

SENATE SUBSTITUTE  
FOR  
SENATE BILL NO. 304  
AN ACT

To repeal sections 160.400, 160.425, 160.518, 160.522, 161.092, and 163.042, RSMo, and to enact in lieu thereof seven new sections relating to elementary and secondary education.

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

Section A. Sections 160.400, 160.425, 160.518, 160.522,  
2 161.092, and 163.042, RSMo, are repealed and seven new sections  
3 enacted in lieu thereof, to be known as sections 160.400,  
4 160.422, 160.425, 160.518, 160.522, 161.092, and 163.201, to  
5 read as follows:

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

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

5 (1) In a metropolitan school district;

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

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

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

18 (a) The eligibility for charter schools of any school  
19 district whose provisional accreditation is based in whole

20 or in part on financial stress as defined in sections  
21 161.520 to 161.529, or on financial hardship as defined by  
22 rule of the state board of education, shall be decided by a  
23 vote of the state board of education during the third  
24 consecutive school year after the designation of provisional  
25 accreditation; and

26 (b) The sponsor is limited to the local school board  
27 or a sponsor who has met the standards of accountability and  
28 performance as determined by the department based on  
29 sections 160.400 to 160.425 and section 167.349 and properly  
30 promulgated rules of the department; [or]

31 (5) In a school district located in any county with  
32 more than one hundred fifty thousand but fewer than two  
33 hundred thousand inhabitants;

34 (6) In a school district located in any county with  
35 more than four hundred thousand but fewer than five hundred  
36 thousand inhabitants; or

37 (7) In a school district that has been accredited  
38 without provisions, sponsored only by the local school  
39 board; provided that no board with a current year enrollment  
40 of one thousand five hundred fifty students or greater shall  
41 permit more than thirty-five percent of its student  
42 enrollment to enroll in charter schools sponsored by the  
43 local board under the authority of this subdivision, except  
44 that this restriction shall not apply to any school district  
45 that subsequently becomes eligible under subdivision (3) or  
46 (4) of this subsection or to any district accredited without  
47 provisions that sponsors charter schools prior to having a  
48 current year student enrollment of one thousand five hundred  
49 fifty students or greater.

50 3. [Except as further provided in subsection 4 of this  
51 section,] The following entities are eligible to sponsor  
52 charter schools:

53 (1) The school board of the district in any district  
54 which is sponsoring a charter school as of August 27, 2012,  
55 as permitted under subdivision (1) or (2) of subsection 2 of  
56 this section, the special administrative board of a  
57 metropolitan school district during any time in which powers  
58 granted to the district's board of education are vested in a  
59 special administrative board, or if the state board of  
60 education appoints a special administrative board to retain  
61 the authority granted to the board of education of an urban  
62 school district containing most or all of a city with a  
63 population greater than three hundred fifty thousand  
64 inhabitants, the special administrative board of such school  
65 district;

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

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

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

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

80 (6) The Missouri charter public school commission  
81 created in section 160.425.

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

86 (1) As a district transitions from unaccredited to  
87 provisionally accredited, the district shall continue to  
88 fall under the requirements for an unaccredited district  
89 until it achieves three consecutive full school years of  
90 provisional accreditation;

91 (2) As a district transitions from provisionally  
92 accredited to full accreditation, the district shall  
93 continue to fall under the requirements for a provisionally  
94 accredited district until it achieves three consecutive full  
95 school years of full accreditation;

96 (3) In any school district classified as unaccredited  
97 or provisionally accredited where a charter school is  
98 operating and is sponsored by an entity other than the local  
99 school board, when the school district becomes classified as  
100 accredited without provisions, a charter school may continue  
101 to be sponsored by the entity sponsoring it prior to the  
102 classification of accredited without provisions and shall  
103 not be limited to the local school board as a sponsor.

104 A charter school operating in a school district identified  
105 in subdivision (1) or (2) of subsection 2 of this section  
106 may be sponsored by any of the entities identified in  
107 subsection 3 of this section, irrespective of the  
108 accreditation classification of the district in which it is  
109 located. A charter school in a district described in this  
110 subsection whose charter provides for the addition of grade  
111 levels in subsequent years may continue to add levels until  
112 the planned expansion is complete to the extent of grade  
113 levels in comparable schools of the district in which the  
114 charter school is operated.

115 5. The mayor of a city not within a county may request  
116 a sponsor under subdivision (2), (3), (4), (5), or (6) of  
117 subsection 3 of this section to consider sponsoring a  
118 "workplace charter school", which is defined for purposes of

119 sections 160.400 to 160.425 as a charter school with the  
120 ability to target prospective students whose parent or  
121 parents are employed in a business district, as defined in  
122 the charter, which is located in the city.

