

SENATE BILL NO. 1384

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR WASHINGTON.

4639S.02I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 160.405, 160.420, 160.518, 160.522, 160.545, 161.092, 163.023, and 168.011, RSMo, and section 171.031 as enacted by senate bill no. 727, one hundred second general assembly, second regular session, and to enact in lieu thereof twelve new sections relating to elementary and secondary education.

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

Section A. Sections 160.405, 160.420, 160.518, 160.522,
2 160.545, 161.092, 163.023, and 168.011, RSMo, and section
3 171.031 as enacted by senate bill no. 727, one hundred second
4 general assembly, second regular session, are repealed and
5 twelve new sections enacted in lieu thereof, to be known as
6 sections 160.405, 160.420, 160.518, 160.522, 160.545, 161.092,
7 162.012, 162.015, 163.023, 166.706, 168.011, and 171.031, to
8 read as follows:

160.405. 1. A person, group or organization seeking
2 to establish a charter school shall submit the proposed
3 charter, as provided in this section, to a sponsor. If the
4 sponsor is not a school board, the applicant shall give a
5 copy of its application to the school board of the district
6 in which the charter school is to be located and to the
7 state board of education, within five business days of the
8 date the application is filed with the proposed sponsor.
9 The school board may file objections with the proposed
10 sponsor, and, if a charter is granted, the school board may

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

11 file objections with the state board of education. The
12 charter shall include a legally binding performance contract
13 that describes the obligations and responsibilities of the
14 school and the sponsor as outlined in sections 160.400 to
15 160.425 and section 167.349 and shall address the following:

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

18 (2) A description of the charter school's
19 organizational structure and bylaws of the governing body,
20 which will be responsible for the policy, financial
21 management, and operational decisions of the charter school,
22 including the nature and extent of parental, professional
23 educator, and community involvement in the governance and
24 operation of the charter school;

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

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

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

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

36 (7) A description of the charter school's pupil
37 performance standards and academic program performance
38 standards, which shall meet the requirements of subdivision
39 (6) of subsection 4 of this section. The charter school
40 program shall be designed to enable each pupil to achieve
41 such standards and shall contain a complete set of
42 indicators, measures, metrics, and targets for academic

43 program performance, including specific goals on graduation
44 rates and standardized test performance and academic growth;

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

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

49 (10) Procedures, consistent with the Missouri
50 financial accounting manual, for monitoring the financial
51 accountability of the charter, which shall meet the
52 requirements of subdivision (4) of subsection 4 of this
53 section;

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

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

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

66 (14) A description of the agreement and time frame for
67 implementation between the charter school and the sponsor as
68 to when a sponsor shall intervene in a charter school, when
69 a sponsor shall revoke a charter for failure to comply with
70 subsection 8 of this section, and when a sponsor will not
71 renew a charter under subsection 9 of this section;

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

- 75 (a) Orderly transition of student records to new
76 schools and archival of student records;
- 77 (b) Archival of business operation and transfer or
78 repository of personnel records;
- 79 (c) Submission of final financial reports;
- 80 (d) Resolution of any remaining financial obligations;
- 81 (e) Disposition of the charter school's assets upon
82 closure; and
- 83 (f) A notification plan to inform parents or guardians
84 of students, the local school district, the retirement
85 system in which the charter school's employees participate,
86 and the state board of education within thirty days of the
87 decision to close;
- 88 (16) A description of the special education and
89 related services that shall be available to meet the needs
90 of students with disabilities; and
- 91 (17) For all new or revised charters, procedures to be
92 used upon closure of the charter school requiring that
93 unobligated assets of the charter school be returned to the
94 department of elementary and secondary education for their
95 disposition, which upon receipt of such assets shall return
96 them to the local school district in which the school was
97 located, the state, or any other entity to which they would
98 belong.

