time January 17, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1516S.01I

## AN ACT

To repeal sections 160.011, 160.400, 160.403, 160.405, 160.408, 160.410, and 160.425, RSMo, and to enact in lieu thereof seven new sections relating to charter schools.

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

Section A. Sections 160.011, 160.400, 160.403, 160.405, 160.408, 160.410, and 160.425, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 160.011, 160.400, 160.403, 160.405, 160.408, 160.410, and 160.425, to read as follows:

160.011. As used in chapters 160, 161, 162, 163, 164, 165, 167, 168, 170, 171, 177 and 178, the following terms mean:

(1) **"Commission", the Missouri charter public school commission;**

(2) "District" or "school district", when used alone, may include seven-director, urban, and metropolitan school districts;

[(2)] (3) "Elementary school", a public school giving instruction in a grade or grades not higher than the eighth grade;

[(3)] (4) "Family literacy programs", services of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in families that include:

(a) Interactive literacy activities between parents and their children;

(b) Training of parents regarding how to be the primary teacher of their children and full partners in the education of their children;

(c) Parent literacy training that leads to high school completion and economic self sufficiency; and

(d) An age-appropriate education to prepare children of all ages for

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

17 success in school;

18       [(4)] (5) "Graduation rate", the quotient of the number of graduates in  
19 the current year as of June thirtieth divided by the sum of the number of  
20 graduates in the current year as of June thirtieth plus the number of twelfth  
21 graders who dropped out in the current year plus the number of eleventh graders  
22 who dropped out in the preceding year plus the number of tenth graders who  
23 dropped out in the second preceding year plus the number of ninth graders who  
24 dropped out in the third preceding year;

25       [(5)] (6) "High school", a public school giving instruction in a grade or  
26 grades not lower than the ninth nor higher than the twelfth grade;

27       [(6)] (7) "Metropolitan school district", any school district the boundaries  
28 of which are coterminous with the limits of any city which is not within a county;

29       [(7)] (8) "Public school" includes all elementary and high schools operated  
30 at public expense;

31       [(8)] (9) "School board", the board of education having general control of  
32 the property and affairs of any school district;

33       [(9)] (10) "School term", a minimum of one hundred seventy-four school  
34 days, as that term is defined in section 160.041, for schools with a five-day school  
35 week or a minimum of one hundred forty-two school days, as that term is defined  
36 in section 160.041, for schools with a four-day school week, and one thousand  
37 forty-four hours of actual pupil attendance as scheduled by the board pursuant  
38 to section 171.031 during a twelve-month period in which the academic  
39 instruction of pupils is actually and regularly carried on for a group of students  
40 in the public schools of any school district. In school year 2019-20 and  
41 subsequent years, one thousand forty-four hours of actual pupil attendance shall  
42 be required with no minimum number of school days required. A school term may  
43 be within a school year or may consist of parts of two consecutive school years,  
44 but does not include summer school. A district may choose to operate two or more  
45 terms for different groups of children. A school term for students participating  
46 in a school flex program as established in section 160.539 may consist of a  
47 combination of actual pupil attendance and attendance at college or technical  
48 career education or approved employment aligned with the student's career  
49 academic plan for a total of the required number of hours as provided in this  
50 subdivision;

51       [(10)] (11) "Secretary", the secretary of the board of a school district;

52       [(11)] (12) "Seven-director district", any school district which has seven

53 directors and includes urban districts regardless of the number of directors an  
54 urban district may have unless otherwise provided by law;

55 [(12)] (13) "Taxpayer", any individual who has paid taxes to the state or  
56 any subdivision thereof within the immediately preceding twelve-month period  
57 or the spouse of such individual;

58 [(13)] (14) "Town", any town or village, whether or not incorporated, the  
59 plat of which has been filed in the office of the recorder of deeds of the county in  
60 which it is situated;

61 [(14)] (15) "Urban school district", any district which includes more than  
62 half of the population or land area of any city which has not less than seventy  
63 thousand inhabitants, other than a city which is not within a county.

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

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

4 (1) In a metropolitan school district;

5 (2) In an urban school district containing most or all of a city with a  
6 population greater than three hundred fifty thousand inhabitants;

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

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

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

20 (b) The sponsor is limited to the local school board or a sponsor who has  
21 met the standards of accountability and performance as determined by the  
22 [department] **commission** based on sections 160.400 to 160.425 and section  
23 167.349 and properly promulgated rules of the [department] **commission**; or

24 (5) In a school district that has been accredited without provisions,  
25 sponsored only by the local school board; provided that no board with a current

26 year enrollment of one thousand five hundred fifty students or greater shall  
27 permit more than thirty-five percent of its student enrollment to enroll in charter  
28 schools sponsored by the local board under the authority of this subdivision,  
29 except that this restriction shall not apply to any school district that  
30 subsequently becomes eligible under subdivision (3) or (4) of this subsection or to  
31 any district accredited without provisions that sponsors charter schools prior to  
32 having a current year student enrollment of one thousand five hundred fifty  
33 students or greater.