123 [6.] No sponsor shall receive from an applicant for a  
124 charter school any fee of any type for the consideration of  
125 a charter, nor may a sponsor condition its consideration of  
126 a charter on the promise of future payment of any kind.

127 [7.] 5. The charter school shall be organized as a  
128 Missouri nonprofit corporation incorporated pursuant to  
129 chapter 355. The charter provided for herein shall  
130 constitute a contract between the sponsor and the charter  
131 school.

132 [8.] 6. As a nonprofit corporation incorporated  
133 pursuant to chapter 355, the charter school shall select the  
134 method for election of officers pursuant to section 355.326  
135 based on the class of corporation selected. Meetings of the  
136 governing board of the charter school shall be subject to  
137 the provisions of sections 610.010 to 610.030.

138 [9.] 7. A sponsor of a charter school, its agents and  
139 employees are not liable for any acts or omissions of a  
140 charter school that it sponsors, including acts or omissions  
141 relating to the charter submitted by the charter school, the  
142 operation of the charter school and the performance of the  
143 charter school.

144 [10.] 8. A charter school may affiliate with a four-  
145 year college or university, including a private college or  
146 university, or a community college as otherwise specified in  
147 subsection 3 of this section when its charter is granted by  
148 a sponsor other than such college, university or community  
149 college. Affiliation status recognizes a relationship  
150 between the charter school and the college or university for  
151 purposes of teacher training and staff development,

152 curriculum and assessment development, use of physical  
153 facilities owned by or rented on behalf of the college or  
154 university, and other similar purposes. A university,  
155 college or community college may not charge or accept a fee  
156 for affiliation status.

157 [11.] 9. The expenses associated with sponsorship of  
158 charter schools shall be defrayed by the department of  
159 elementary and secondary education retaining one and five-  
160 tenths percent of the amount of state and local funding  
161 allocated to the charter school under section 160.415, not  
162 to exceed one hundred twenty-five thousand dollars, adjusted  
163 for inflation. The department of elementary and secondary  
164 education shall remit the retained funds for each charter  
165 school to the school's sponsor, provided the sponsor remains  
166 in good standing by fulfilling its sponsorship obligations  
167 under sections 160.400 to 160.425 and 167.349 with regard to  
168 each charter school it sponsors, including appropriate  
169 demonstration of the following:

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

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

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

185 (4) Conducts contract oversight that evaluates  
186 performance, monitors compliance, informs intervention and  
187 renewal decisions, and ensures autonomy provided under  
188 applicable law; and

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

192 [12.] 10. Sponsors receiving funds under subsection  
193 [11] 9 of this section shall be required to submit annual  
194 reports to the joint committee on education demonstrating  
195 they are in compliance with subsection [17] 15 of this  
196 section.

197 [13.] 11. No university, college or community college  
198 shall grant a charter to a nonprofit corporation if an  
199 employee of the university, college or community college is  
200 a member of the corporation's board of directors.

201 [14.] 12. No sponsor shall grant a charter under  
202 sections 160.400 to 160.425 and 167.349 without ensuring  
203 that a criminal background check and family care safety  
204 registry check are conducted for all members of the  
205 governing board of the charter schools or the incorporators  
206 of the charter school if initial directors are not named in  
207 the articles of incorporation, nor shall a sponsor renew a  
208 charter without ensuring a criminal background check and  
209 family care safety registry check are conducted for each  
210 member of the governing board of the charter school.

211 [15.] 13. No member of the governing board of a  
212 charter school shall hold any office or employment from the  
213 board or the charter school while serving as a member, nor  
214 shall the member have any substantial interest, as defined  
215 in section 105.450, in any entity employed by or contracting  
216 with the board. No board member shall be an employee of a  
217 company that provides substantial services to the charter

218 school. All members of the governing board of the charter  
219 school shall be considered decision-making public servants  
220 as defined in section 105.450 for the purposes of the  
221 financial disclosure requirements contained in sections  
222 105.483, 105.485, 105.487, and 105.489.

223 **[16.] 14.** A sponsor shall develop the policies and  
224 procedures for:

225 (1) The review of a charter school proposal including  
226 an application that provides sufficient information for  
227 rigorous evaluation of the proposed charter and provides  
228 clear documentation that the education program and academic  
229 program are aligned with the state standards and grade-level  
230 expectations, and provides clear documentation of effective  
231 governance and management structures, and a sustainable  
232 operational plan;

233 (2) The granting of a charter;

234 (3) The performance contract that the sponsor will use  
235 to evaluate the performance of charter schools. Charter  
236 schools shall meet current state academic performance  
237 standards as well as other standards agreed upon by the  
238 sponsor and the charter school in the performance contract;