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

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

104 (1) A charter shall be submitted to the sponsor, and
105 follow the sponsor's policies and procedures for review and

106 granting of a charter approval, and be approved by the state
107 board of education by January thirty-first prior to the
108 school year of the proposed opening date of the charter
109 school;

110 (2) A charter may be approved when the sponsor
111 determines that the requirements of this section are met,
112 determines that the applicant is sufficiently qualified to
113 operate a charter school, and that the proposed charter is
114 consistent with the sponsor's charter sponsorship goals and
115 capacity. The sponsor's decision of approval or denial
116 shall be made within ninety days of the filing of the
117 proposed charter;

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

122 (4) If a proposed charter is denied by a sponsor, the
123 proposed charter may be submitted to the state board of
124 education, along with the sponsor's written reasons for its
125 denial. If the state board determines that the applicant
126 meets the requirements of this section, that the applicant
127 is sufficiently qualified to operate the charter school, and
128 that granting a charter to the applicant would be likely to
129 provide educational benefit to the children of the district,
130 the state board may grant a charter and act as sponsor of
131 the charter school. The state board shall review the
132 proposed charter and make a determination of whether to deny
133 or grant the proposed charter within sixty days of receipt
134 of the proposed charter, provided that any charter to be
135 considered by the state board of education under this
136 subdivision shall be submitted no later than March first
137 prior to the school year in which the charter school intends

138 to begin operations. The state board of education shall
139 notify the applicant in writing as the reasons for its
140 denial, if applicable; and

141 (5) The sponsor of a charter school shall give
142 priority to charter school applicants that propose a school
143 oriented to high-risk students and to the reentry of
144 dropouts into the school system. If a sponsor grants three
145 or more charters, at least one-third of the charters granted
146 by the sponsor shall be to schools that actively recruit
147 dropouts or high-risk students as their student body and
148 address the needs of dropouts or high-risk students through
149 their proposed mission, curriculum, teaching methods, and
150 services. For purposes of this subsection, a "high-risk"
151 student is one who is at least one year behind in
152 satisfactory completion of course work or obtaining high
153 school credits for graduation, has dropped out of school, is
154 at risk of dropping out of school, needs drug and alcohol
155 treatment, has severe behavioral problems, has been
156 suspended from school three or more times, has a history of
157 severe truancy, is a pregnant or parenting teen, has been
158 referred for enrollment by the judicial system, is exiting
159 incarceration, is a refugee, is homeless or has been
160 homeless sometime within the preceding six months, has been
161 referred by an area school district for enrollment in an
162 alternative program, or qualifies as high risk under
163 department of elementary and secondary education
164 guidelines. Dropout shall be defined through the guidelines
165 of the school core data report. The provisions of this
166 subsection do not apply to charters sponsored by the state
167 board of education.

168 3. If a charter is approved by a sponsor, the charter
169 application shall be submitted to the state board of

170 education, along with a statement of finding by the sponsor
171 that the application meets the requirements of sections
172 160.400 to 160.425 and section 167.349 and a monitoring plan
173 under which the charter sponsor shall evaluate the academic
174 performance, including annual performance reports, of
175 students enrolled in the charter school. The state board of
176 education shall approve or deny a charter application within
177 sixty days of receipt of the application. The state board
178 of education may deny a charter on grounds that the
179 application fails to meet the requirements of sections
180 160.400 to 160.425 and section 167.349 or that a charter
181 sponsor previously failed to meet the statutory
182 responsibilities of a charter sponsor. Any denial of a
183 charter application made by the state board of education
184 shall be in writing and shall identify the specific failures
185 of the application to meet the requirements of sections
186 160.400 to 160.425 and section 167.349, and the written
187 denial shall be provided within ten business days to the
188 sponsor.