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

36 (1) The school board of the district in any district which is sponsoring a  
37 charter school as of August 27, 2012, as permitted under subdivision (1) or (2) of  
38 subsection 2 of this section, the special administrative board of a metropolitan  
39 school district during any time in which powers granted to the district's board of  
40 education are vested in a special administrative board, or if the state board of  
41 education appoints a special administrative board to retain the authority granted  
42 to the board of education of an urban school district containing most or all of a  
43 city with a population greater than three hundred fifty thousand inhabitants, the  
44 special administrative board of such school district;

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

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

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

52 (5) Any two-year private vocational or technical school designated as a  
53 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as  
54 amended, and accredited by the Higher Learning Commission, with its primary  
55 campus in Missouri;

56 (6) The Missouri charter public school commission created in section  
57 160.425.

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

61 (1) As a district transitions from unaccredited to provisionally accredited,

62 the district shall continue to fall under the requirements for an unaccredited  
63 district until it achieves three consecutive full school years of provisional  
64 accreditation;

65 (2) As a district transitions from provisionally accredited to full  
66 accreditation, the district shall continue to fall under the requirements for a  
67 provisionally accredited district until it achieves three consecutive full school  
68 years of full accreditation;

69 (3) In any school district classified as unaccredited or provisionally  
70 accredited where a charter school is operating and is sponsored by an entity other  
71 than the local school board, when the school district becomes classified as  
72 accredited without provisions, a charter school may continue to be sponsored by  
73 the entity sponsoring it prior to the classification of accredited without provisions  
74 and shall not be limited to the local school board as a sponsor.

75 A charter school operating in a school district identified in subdivision (1) or (2)  
76 of subsection 2 of this section may be sponsored by any of the entities identified  
77 in subsection 3 of this section, irrespective of the accreditation classification of  
78 the district in which it is located. A charter school in a district described in this  
79 subsection whose charter provides for the addition of grade levels in subsequent  
80 years may continue to add levels until the planned expansion is complete to the  
81 extent of grade levels in comparable schools of the district in which the charter  
82 school is operated.

83 5. The mayor of a city not within a county may request a sponsor under  
84 subdivision (2), (3), (4), (5), or (6) of subsection 3 of this section to consider  
85 sponsoring a "workplace charter school", which is defined for purposes of sections  
86 160.400 to 160.425 as a charter school with the ability to target prospective  
87 students whose parent or parents are employed in a business district, as defined  
88 in the charter, which is located in the city.

89 6. No sponsor shall receive from an applicant for a charter school any fee  
90 of any type for the consideration of a charter, nor may a sponsor condition its  
91 consideration of a charter on the promise of future payment of any kind.

92 7. The charter school shall be organized as a Missouri nonprofit  
93 corporation incorporated pursuant to chapter 355. The charter provided for  
94 herein shall constitute a contract between the sponsor and the charter school.

95 8. As a nonprofit corporation incorporated pursuant to chapter 355, the  
96 charter school shall select the method for election of officers pursuant to section  
97 355.326 based on the class of corporation selected. Meetings of the governing

98 board of the charter school shall be subject to the provisions of sections 610.010  
99 to 610.030.

100 9. A sponsor of a charter school, its agents and employees are not liable  
101 for any acts or omissions of a charter school that it sponsors, including acts or  
102 omissions relating to the charter submitted by the charter school, the operation  
103 of the charter school and the performance of the charter school.

104 10. A charter school may affiliate with a four-year college or university,  
105 including a private college or university, or a community college as otherwise  
106 specified in subsection 3 of this section when its charter is granted by a sponsor  
107 other than such college, university or community college. Affiliation status  
108 recognizes a relationship between the charter school and the college or university  
109 for purposes of teacher training and staff development, curriculum and  
110 assessment development, use of physical facilities owned by or rented on behalf  
111 of the college or university, and other similar purposes. A university, college or  
112 community college may not charge or accept a fee for affiliation status.

113 11. The expenses associated with sponsorship of charter schools shall be  
114 defrayed by the department of elementary and secondary education retaining one  
115 and five-tenths percent of the amount of state and local funding allocated to the  
116 charter school under section 160.415, not to exceed one hundred twenty-five  
117 thousand dollars, adjusted for inflation. The department of elementary and  
118 secondary education shall remit the retained funds for each charter school to the  
119 school's sponsor, provided the sponsor remains in good standing by fulfilling its  
120 sponsorship obligations under sections 160.400 to 160.425 and 167.349 with  
121 regard to each charter school it sponsors, including appropriate demonstration of  
122 the following:

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

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

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

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

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

139 12. Sponsors receiving funds under subsection 11 of this section shall be  
140 required to submit annual reports to the joint committee on education  
141 demonstrating they are in compliance with subsection 17 of this section.

142 13. No university, college or community college shall grant a charter to  
143 a nonprofit corporation if an employee of the university, college or community  
144 college is a member of the corporation's board of directors.

145 14. No sponsor shall grant a charter under sections 160.400 to 160.425  
146 and 167.349 without ensuring that a criminal background check and family care  
147 safety registry check are conducted for all members of the governing board of the  
148 charter schools or the incorporators of the charter school if initial directors are  
149 not named in the articles of incorporation, nor shall a sponsor renew a charter  
150 without ensuring a criminal background check and family care safety registry  
151 check are conducted for each member of the governing board of the charter school.