239 (4) The sponsor's intervention, renewal, and  
240 revocation policies, including the conditions under which  
241 the charter sponsor may intervene in the operation of the  
242 charter school, along with actions and consequences that may  
243 ensue, and the conditions for renewal of the charter at the  
244 end of the term, consistent with subsections 8 and 9 of  
245 section 160.405;

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

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



251 The department shall provide guidance to sponsors in  
252 developing such policies and procedures.

253 [17.] 15. (1) A sponsor shall provide timely  
254 submission to the state board of education of all data  
255 necessary to demonstrate that the sponsor is in material  
256 compliance with all requirements of sections 160.400 to  
257 160.425 and section 167.349. The state board of education  
258 shall ensure each sponsor is in compliance with all  
259 requirements under sections 160.400 to 160.425 and 167.349  
260 for each charter school sponsored by any sponsor. The state  
261 board shall notify each sponsor of the standards for  
262 sponsorship of charter schools, delineating both what is  
263 mandated by statute and what best practices dictate. The  
264 state board shall evaluate sponsors to determine compliance  
265 with these standards every three years. The evaluation  
266 shall include a sponsor's policies and procedures in the  
267 areas of charter application approval; required charter  
268 agreement terms and content; sponsor performance evaluation  
269 and compliance monitoring; and charter renewal,  
270 intervention, and revocation decisions. Nothing shall  
271 preclude the department from undertaking an evaluation at  
272 any time for cause.

273 (2) If the department determines that a sponsor is in  
274 material noncompliance with its sponsorship duties, the  
275 sponsor shall be notified and given reasonable time for  
276 remediation. If remediation does not address the compliance  
277 issues identified by the department, the commissioner of  
278 education shall conduct a public hearing and thereafter  
279 provide notice to the charter sponsor of corrective action  
280 that will be recommended to the state board of education.  
281 Corrective action by the department may include withholding  
282 the sponsor's funding and suspending the sponsor's authority  
283 to sponsor a school that it currently sponsors or to sponsor

284 any additional school until the sponsor is reauthorized by  
285 the state board of education under section 160.403.

286 (3) The charter sponsor may, within thirty days of  
287 receipt of the notice of the commissioner's recommendation,  
288 provide a written statement and other documentation to show  
289 cause as to why that action should not be taken. Final  
290 determination of corrective action shall be determined by  
291 the state board of education based upon a review of the  
292 documentation submitted to the department and the charter  
293 sponsor.

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

298 [18.] 16. If a sponsor notifies a charter school of  
299 closure under subsection 8 of section 160.405, the  
300 department of elementary and secondary education shall  
301 exercise its financial withholding authority under  
302 subsection 12 of section 160.415 to assure all obligations  
303 of the charter school shall be met. The state, charter  
304 sponsor, or resident district shall not be liable for any  
305 outstanding liability or obligations of the charter school.

160.422. 1. Any city not within a county shall not  
2 adopt, enforce, impose, or administer an ordinance, local  
3 policy, or local resolution that prohibits property sold,  
4 leased, or transferred by the city not within a county from  
5 being used for any lawful educational purpose by a charter  
6 school.

7 2. Any city not within a county shall not impose,  
8 enforce, or apply any deed restriction that expressly, or by  
9 its operation, prohibits property sold, leased, or  
10 transferred by the city not within a county from being used  
11 for any lawful educational purpose by a charter school. Any

12 deed restriction or affirmative use deed restriction that  
13 affirmatively allows for only one or more specified uses or  
14 purposes that do not include any educational use or purpose  
15 is prohibited under this section. Any deed restriction or  
16 affirmative use deed restriction in effect on the effective  
17 date of this section that prohibits or does not permit  
18 property previously used for any educational purpose from  
19 being used for any future educational purpose is void.

20 3. If any city not within a county offers property of  
21 the city not within a county for sale, lease, or rent, the  
22 city not within a county shall not refuse to sell, lease, or  
23 rent the property to a charter school solely because the  
24 charter school intends to use the property for an  
25 educational purpose, if the intent of the charter school is  
26 to use the property for a lawful educational purpose. If  
27 the city not within a county offers property of the city not  
28 within a county for sale, lease, or rent, the city not  
29 within a county is not required to sell, lease, or rent the  
30 property to a charter school solely because the charter  
31 school intends to use the property for an educational  
32 purpose.

33 4. Any ordinance, policy, regulation, deed, or  
34 contract made in violation of this section shall be void  
35 from its inception.

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

5 2. The commission shall consist of nine members  
6 appointed by the governor, by and with the advice and  
7 consent of the senate. No more than five of the members  
8 shall be of the same political party. No more than two  
9 members shall be from the same congressional district. The

10 term of office of each member shall be four years, except  
11 those of the members first appointed, of which three shall  
12 be appointed for a term of one year, two for a term of two  
13 years, two for a term of three years, and two for a term of  
14 four years. At the expiration of the term of each member,  
15 the governor, by and with the advice and consent of the  
16 senate, shall appoint a successor.