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

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

192 (2) Comply with laws and regulations of the state,
193 county, or city relating to health, safety, and state
194 minimum educational standards, as specified by the state
195 board of education, including the requirements relating to
196 student discipline under sections 160.261, 167.161, 167.164,
197 and 167.171, notification of criminal conduct to law
198 enforcement authorities under sections 167.115 to 167.117,
199 academic assessment under section 160.518, transmittal of
200 school records under section 167.020, the minimum amount of
201 school time required under section 171.031, and the employee

202 criminal history background check and the family care safety
203 registry check under section 168.133;

204 (3) Except as provided in sections 160.400 to 160.425
205 and as specifically provided in other sections, be exempt
206 from all laws and rules relating to schools, governing
207 boards and school districts **except for all laws and rules**
208 **relating to procurement processes, wage standards, and**
209 **contractual obligations;**

210 (4) Be financially accountable, use practices
211 consistent with the Missouri financial accounting manual,
212 provide for an annual audit by a certified public
213 accountant, publish audit reports and annual financial
214 reports as provided in chapter 165, provided that the annual
215 financial report may be published on the department of
216 elementary and secondary education's internet website in
217 addition to other publishing requirements, and provide
218 liability insurance to indemnify the school, its board,
219 staff and teachers against tort claims. A charter school
220 that receives local educational agency status under
221 subsection 6 of this section shall meet the requirements
222 imposed by the Elementary and Secondary Education Act for
223 audits of such agencies and comply with all federal audit
224 requirements for charters with local educational agency
225 status. For purposes of an audit by petition under section
226 29.230, a charter school shall be treated as a political
227 subdivision on the same terms and conditions as the school
228 district in which it is located. For the purposes of
229 securing such insurance, a charter school shall be eligible
230 for the Missouri public entity risk management fund pursuant
231 to section 537.700. A charter school that incurs debt shall
232 include a repayment plan in its financial plan;

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

236 (6) (a) Design a method to measure pupil progress
237 toward the pupil academic standards adopted by the state
238 board of education pursuant to section 160.514, establish
239 baseline student performance in accordance with the
240 performance contract during the first year of operation,
241 collect student performance data as defined by the annual
242 performance report throughout the duration of the charter to
243 annually monitor student academic performance, and to the
244 extent applicable based upon grade levels offered by the
245 charter school, participate in the statewide system of
246 assessments, comprised of the essential skills tests and the
247 nationally standardized norm-referenced achievement tests,
248 as designated by the state board pursuant to section
249 160.518, complete and distribute an annual report card as
250 prescribed in section 160.522, which shall also include a
251 statement that background checks have been completed on the
252 charter school's board members, and report to its sponsor,
253 the local school district, and the state board of education
254 as to its teaching methods and any educational innovations
255 and the results thereof. No charter school shall be
256 considered in the Missouri school improvement program review
257 of the district in which it is located for the resource or
258 process standards of the program.

259 (b) For proposed high-risk or alternative charter
260 schools, sponsors shall approve performance measures based
261 on mission, curriculum, teaching methods, and services.
262 Sponsors shall also approve comprehensive academic and
263 behavioral measures to determine whether students are
264 meeting performance standards on a different time frame as

265 specified in that school's charter. Student performance
266 shall be assessed comprehensively to determine whether a
267 high-risk or alternative charter school has documented
268 adequate student progress. Student performance shall be
269 based on sponsor-approved comprehensive measures as well as
270 standardized public school measures. Annual presentation of
271 charter school report card data to the department of
272 elementary and secondary education, the state board, and the
273 public shall include comprehensive measures of student
274 progress.

275 (c) Nothing in this subdivision shall be construed as
276 permitting a charter school to be held to lower performance
277 standards than other public schools within a district;
278 however, the charter of a charter school may permit students
279 to meet performance standards on a different time frame as
280 specified in its charter. The performance standards for
281 alternative and special purpose charter schools that target
282 high-risk students as defined in subdivision (5) of
283 subsection 2 of this section shall be based on measures
284 defined in the school's performance contract with its
285 sponsors;

286 (7) Comply with all applicable federal and state laws
287 and regulations regarding students with disabilities,
288 including sections 162.670 to 162.710, the Individuals with
289 Disabilities Education Act (20 U.S.C. Section 1400) and
290 Section 504 of the Rehabilitation Act of 1973 (29 U.S.C.
291 Section 794) or successor legislation;