152 15. No member of the governing board of a charter school shall hold any  
153 office or employment from the board, **commission**, or the charter school while  
154 serving as a member, nor shall the member have any substantial interest, as  
155 defined in section 105.450, in any entity employed by or contracting with the  
156 board. No board member shall be an employee of a company that provides  
157 substantial services to the charter school. All members of the governing board  
158 of the charter school shall be considered decision-making public servants as  
159 defined in section 105.450 for the purposes of the financial disclosure  
160 requirements contained in sections 105.483, 105.485, 105.487, and 105.489.

161 16. A sponsor shall develop the policies and procedures for:

162 (1) The review of a charter school proposal including an application that  
163 provides sufficient information for rigorous evaluation of the proposed charter and  
164 provides clear documentation that the education program and academic program  
165 are aligned with the state standards and grade-level expectations, and provides  
166 clear documentation of effective governance and management structures, and a  
167 sustainable operational plan;

168 (2) The granting of a charter;

169 (3) The performance contract that the sponsor will use to evaluate the

170 performance of charter schools. Charter schools shall meet current state  
171 academic performance standards as well as other standards agreed upon by the  
172 sponsor and the charter school in the performance contract;

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

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

180 (6) Procedures to be implemented if a charter school should close,  
181 consistent with the provisions of subdivision (15) of subsection 1 of section  
182 160.405.

183 The [department] **commission** shall provide guidance to sponsors in developing  
184 such policies and procedures.

185 17. (1) A sponsor shall provide timely submission to the [state board of  
186 education] **commission** of all data necessary to demonstrate that the sponsor is  
187 in material compliance with all requirements of sections 160.400 to 160.425 and  
188 section 167.349. The [state board of education] **commission** shall ensure each  
189 sponsor is in compliance with all requirements under sections 160.400 to 160.425  
190 and 167.349 for each charter school sponsored by any sponsor. The [state board]  
191 **commission** shall notify each sponsor of the standards for sponsorship of charter  
192 schools, delineating both what is mandated by statute and what best practices  
193 dictate. The [state board] **commission** shall evaluate sponsors to determine  
194 compliance with these standards every three years. The evaluation shall include  
195 a sponsor's policies and procedures in the areas of charter application approval;  
196 required charter agreement terms and content; sponsor performance evaluation  
197 and compliance monitoring; and charter renewal, intervention, and revocation  
198 decisions. [Nothing shall preclude the department from undertaking an  
199 evaluation at any time for cause.]

200 (2) If the [department] **commission** determines that a sponsor is in  
201 material noncompliance with its sponsorship duties, the sponsor shall be notified  
202 and given reasonable time for remediation. If remediation does not address the  
203 compliance issues identified by the [department] **commission**, the [commissioner  
204 of education] **commission** shall conduct a public hearing and thereafter provide  
205 notice to the charter sponsor **and to the department** of corrective action that



206 [will be recommended to the state board of education] **the department and**  
207 **commission take.** Corrective action by the department may include  
208 withholding the sponsor's funding and **corrective action by the commission**  
209 **may include** suspending the sponsor's authority to sponsor a school that it  
210 currently sponsors or to sponsor any additional school until the sponsor is  
211 reauthorized by the [state board of education] **commission** under section  
212 160.403.

213 (3) The charter sponsor may, within thirty days of receipt of the notice of  
214 the [commissioner's recommendation] **commission's corrective action**, provide  
215 a written statement and other documentation to show cause as to why that action  
216 should not be taken. Final determination of corrective action shall be determined  
217 by the [state board of education] **commission** based upon a review of the  
218 documentation submitted to the [department] **commission** and the charter  
219 sponsor.

220 (4) If the [state board] **commission** removes the authority to sponsor a  
221 currently operating charter school under any provision of law, the Missouri  
222 charter public school commission shall become the sponsor of the school.

223 18. If a sponsor notifies a charter school of closure under subsection 8 of  
224 section 160.405, the department of elementary and secondary education shall  
225 exercise its financial withholding authority under subsection 12 of section 160.415  
226 to assure all obligations of the charter school shall be met. The state, charter  
227 sponsor, or resident district shall not be liable for any outstanding liability or  
228 obligations of the charter school.

160.403. 1. The [department of elementary and secondary education]  
2 **commission** shall establish an annual application and approval process for all  
3 entities eligible to sponsor charters as set forth in section 160.400 which are not  
4 sponsoring a charter school as of August 28, 2012, except that the Missouri  
5 charter public school commission shall not be required to undergo the application  
6 and approval process. No later than November 1, 2012, the [department]  
7 **commission** shall make available information and guidelines for all eligible  
8 sponsors concerning the opportunity to apply for sponsoring authority under this  
9 section.

10 2. The application process for sponsorship shall require each interested  
11 eligible sponsor, except for the Missouri charter public school commission, to  
12 submit an application by February first that includes the following:

13 (1) Written notification of intent to serve as a charter school sponsor in

14 accordance with sections 160.400 to 160.425 and section 167.349;

15 (2) Evidence of the applicant sponsor's budget and personnel capacity;

16 (3) An outline of the request for proposal that the applicant sponsor  
17 would, if approved as a charter sponsor, issue to solicit charter school applicants  
18 consistent with sections 160.400 to 160.425 and section 167.349;

19 (4) The performance contract that the applicant sponsor would, if  
20 approved as a charter sponsor, use to evaluate the charter schools it sponsors;  
21 and

22 (5) The applicant sponsor's renewal, revocation, and nonrenewal processes  
23 consistent with section 160.405.