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

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

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

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

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

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

32 4. Members appointed to the commission shall  
33 collectively possess strong experience and expertise in  
34 governance, management and finance, school leadership,  
35 assessment, curriculum and instruction, and education law.  
36 All members of the commission shall have demonstrated  
37 understanding of and commitment to charter schooling as a  
38 strategy for strengthening public education.

39 5. The commission shall annually elect a chairperson  
40 and vice chairperson, who shall act as chairperson in his or  
41 her absence. The commission shall meet at the call of the  
42 chairperson. The chairperson may call meetings at such

43 times as he or she deems advisable and shall call a meeting  
44 when requested to do so by three or more members of the  
45 commission. Members of the commission are not eligible to  
46 receive compensation.

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

49 (1) Comply with all of the requirements applicable to  
50 sponsors under sections 160.400 to 160.425;

51 (2) Exercise sponsorship over charters approved by the  
52 commission under sections 160.400 to 160.425, including  
53 receipt of sponsorship funding under subsection ~~[11]~~ 9 of  
54 section 160.400. Sponsorship funding due to the commission  
55 shall be deposited to the credit of the charter public  
56 school commission revolving fund created pursuant to this  
57 section.

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

61 8. The commission shall conduct its business in  
62 accordance with chapter 610.

63 9. The department of elementary and secondary  
64 education shall provide start-up funding for the commission  
65 to operate. The commission shall reimburse the department's  
66 costs from any funds it receives as sponsor under section  
67 160.400.

68 10. The commission is authorized to receive and expend  
69 gifts, grants, and donations of any kind from any public or  
70 private entity to carry out the purposes of sections 160.400  
71 to 160.425, subject to the terms and conditions under which  
72 they are given, provided that all such terms and conditions  
73 are permissible under law.

74 11. There is hereby created in the state treasury the  
75 "Charter Public School Commission Revolving Fund", which

76 shall consist of moneys collected under this section. The  
77 state treasurer shall be custodian of the fund. In  
78 accordance with sections 30.170 and 30.180, the state  
79 treasurer may approve disbursements. Notwithstanding the  
80 provisions of section 33.080 to the contrary, any moneys  
81 remaining in the fund at the end of the biennium shall not  
82 revert to the credit of the general revenue fund. The state  
83 treasurer shall invest moneys in the fund in the same manner  
84 as other funds are invested. Subject to appropriation,  
85 moneys in the fund shall be used solely for the  
86 administration of this section.

160.518. 1. Consistent with the provisions contained  
2 in section 160.526, the state board of education shall  
3 develop, modify, and revise, as necessary, a statewide  
4 assessment system that [provides maximum flexibility for  
5 local school districts to determine the degree to which  
6 students in the public schools of the state are proficient  
7 in the knowledge, skills, and competencies adopted by such  
8 board pursuant to section 160.514. The statewide assessment  
9 system shall assess problem solving, analytical ability,  
10 evaluation, creativity, and application ability in the  
11 different content areas and shall be performance-based to  
12 identify what students know, as well as what they are able  
13 to do, and shall enable teachers to evaluate actual academic  
14 performance. The statewide assessment system shall neither  
15 promote nor prohibit rote memorization and shall not include  
16 existing versions of tests approved for use pursuant to the  
17 provisions of section 160.257, nor enhanced versions of such  
18 tests. After the state board of education adopts and  
19 implements academic performance standards as required under  
20 section 161.855, the state board of education shall develop  
21 and adopt a standardized assessment instrument under this  
22 section based on the academic performance standards adopted

23 under section 161.855. The statewide assessment system  
24 shall measure, where appropriate by grade level, a student's  
25 knowledge of academic subjects including, but not limited  
26 to, reading skills, writing skills, mathematics skills,  
27 world and American history, forms of government, geography  
28 and science] satisfies the pupil testing mandates in effect  
29 under the federal Every Student Succeeds Act (Public Law 114-  
30 95), as amended, for each school year. Results from  
31 assessments created under this subsection shall be used only  
32 for the purpose of compliance with the requirements of such  
33 federal law and for no other purpose except for determining  
34 performance districts under sections 163.011 and 163.031.  
35 Results from such assessments shall not be used to classify  
36 school districts and charter schools. As permitted by  
37 federal law, the state board of education shall ensure that  
38 standardized summative assessments are administered to the  
39 minimum extent practicable while still appropriately and  
40 effectively assessing the academic achievement of students.