24 3. By April first of each year, the [department] **commission** shall decide  
25 whether to grant or deny a sponsoring authority to a sponsor applicant. This  
26 decision shall be made based on the applicant sponsor's compliance with sections  
27 160.400 to 160.425 and section 167.349 and properly promulgated rules of the  
28 [department] **commission**.

29 4. Within thirty days of the [department's] **commission's** decision, the  
30 [department] **commission** shall execute a renewable sponsoring contract with  
31 each entity it has approved as a sponsor. The term of each authorizing contract  
32 shall be six years and renewable.

160.405. 1. A person, group or organization seeking to establish a charter  
2 school shall submit the proposed charter, as provided in this section, to a sponsor.  
3 If the sponsor is not a school board, the applicant shall give a copy of its  
4 application to the school board of the district in which the charter school is to be  
5 located and to the [state board of education] **commission**, within five business  
6 days of the date the application is filed with the proposed sponsor. The school  
7 board may file objections with the proposed sponsor, and, if a charter is granted,  
8 the school board may file objections with the [state board of education]  
9 **commission**. The charter shall include a legally binding performance contract  
10 that describes the obligations and responsibilities of the school and the sponsor  
11 as outlined in sections 160.400 to 160.425 and section 167.349 and shall address  
12 the following:

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

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

18 governance and operation of the charter school;

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

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

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

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

27 (7) A description of the charter school's pupil performance standards and  
28 academic program performance standards, which shall meet the requirements of  
29 subdivision (6) of subsection 4 of this section. The charter school program shall  
30 be designed to enable each pupil to achieve such standards and shall contain a  
31 complete set of indicators, measures, metrics, and targets for academic program  
32 performance, including specific goals on graduation rates and standardized test  
33 performance and academic growth;

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

36 (9) The term of the charter, which shall be five years and may be renewed;

37 (10) Procedures, consistent with the Missouri financial accounting  
38 manual, for monitoring the financial accountability of the charter, which shall  
39 meet the requirements of subdivision (4) of subsection 4 of this section;

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

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

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

49 (14) A description of the agreement and time frame for implementation  
50 between the charter school and the sponsor as to when a sponsor shall intervene  
51 in a charter school, when a sponsor shall revoke a charter for failure to comply  
52 with subsection 8 of this section, and when a sponsor will not renew a charter  
53 under subsection 9 of this section;

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

56 (a) Orderly transition of student records to new schools and archival of  
57 student records;

58 (b) Archival of business operation and transfer or repository of personnel  
59 records;

60 (c) Submission of final financial reports;

61 (d) Resolution of any remaining financial obligations;

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

63 (f) A notification plan to inform parents or guardians of students, the local  
64 school district, the retirement system in which the charter school's employees  
65 participate, and the [state board of education] **commission** within thirty days  
66 of the decision to close;

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

69 (17) For all new or revised charters, procedures to be used upon closure  
70 of the charter school requiring that unobligated assets of the charter school be  
71 returned to the department of elementary and secondary education for their  
72 disposition, which upon receipt of such assets shall return them to the local  
73 school district in which the school was located, the state, or any other entity to  
74 which they would belong.

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

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

78 (1) A charter shall be submitted to the sponsor, and follow the sponsor's  
79 policies and procedures for review and granting of a charter approval, and be  
80 approved by the [state board of education] **commission** by January thirty-first  
81 prior to the school year of the proposed opening date of the charter school;

82 (2) A charter may be approved when the sponsor determines that the  
83 requirements of this section are met, determines that the applicant is sufficiently  
84 qualified to operate a charter school, and that the proposed charter is consistent  
85 with the sponsor's charter sponsorship goals and capacity. The sponsor's decision  
86 of approval or denial shall be made within ninety days of the filing of the  
87 proposed charter;

88 (3) If the charter is denied, the proposed sponsor shall notify the applicant  
89 in writing as to the reasons for its denial and forward a copy to the [state board

90 of education] **commission** within five business days following the denial;

91 (4) If a proposed charter is denied by a sponsor, the proposed charter may  
92 be submitted to the [state board of education] **commission**, along with the  
93 sponsor's written reasons for its denial. If the [state board] **commission**  
94 determines that the applicant meets the requirements of this section, that the  
95 applicant is sufficiently qualified to operate the charter school, and that granting  
96 a charter to the applicant would be likely to provide educational benefit to the  
97 children of the district, the [state board] **commission** may grant a charter and  
98 act as sponsor of the charter school. The [state board] **commission** shall review  
99 the proposed charter and make a determination of whether to deny or grant the  
100 proposed charter within sixty days of receipt of the proposed charter, provided  
101 that any charter to be considered by the [state board of education] **commission**  
102 under this subdivision shall be submitted no later than March first prior to the  
103 school year in which the charter school intends to begin operations. The [state  
104 board of education] **commission** shall notify the applicant in writing as the  
105 reasons for its denial, if applicable; and

106 (5) The sponsor of a charter school shall give priority to charter school  
107 applicants that propose a school oriented to high-risk students and to the reentry  
108 of dropouts into the school system. If a sponsor grants three or more charters,  
109 at least one-third of the charters granted by the sponsor shall be to schools that  
110 actively recruit dropouts or high-risk students as their student body and address  
111 the needs of dropouts or high-risk students through their proposed mission,  
112 curriculum, teaching methods, and services. For purposes of this subsection, a  
113 "high-risk" student is one who is at least one year behind in satisfactory  
114 completion of course work or obtaining high school credits for graduation, has  
115 dropped out of school, is at risk of dropping out of school, needs drug and alcohol  
116 treatment, has severe behavioral problems, has been suspended from school three  
117 or more times, has a history of severe truancy, is a pregnant or parenting teen,  
118 has been referred for enrollment by the judicial system, is exiting incarceration,  
119 is a refugee, is homeless or has been homeless sometime within the preceding six  
120 months, has been referred by an area school district for enrollment in an  
121 alternative program, or qualifies as high risk under department of elementary  
122 and secondary education guidelines. Dropout shall be defined through the  
123 guidelines of the school core data report. The provisions of this [subsection]  
124 **subdivision** do not apply to charters sponsored by the [state board of education]  
125 **commission**.

126           3. If a charter is approved by a sponsor, the charter application shall be  
127 submitted to the [state board of education] **commission**, along with a statement  
128 of finding by the sponsor that the application meets the requirements of sections  
129 160.400 to 160.425 and section 167.349 and a monitoring plan under which the  
130 charter sponsor shall evaluate the academic performance, including annual  
131 performance reports, of students enrolled in the charter school. The [state board  
132 of education] **commission** shall approve or deny a charter application within  
133 sixty days of receipt of the application. The [state board of education]  
134 **commission** may deny a charter on grounds that the application fails to meet  
135 the requirements of sections 160.400 to 160.425 and section 167.349 or that a  
136 charter sponsor previously failed to meet the statutory responsibilities of a  
137 charter sponsor. Any denial of a charter application made by the [state board of  
138 education] **commission** shall be in writing and shall identify the specific failures  
139 of the application to meet the requirements of sections 160.400 to 160.425 and  
140 section 167.349, and the written denial shall be provided within ten business days  
141 to the sponsor.

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

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

145           (2) Comply with laws and regulations of the state, county, or city relating  
146 to health, safety, and state minimum educational standards, as specified by the  
147 state board of education, including the requirements relating to student discipline  
148 under sections 160.261, 167.161, 167.164, and 167.171, notification of criminal  
149 conduct to law enforcement authorities under sections 167.115 [to] **and** 167.117,  
150 academic assessment under section 160.518, transmittal of school records under  
151 section 167.020, the minimum amount of school time required under section  
152 171.031, and the employee criminal history background check and the family care  
153 safety registry check under section 168.133;

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

157           (4) Be financially accountable, use practices consistent with the Missouri  
158 financial accounting manual, provide for an annual audit by a certified public  
159 accountant, publish audit reports and annual financial reports as provided in  
160 chapter 165, provided that the annual financial report may be published on the  
161 department of elementary and secondary education's internet website in addition

162 to other publishing requirements, and provide liability insurance to indemnify the  
163 school, its board, staff and teachers against tort claims. A charter school that  
164 receives local educational agency status under subsection 6 of this section shall  
165 meet the requirements imposed by the Elementary and Secondary Education Act  
166 for audits of such agencies and comply with all federal audit requirements for  
167 charters with local educational agency status. For purposes of an audit by  
168 petition under section 29.230, a charter school shall be treated as a political  
169 subdivision on the same terms and conditions as the school district in which it is  
170 located. For the purposes of securing such insurance, a charter school shall be  
171 eligible for the Missouri public entity risk management fund pursuant to section  
172 537.700. A charter school that incurs debt shall include a repayment plan in its  
173 financial plan;

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

177 (6) (a) Design a method to measure pupil progress toward the pupil  
178 academic standards adopted by the state board of education pursuant to section  
179 160.514, establish baseline student performance in accordance with the  
180 performance contract during the first year of operation, collect student  
181 performance data as defined by the annual performance report throughout the  
182 duration of the charter to annually monitor student academic performance, and  
183 to the extent applicable based upon grade levels offered by the charter school,  
184 participate in the statewide system of assessments, comprised of the essential  
185 skills tests and the nationally standardized norm-referenced achievement tests,  
186 as designated by the state board pursuant to section 160.518, complete and  
187 distribute an annual report card as prescribed in section 160.522, which shall also  
188 include a statement that background checks have been completed on the charter  
189 school's board members, and report to its sponsor, the local school district, **the**  
190 **commission**, and the state board of education as to its teaching methods and  
191 any educational innovations and the results thereof. No charter school shall be  
192 considered in the Missouri school improvement program review of the district in  
193 which it is located for the resource or process standards of the program.