41 2. [The statewide assessment system shall only permit  
42 the academic performance of students in each school in the  
43 state to be tracked against prior academic performance in  
44 the same school] School districts and charter schools shall  
45 create local assessment systems in conjunction with  
46 teachers, administrators, students, parents and the  
47 community to reflect a complete picture of student  
48 learning. The local assessments shall be reflective of  
49 statewide academic standards and connected to a rich  
50 curriculum and shall evaluate student learning accordingly.

51 3. [The state board of education shall suggest, but  
52 not mandate, criteria for a school to demonstrate that its  
53 students learn the knowledge, skills and competencies at  
54 exemplary levels worthy of imitation by students in other  
55 schools in the state and nation. Exemplary levels shall be

56 measured by the statewide assessment system developed  
57 pursuant to subsection 1 of this section, or until said  
58 statewide assessment system is available, by indicators  
59 approved for such use by the state board of education. The  
60 provisions of other law to the contrary notwithstanding, the  
61 commissioner of education may, upon request of the school  
62 district, present a plan for the waiver of rules and  
63 regulations to any such school, to be known as "Outstanding  
64 Schools Waivers", consistent with the provisions of  
65 subsection 4 of this section] School districts and charter  
66 schools shall create local assessments and assessment  
67 systems that are:

68 (1) Authentic to student discipline-specific learning,  
69 experience, and the demonstration of performance-based  
70 learning;

71 (2) Related to curriculum taught in the school;

72 (3) Evaluated and graded in a manner that provides the  
73 student with meaningful feedback that can be used for  
74 academic improvement;

75 (4) Developed by teachers in consultation with school  
76 administrators, students, parents and the community; and

77 (5) Available for demonstration and community  
78 inspection.

79 4. [For any school that meets the criteria established  
80 by the state board of education for three successive school  
81 years pursuant to the provisions of subsection 3 of this  
82 section, by August first following the third such school  
83 year, the commissioner of education shall present a plan to  
84 the superintendent of the school district in which such  
85 school is located for the waiver of rules and regulations to  
86 promote flexibility in the operations of the school and to  
87 enhance and encourage efficiency in the delivery of  
88 instructional services. The provisions of other law to the



89 contrary notwithstanding, the plan presented to the  
90 superintendent shall provide a summary waiver, with no  
91 conditions, for the pupil testing requirements pursuant to  
92 section 160.257, in the school. Further, the provisions of  
93 other law to the contrary notwithstanding, the plan shall  
94 detail a means for the waiver of requirements otherwise  
95 imposed on the school related to the authority of the state  
96 board of education to classify school districts pursuant to  
97 subdivision (9) of section 161.092 and such other rules and  
98 regulations as determined by the commissioner of education,  
99 excepting such waivers shall be confined to the school and  
100 not other schools in the district unless such other schools  
101 meet the criteria established by the state board of  
102 education consistent with subsection 3 of this section and  
103 the waivers shall not include the requirements contained in  
104 this section and section 160.514. Any waiver provided to  
105 any school as outlined in this subsection shall be void on  
106 June thirtieth of any school year in which the school fails  
107 to meet the criteria established by the state board of  
108 education consistent with subsection 3 of this section]

109 Local assessments and assessment systems shall be developed  
110 by teachers and school administrators working individually,  
111 in grade teams, in discipline teams, and including the  
112 community, including parents and students. School districts  
113 and charter schools are encouraged to support communities of  
114 practice and provide the time and resources necessary to  
115 create these assessments.

116 5. [The score on any assessment test developed  
117 pursuant to this section or this chapter of any student for  
118 whom English is a second language shall not be counted until  
119 such time as such student has been educated for three full  
120 school years in a school in this state, or in any other  
121 state, in which English is the primary language.]

122           6.] The state board of education shall identify or, if  
123 necessary, establish one or more developmentally appropriate  
124 alternate assessments for students who receive special  
125 educational services, as that term is defined pursuant to  
126 section 162.675. In the development of such alternate  
127 assessments, the state board shall establish an advisory  
128 panel consisting of a majority of active special education  
129 teachers residing in Missouri and other education  
130 professionals as appropriate to research available  
131 assessment options. The advisory panel shall attempt to  
132 identify preexisting developmentally appropriate alternate  
133 assessments but shall, if necessary, develop alternate  
134 assessments and recommend one or more alternate assessments  
135 for adoption by the state board. The state board shall  
136 consider the recommendations of the advisory council in  
137 establishing such alternate assessment or assessments. Any  
138 student who receives special educational services, as that  
139 term is defined pursuant to section 162.675, shall be  
140 assessed by an alternate assessment established pursuant to  
141 this subsection upon a determination by the student's  
142 individualized education program team that such alternate  
143 assessment is more appropriate to assess the student's  
144 knowledge, skills and competencies than the assessment  
145 developed pursuant to subsection 1 of this section. The  
146 alternate assessment shall evaluate the student's  
147 independent living skills, which include how effectively the  
148 student addresses common life demands and how well the  
149 student meets standards for personal independence expected  
150 for someone in the student's age group, sociocultural  
151 background, and community setting.