194 (b) For proposed high-risk or alternative charter schools, sponsors shall  
195 approve performance measures based on mission, curriculum, teaching methods,  
196 and services. Sponsors shall also approve comprehensive academic and  
197 behavioral measures to determine whether students are meeting performance

198 standards on a different time frame as specified in that school's charter. Student  
199 performance shall be assessed comprehensively to determine whether a high-risk  
200 or alternative charter school has documented adequate student progress. Student  
201 performance shall be based on sponsor-approved comprehensive measures as well  
202 as standardized public school measures. Annual presentation of charter school  
203 report card data to the department of elementary and secondary education, the  
204 state board, **the commission**, and the public shall include comprehensive  
205 measures of student progress.

206 (c) Nothing in this subdivision shall be construed as permitting a charter  
207 school to be held to lower performance standards than other public schools within  
208 a district; however, the charter of a charter school may permit students to meet  
209 performance standards on a different time frame as specified in its charter. The  
210 performance standards for alternative and special purpose charter schools that  
211 target high-risk students as defined in subdivision (5) of subsection 2 of this  
212 section shall be based on measures defined in the school's performance contract  
213 with its sponsors;

214 (7) Comply with all applicable federal and state laws and regulations  
215 regarding students with disabilities, including sections 162.670 to 162.710, the  
216 Individuals with Disabilities Education Act (20 U.S.C. Section 1400) and Section  
217 504 of the Rehabilitation Act of 1973 (29 U.S.C. Section 794) or successor  
218 legislation;

219 (8) Provide along with any request for review by the [state board of  
220 education] **commission** the following:

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

225 (b) A statement outlining the reasons for approval or denial by the  
226 sponsor, specifically addressing the requirements of sections 160.400 to 160.425  
227 and 167.349.

228 5. (1) Proposed or existing high-risk or alternative charter schools may  
229 include alternative arrangements for students to obtain credit for satisfying  
230 graduation requirements in the school's charter application and  
231 charter. Alternative arrangements may include, but not be limited to, credit for  
232 off-campus instruction, embedded credit, work experience through an internship  
233 arranged through the school, and independent studies. When the [state board of



234 education] **commission** approves the charter, any such alternative arrangements  
235 shall be approved at such time.

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

241 6. The charter of a charter school may be amended at the request of the  
242 governing body of the charter school and on the approval of the sponsor. The  
243 sponsor and the governing board and staff of the charter school shall jointly  
244 review the school's performance, management and operations during the first year  
245 of operation and then every other year after the most recent review or at any  
246 point where the operation or management of the charter school is changed or  
247 transferred to another entity, either public or private. The governing board of a  
248 charter school may amend the charter, if the sponsor approves such amendment,  
249 or the sponsor and the governing board may reach an agreement in writing to  
250 reflect the charter school's decision to become a local educational agency. In such  
251 case the sponsor shall give the [department of elementary and secondary  
252 education] **commission** written notice no later than March first of any year, with  
253 the agreement to become effective July first. The [department] **commission** may  
254 waive the March first notice date in its discretion. The [department]  
255 **commission** shall identify and furnish a list of its regulations that pertain to  
256 local educational agencies to such schools within thirty days of receiving such  
257 notice.

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

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

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

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

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

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

269 8. (1) (a) A sponsor's policies shall give schools clear, adequate,

270 evidence-based, and timely notice of contract violations or performance  
271 deficiencies and mandate intervention based upon findings of the [state board of  
272 education] **commission** of the following:

273           a. The charter school provides a high school program which fails to  
274 maintain a graduation rate of at least seventy percent in three of the last four  
275 school years unless the school has dropout recovery as its mission;

276           b. The charter school's annual performance report results are below the  
277 district's annual performance report results based on the performance standards  
278 that are applicable to the grade level configuration of both the charter school and  
279 the district in which the charter school is located in three of the last four school  
280 years; and

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

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

285           a. Clear evidence of underperformance as demonstrated in the charter  
286 school's annual performance report in three of the last four school years; or

287           b. A violation of the law or the public trust that imperils students or  
288 public funds.

289           (c) A sponsor shall revoke a charter or take other appropriate remedial  
290 action, which may include placing the charter school on probationary status for  
291 no more than twenty-four months, provided that no more than one designation  
292 of probationary status shall be allowed for the duration of the charter contract,  
293 at any time if the charter school commits a serious breach of one or more  
294 provisions of its charter or on any of the following grounds: failure to meet the  
295 performance contract as set forth in its charter, failure to meet generally accepted  
296 standards of fiscal management, failure to provide information necessary to  
297 confirm compliance with all provisions of the charter and sections 160.400 to  
298 160.425 and 167.349 within forty-five days following receipt of written notice  
299 requesting such information, or violation of law.

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

304           (3) At least sixty days before acting to revoke a charter, the sponsor shall  
305 notify the governing board of the charter school of the proposed action in

306 writing. The notice shall state the grounds for the proposed action. The school's  
307 governing board may request in writing a hearing before the sponsor within two  
308 weeks of receiving the notice.

309 (4) The sponsor of a charter school shall establish procedures to conduct  
310 administrative hearings upon determination by the sponsor that grounds exist to  
311 revoke a charter. Final decisions of a sponsor from hearings conducted pursuant  
312 to this subsection are subject to an appeal to the [state board of education]  
313 **commission**, which shall determine whether the charter shall be revoked.

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

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

320 9. (1) A sponsor shall take all reasonable steps necessary to confirm that  
321 each charter school sponsored by such sponsor is in material compliance and  
322 remains in material compliance with all material provisions of the charter and  
323 sections 160.400 to 160.425 and 167.349. Every charter school shall provide all  
324 information necessary to confirm ongoing compliance with all provisions of its  
325 charter and sections 160.400 to 160.425 and 167.349 in a timely manner to its  
326 sponsor.

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

330 (a) The charter school has maintained results on its annual performance  
331 report that meet or exceed the district in which the charter school is located  
332 based on the performance standards that are applicable to the grade-level  
333 configuration of both the charter school and the district in which the charter  
334 school is located in three of the last four school years;

335 (b) The charter school is organizationally and fiscally viable determining  
336 at a minimum that the school does not have:

337 a. A negative balance in its operating funds;

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

340 c. Expenditures that exceed receipts for the most recently completed fiscal  
341 year;

342 (c) The charter is in compliance with its legally binding performance  
343 contract and sections 160.400 to 160.425 and section 167.349; and

344 (d) The charter school has an annual performance report consistent with  
345 a classification of accredited for three of the last four years and is fiscally viable  
346 as described in paragraph (b) of this subdivision. If such is the case, the charter  
347 school may have an expedited renewal process as defined by rule of the  
348 [department of elementary and secondary education] **commission**.

349 (3) (a) Beginning August first during the year in which a charter is  
350 considered for renewal, a charter school sponsor shall demonstrate to the [state  
351 board of education] **commission** that the charter school is in compliance with  
352 federal and state law as provided in sections 160.400 to 160.425 and section  
353 167.349 and the school's performance contract including but not limited to those  
354 requirements specific to academic performance.

355 (b) Along with data reflecting the academic performance standards  
356 indicated in paragraph (a) of this subdivision, the sponsor shall submit a revised  
357 charter application to the [state board of education] **commission** for review.

358 (c) Using the data requested and the revised charter application under  
359 paragraphs (a) and (b) of this subdivision, the [state board of education]  
360 **commission** shall determine if compliance with all standards enumerated in this  
361 subdivision has been achieved. The [state board of education] **commission** at  
362 its next regularly scheduled meeting shall vote on the revised charter application.

363 (d) If a charter school sponsor demonstrates the objectives identified in  
364 this subdivision, the [state board of education] **commission** shall renew the  
365 school's charter.

366 10. A school district may enter into a lease with a charter school for  
367 physical facilities.

368 11. A governing board or a school district employee who has control over  
369 personnel actions shall not take unlawful reprisal against another employee at  
370 the school district because the employee is directly or indirectly involved in an  
371 application to establish a charter school. A governing board or a school district  
372 employee shall not take unlawful reprisal against an educational program of the  
373 school or the school district because an application to establish a charter school  
374 proposes the conversion of all or a portion of the educational program to a charter  
375 school. As used in this subsection, "unlawful reprisal" means an action that is  
376 taken by a governing board or a school district employee as a direct result of a  
377 lawful application to establish a charter school and that is adverse to another

378 employee or an educational program.

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

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

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

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

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

394           15. The department of elementary and secondary education shall calculate  
395 an annual performance report for each charter school and shall publish it in the  
396 same manner as annual performance reports are calculated and published for  
397 districts and attendance centers.

398           16. The joint committee on education shall create a committee to  
399 investigate facility access and affordability for charter schools. The committee  
400 shall be comprised of equal numbers of the charter school sector and the public  
401 school sector and shall report its findings to the general assembly by December  
402 31, 2016.

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

4           (1) Receives eighty-five percent or more of the total points on the annual  
5 performance report for three out of the last four school years by comparing points  
6 earned to the points possible on the annual performance report for three of the  
7 last four school years;

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

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

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

14 2. Notwithstanding any other provision of law, high-quality charter  
15 schools shall be provided expedited opportunities to replicate and expand into  
16 unaccredited districts, a metropolitan district, or an urban school district  
17 containing most or all of a home rule city with more than four hundred thousand  
18 inhabitants and located in more than one county. Such replication and expansion  
19 shall be subject to the following:

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

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

26 (3) If a charter is approved by a sponsor, the charter application shall be  
27 filed with the [state board of education] **commission** with a statement of finding  
28 from the sponsor that the application meets the requirements of sections 160.400  
29 to 160.425 and section 167.349 and a monitoring plan under which the sponsor  
30 shall evaluate the academic performance of students enrolled in the charter  
31 school. Such filing shall be made by January thirty-first prior to the school year  
32 in which the charter school intends to begin operations.

33 3. The term of the charter for schools operating under this section shall  
34 be five years, and the charter may be renewed for terms of up to ten  
35 years. Renewal shall be subject to the provisions of paragraphs (a) to (d) of  
36 subdivision (3) of subsection 9 of section 160.405.