152           [7.] 6. The state board of education shall also  
153 develop recommendations regarding alternate assessments for  
154 any military dependent who relocates to Missouri after the

155 commencement of a school term, in order to accommodate such  
156 student while ensuring that he or she is proficient in the  
157 knowledge, skills, and competencies adopted under section  
158 160.514.

160.522. 1. [The department of elementary and  
2 secondary education shall produce or cause to be produced,  
3 at least annually, a school accountability report card for  
4 each public school district, each public school building in  
5 a school district, and each charter school in the state.  
6 The report card shall be designed to satisfy state and  
7 federal requirements for the disclosure of statistics about  
8 students, staff, finances, academic achievement, and other  
9 indicators. The purpose of the report card shall be to  
10 provide educational statistics and accountability  
11 information for parents, taxpayers, school personnel,  
12 legislators, and the print and broadcast news media in a  
13 standardized, easily accessible form] School districts and  
14 charter schools shall provide public reporting of  
15 information on an annual basis as provided in this section.  
16 The school district and charter school reports shall be  
17 distributed to all media outlets serving the district or  
18 charter school, and shall be made available to all district  
19 and charter school patrons, and to the department.

20 2. [The department of elementary and secondary  
21 education shall develop a standard form for the school  
22 accountability report card.] The information reported shall  
23 include, but not be limited to, the district's [most recent]  
24 accreditation [rating] status, enrollment, rates of pupil  
25 attendance, high school dropout rate and graduation rate,  
26 the number and rate of suspensions of ten days or longer and  
27 expulsions of pupils, the district or charter school ratio  
28 of students to administrators and students to classroom  
29 teachers, the average years of experience of professional

30 staff and advanced degrees earned, student achievement and  
31 growth as measured through the statewide and local  
32 assessment [system] systems developed pursuant to section  
33 160.518, student scores on the ACT, along with the  
34 percentage of graduates taking the test, average teachers'  
35 and administrators' salaries compared to the state averages,  
36 average per-pupil current expenditures for the district or  
37 charter school as a whole and by attendance center as  
38 reported to the department of elementary and secondary  
39 education, the adjusted tax rate of the district, assessed  
40 valuation of the district, percent of the district or  
41 charter school operating budget received from state,  
42 federal, and local sources, the percent of students eligible  
43 for free or reduced-price lunch, data on the percent of  
44 students continuing their education in postsecondary  
45 programs, information about the job placement rate for  
46 students who complete district or charter school vocational  
47 education programs, whether the school district or charter  
48 school currently has a state-approved gifted education  
49 program, and the percentage and number of students who are  
50 currently being served in the district's or charter school's  
51 state-approved gifted education program.

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

56 4. [The report card shall identify each school or  
57 attendance center that has been identified as a priority  
58 school under sections 160.720 and 161.092. The report also  
59 shall identify attendance centers that have been categorized  
60 under federal law as needing improvement or requiring  
61 specific school improvement strategies.

62           5.] The report card shall not limit or discourage  
63 other methods of public reporting and accountability by  
64 local school districts and charter schools. Districts and  
65 charter schools shall provide information included in the  
66 report card to parents, community members, and the print and  
67 broadcast news media[, and legislators] by December first  
68 annually or as soon thereafter as the information is  
69 available to the district or charter school, giving  
70 preference to methods that incorporate the reporting into  
71 substantive official communications such as student report  
72 cards. The school district or charter school shall provide  
73 a printed copy of the district-level or school-level report  
74 card to any patron upon request and shall make reasonable  
75 efforts to supply businesses such as, but not limited to,  
76 real estate and employment firms with copies or other  
77 information about the reports so that parents and businesses  
78 from outside the district who may be contemplating  
79 relocation have access.

80           [6.] 5. For purposes of completing and distributing  
81 the annual report card as prescribed in this section, a  
82 school district may include the data from a charter school  
83 located within such school district, provided the local  
84 board of education or special administrative board for such  
85 district and the charter school reach mutual agreement for  
86 the inclusion of the data from the charter schools [and the  
87 terms of such agreement are approved by the state board of  
88 education]. The charter school shall not be required to be a  
89 part of the local educational agency of such school district  
90 and may maintain a separate local educational agency status.