160.410. 1. A charter school shall enroll:

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

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

5 (3) Nonresident pupils who transfer from an unaccredited district under  
6 section 167.131, provided that the charter school is an approved charter school,  
7 as defined in section 167.131, and subject to all other provisions of section  
8 167.131;

9 (4) In the case of a charter school whose mission includes student drop-out  
10 prevention or recovery, any nonresident pupil from the same or an adjacent  
11 county who resides in a residential care facility, a transitional living group home,

12 or an independent living program whose last school of enrollment is in the school  
13 district where the charter school is established, who submits a timely application;  
14 and

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

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

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

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

36 (3) Charter schools may also give a preference for admission to high-risk  
37 students, as defined in subdivision (5) of subsection 2 of section 160.405, when  
38 the school targets these students through its proposed mission, curriculum,  
39 teaching methods, and services.

40 3. A charter school shall not limit admission based on race, ethnicity,  
41 national origin, disability, income level, proficiency in the English language or  
42 athletic ability, but may limit admission to pupils within a given age group or  
43 grade level. Charter schools may limit admission based on gender only when the  
44 school is a single-gender school. Students of a charter school who have been  
45 enrolled for a full academic year shall be counted in the performance of the  
46 charter school on the statewide assessments in that calendar year, unless  
47 otherwise exempted as English language learners. For purposes of this

48 subsection, "full academic year" means the last Wednesday in September through  
49 the administration of the Missouri assessment program test without transferring  
50 out of the school and re-enrolling.

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

54 (1) The school's charter;

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

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

59 (4) If a charter school is operated by a management company, a copy of  
60 the written contract between the governing board of the charter school and the  
61 educational management organization or the charter management organization  
62 for services. The charter school may charge reasonable fees, not to exceed the  
63 rate specified in section 610.026 for furnishing copies of documents under this  
64 subsection.

65 5. When a student attending a charter school who is a resident of the  
66 school district in which the charter school is located moves out of the boundaries  
67 of such school district, the student may complete the current semester and shall  
68 be considered a resident student. The student's parent or legal guardian shall  
69 be responsible for the student's transportation to and from the charter school.

70 6. If a change in school district boundary lines occurs under section  
71 162.223, 162.431, 162.441, or 162.451, or by action of the state board of education  
72 under section 162.081, including attachment of a school district's territory to  
73 another district or dissolution, such that a student attending a charter school  
74 prior to such change no longer resides in a school district in which the charter  
75 school is located, then the student may complete the current academic year at the  
76 charter school. The student shall be considered a resident student. The student's  
77 parent or legal guardian shall be responsible for the student's transportation to  
78 and from the charter school.

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

160.425. 1. The "Missouri Charter Public School Commission" is hereby  
2 created with the authority to sponsor high quality charter schools throughout the  
3 state of Missouri. **The commission shall be responsible for oversight and**



**4 regulation of charter schools throughout the state of Missouri.**

5           2. The commission shall consist of nine members appointed by the  
6 governor, by and with the advice and consent of the senate. No more than five  
7 of the members shall be of the same political party. No more than two members  
8 shall be from the same congressional district. The term of office of each member  
9 shall be four years, except those of the members first appointed, of which three  
10 shall be appointed for a term of one year, two for a term of two years, two for a  
11 term of three years, and two for a term of four years. At the expiration of the  
12 term of each member, the governor, by and with the advice and consent of the  
13 senate, shall appoint a successor.

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

15           (1) One member selected by the governor from a slate of three  
16 recommended by the commissioner of education;

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

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

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

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

26           4. Members appointed to the commission shall collectively possess strong  
27 experience and expertise in governance, management and finance, school  
28 leadership, assessment, curriculum and instruction, and education law. All  
29 members of the commission shall have demonstrated understanding of and  
30 commitment to charter schooling as a strategy for strengthening public education.

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

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

39           (1) Comply with all of the requirements applicable to sponsors under

40 sections 160.400 to 160.425;

41 (2) Exercise sponsorship over charters approved by the commission under  
42 sections 160.400 to 160.425, including receipt of sponsorship funding under  
43 subsection 11 of section 160.400.

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

46 8. The commission shall conduct its business in accordance with chapter  
47 610.

48 9. The department of elementary and secondary education shall provide  
49 start-up funding for the commission to operate. The commission shall reimburse  
50 the department's costs from any funds it receives as sponsor under section  
51 160.400.

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

57 11. The commission shall have the authority to hire employees  
58 as may be necessary to perform duties assigned to the commission  
59 under sections 160.400 to 160.425.

60 12. The Missouri public charter school commission shall  
61 promulgate all rules and regulations necessary for the administration  
62 of sections 160.400 to 160.425. Any rules promulgated under the  
63 authority granted by sections 160.400 to 160.425 that are in effect on  
64 August 28, 2019, shall remain effective unless and until modified or  
65 repealed by the commission. Any rule or portion of a rule, as that term  
66 is defined in section 536.010, RSMo, that is created under the authority  
67 delegated in this section shall become effective only if it complies with  
68 and is subject to all of the provisions of chapter 536, RSMo, and, if  
69 applicable, section 536.028, RSMo. This section and chapter 536, RSMo,  
70 are nonseverable and if any of the powers vested with the general  
71 assembly pursuant to chapter 536, RSMo, to review, to delay the  
72 effective date, or to disapprove and annul a rule are subsequently held  
73 unconstitutional, then the grant of rulemaking authority and any rule  
74 proposed or adopted after August 28, 2019, shall be invalid and void.

✓