161.092. The state board of education shall:

- 2           (1) Adopt rules governing its own proceedings and
- 3           formulate policies for the guidance of the commissioner of

4 education and the department of elementary and secondary  
5 education;

6 (2) Carry out the educational policies of the state  
7 relating to public schools that are provided by law and  
8 supervise instruction in the public schools;

9 (3) Direct the investment of all moneys received by  
10 the state to be applied to the capital of any permanent fund  
11 established for the support of public education within the  
12 jurisdiction of the department of elementary and secondary  
13 education and see that the funds are applied to the branches  
14 of educational interest of the state that by grant, gift,  
15 devise or law they were originally intended, and if  
16 necessary institute suit for and collect the funds and  
17 return them to their legitimate channels;

18 (4) Cause to be assembled information which will  
19 reflect continuously the condition and management of the  
20 public schools of the state;

21 (5) Require of county clerks or treasurers, boards of  
22 education or other school officers, recorders and treasurers  
23 of cities, towns and villages, copies of all records  
24 required to be made by them and all other information in  
25 relation to the funds and condition of schools and the  
26 management thereof that is deemed necessary;

27 (6) Provide blanks suitable for use by officials in  
28 reporting the information required by the board;

29 (7) When conditions demand, cause the laws relating to  
30 schools to be published in a separate volume, with pertinent  
31 notes and comments, for the guidance of those charged with  
32 the execution of the laws;

33 (8) Grant, without fee except as provided in section  
34 168.021, certificates of qualification and licenses to teach  
35 in any of the public schools of the state, establish  
36 requirements therefor, formulate regulations governing the

37 issuance thereof, and cause the certificates to be revoked  
38 for the reasons and in the manner provided in section  
39 168.071;

40 (9) Classify the public schools of the state, subject  
41 to limitations provided by law and subdivision (14) of this  
42 section, establish requirements for the schools of each  
43 class, and formulate rules governing the inspection and  
44 accreditation of schools preparatory to classification, with  
45 such requirements taking effect not less than two years from  
46 the date of adoption of the proposed rule by the state board  
47 of education, provided that this condition shall not apply  
48 to any requirement for which a time line for adoption is  
49 mandated in either federal or state law nor shall this  
50 condition apply to accreditation by an approved accrediting  
51 agency identified under this subdivision. Such rules shall  
52 [include a process to allow any district that is accredited  
53 without provision that does not meet the state board's  
54 promulgated criteria for a classification designation of  
55 accredited with distinction to propose alternative criteria  
56 to the state board to be classified as accredited with  
57 distinction] identify and recognize a minimum of two  
58 national school accreditation agencies from which any  
59 district may seek to obtain accreditation and specify that  
60 any district with current accreditation from at least one of  
61 the identified national school accreditation agencies shall  
62 be considered to have full accreditation status without  
63 provision for all purposes of law and rule;

64 (10) Make an annual report on or before the first  
65 Wednesday after the first day of January to the general  
66 assembly or, when it is not in session, to the governor for  
67 publication and transmission to the general assembly. The  
68 report shall be for the last preceding school year, and  
69 shall include:

70           (a) A statement of the number of public schools in the  
71 state, the number of pupils attending the schools, their  
72 sex, and the branches taught;

73           (b) A statement of the number of teachers employed,  
74 their sex, their professional training, and their average  
75 salary;

76           (c) A statement of the receipts and disbursements of  
77 public school funds of every description, their sources, and  
78 the purposes for which they were disbursed;

79           (d) Suggestions for the improvement of public schools;  
80 and

81           (e) Any other information relative to the educational  
82 interests of the state that the law requires or the board  
83 deems important;

84           (11) Make an annual report to the general assembly and  
85 the governor concerning coordination with other agencies and  
86 departments of government that support family literacy  
87 programs and other services which influence educational  
88 attainment of children of all ages;

89           (12) Require from the chief officer of each division  
90 of the department of elementary and secondary education, on  
91 or before the thirty-first day of August of each year,  
92 reports containing information the board deems important and  
93 desires for publication;

94           (13) Cause fifty copies of its annual report to be  
95 reserved for the use of each division of the state  
96 department of elementary and secondary education, and ten  
97 copies for preservation in the state library;

98           (14) Promulgate rules under which the board shall  
99 classify the public schools of the state; provided that the  
100 appropriate scoring guides, instruments, and procedures used  
101 in determining the accreditation status of a district shall  
102 be subject to a public meeting upon notice in a newspaper of



103 general circulation in each of the three most populous  
104 cities in the state and also a newspaper that is a certified  
105 minority business enterprise or woman-owned business  
106 enterprise in each of the two most populous cities in the  
107 state, and notice to each district board of education, each  
108 superintendent of a school district, and to the speaker of  
109 the house of representatives, the president pro tem of the  
110 senate, and the members of the joint committee on education,  
111 at least fourteen days in advance of the meeting, which  
112 shall be conducted by the department of elementary and  
113 secondary education not less than ninety days prior to their  
114 application in accreditation, with all comments received to  
115 be reported to the state board of education; and further  
116 provided that any district with current accreditation from  
117 at least one of the national school accreditation agencies  
118 identified under subdivision (9) of this subsection shall be  
119 considered to have full accreditation status without  
120 provision for all purposes of law and rule; and further  
121 provided that no school assessment data shall be used in  
122 determining state board classification; and

123 (15) Have other powers and duties prescribed by law.

163.201. 1. Notwithstanding any provision of law to  
2 the contrary, any public school district or public charter  
3 school shall be designated as a local control school  
4 district by the department of elementary and secondary  
5 education if the district or charter school certifies to the  
6 department in writing that it intends to be designated as a  
7 local control school district pursuant to the provisions of  
8 this section.

9 2. A local control school district shall not be  
10 required by the department of elementary and secondary  
11 education to participate in:

12 (1) The Missouri school improvement program;

13 (2) Annual performance reviews by the department of  
14 elementary and secondary education;

15 (3) Developing standards of teaching to be provided to  
16 the department as set forth in section 160.045; or

17 (4) The maintaining of a school improvement plan in  
18 any format provided by or approved by the department of  
19 elementary and secondary education.

20 The local board of education or governing body of a charter  
21 school for a local control school district may decide by a  
22 majority vote to require the district to develop and  
23 publicly display a continuous improvement plan for the  
24 district.

25 3. A local control school district shall not be  
26 assigned the classification of unaccredited, provisionally  
27 accredited, accredited, or accredited with distinction based  
28 on the standards of the Missouri school improvement program  
29 and shall be considered as accredited for all purposes of  
30 law.

31 4. A local control school district shall develop and  
32 implement a local assessment system under section 160.518.  
33 The district shall not in any way be advised or incentivized  
34 by the department of elementary and secondary education to  
35 purchase, adopt, or implement curriculum resources, software  
36 programs, or assessments purchased from commercial vendors.  
37 No assessment items shall be developed from materials  
38 provided to the district or teachers by entities that have  
39 not been formally reviewed and adopted by the district's  
40 board of education or governing body. Local control school  
41 districts may form a consortium without state board of  
42 education approval for the purpose of developing, reporting,  
43 or purchasing assessments in their local assessment plans.

44 5. All data shall remain at a local control school  
45 district on servers secured according to industry

46 standards. Only aggregate data shall be shared outside of  
47 the district. No personally identifiable information shall  
48 be forwarded to publicly funded or private agencies,  
49 including vendors.

50 6. A local control school district may continue to  
51 receive state aid through this chapter or section 160.415.

52 7. A local control school district may apply for  
53 grants and shall be considered for such grants without  
54 prejudice or penalty.

55 8. As used in this section, the following terms shall  
56 mean:

57 (1) "Personally identifiable information" or "PII",  
58 any information that permits the identity of an individual  
59 to be directly or indirectly inferred, including any  
60 information that is linked or linkable to that individual,  
61 regardless of whether the individual is a United States  
62 citizen, legal permanent resident, visitor to the United  
63 States, or employee or contractor with the department of  
64 elementary and secondary education. "Personally  
65 identifiable information" or "PII" includes sensitive PII;

66 (2) "Sensitive PII", personally identifiable  
67 information that if lost, compromised, or disclosed without  
68 authorization could result in substantial harm.

2 [163.042. 1. Any board of any school  
3 district may elect in any fiscal year to be  
4 considered an option district. Such option  
5 districts shall not be entitled to any state aid  
6 under section 163.031 or 163.043. In exchange  
7 for forgoing state aid, option districts shall  
8 be granted waivers from all Missouri school  
9 improvement plan provisions and any requirements  
10 otherwise imposed on the school district related  
11 to the authority of the state board of education  
12 to classify school districts under section  
13 161.092, all fund transfer restrictions under  
14 chapter 165, and such other rules as determined  
15 by the commissioner of education. Nothing in  
16 this section exempts any school district from  
17 its requirement to administer the state  
18 assessment. Further, such districts may choose  
not to comply with any requirements of federal

19 law and any funding attached to such  
20 requirements, provided that such noncompliance  
21 is not prohibited under federal law. In any  
22 year in which a district elects to be an option  
23 district, no locally generated revenue shall be  
24 transferred to the state in any manner  
25 whatsoever.  
26 2. Between June first and June thirtieth  
27 of each year, any board of any district electing  
28 to be considered an option district for the  
29 following fiscal year shall notify the  
30 department of elementary and secondary education  
31 of such intention. The department shall  
32 promulgate rules concerning the specific  
33 eligibility criteria for a district to become  
34 and apply for option district status.]