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

294 (a) Documentation that the applicant has provided a
295 copy of the application to the school board of the district
296 in which the charter school is to be located, except in

297 those circumstances where the school district is the sponsor
298 of the charter school; and

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

302 5. (1) Proposed or existing high-risk or alternative
303 charter schools may include alternative arrangements for
304 students to obtain credit for satisfying graduation
305 requirements in the school's charter application and
306 charter. Alternative arrangements may include, but not be
307 limited to, credit for off-campus instruction, embedded
308 credit, work experience through an internship arranged
309 through the school, and independent studies. When the state
310 board of education approves the charter, any such
311 alternative arrangements shall be approved at such time.

312 (2) The department of elementary and secondary
313 education shall conduct a study of any charter school
314 granted alternative arrangements for students to obtain
315 credit under this subsection after three years of operation
316 to assess student performance, graduation rates, educational
317 outcomes, and entry into the workforce or higher education.

318 6. The charter of a charter school may be amended at
319 the request of the governing body of the charter school and
320 on the approval of the sponsor. The sponsor and the
321 governing board and staff of the charter school shall
322 jointly review the school's performance, management and
323 operations during the first year of operation and then every
324 other year after the most recent review or at any point
325 where the operation or management of the charter school is
326 changed or transferred to another entity, either public or
327 private. The governing board of a charter school may amend
328 the charter, if the sponsor approves such amendment, or the

329 sponsor and the governing board may reach an agreement in
330 writing to reflect the charter school's decision to become a
331 local educational agency. In such case the sponsor shall
332 give the department of elementary and secondary education
333 written notice no later than March first of any year, with
334 the agreement to become effective July first. The
335 department may waive the March first notice date in its
336 discretion. The department shall identify and furnish a
337 list of its regulations that pertain to local educational
338 agencies to such schools within thirty days of receiving
339 such notice.

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

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

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

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

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

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

355 8. (1) (a) A sponsor's policies shall give schools
356 clear, adequate, evidence-based, and timely notice of
357 contract violations or performance deficiencies and mandate
358 intervention based upon findings of the state board of
359 education of the following:

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

364 b. The charter school's annual performance report
365 results are below the district's annual performance report
366 results based on the performance standards that are
367 applicable to the grade level configuration of both the
368 charter school and the district in which the charter school
369 is located in three of the last four school years; and

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

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

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

378 b. A violation of the law or the public trust that
379 imperils students or public funds.

380 (c) A sponsor shall revoke a charter or take other
381 appropriate remedial action, which may include placing the
382 charter school on probationary status for no more than
383 twenty-four months, provided that no more than one
384 designation of probationary status shall be allowed for the
385 duration of the charter contract, at any time if the charter
386 school commits a serious breach of one or more provisions of
387 its charter or on any of the following grounds: failure to
388 meet the performance contract as set forth in its charter,
389 failure to meet generally accepted standards of fiscal
390 management, failure to provide information necessary to
391 confirm compliance with all provisions of the charter and

392 sections 160.400 to 160.425 and 167.349 within forty-five
393 days following receipt of written notice requesting such
394 information, or violation of law.

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

400 (3) At least sixty days before acting to revoke a
401 charter, the sponsor shall notify the governing board of the
402 charter school of the proposed action in writing. The
403 notice shall state the grounds for the proposed action. The
404 school's governing board may request in writing a hearing
405 before the sponsor within two weeks of receiving the notice.

406 (4) The sponsor of a charter school shall establish
407 procedures to conduct administrative hearings upon
408 determination by the sponsor that grounds exist to revoke a
409 charter. Final decisions of a sponsor from hearings
410 conducted pursuant to this subsection are subject to an
411 appeal to the state board of education, which shall
412 determine whether the charter shall be revoked.

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

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

421 9. (1) A sponsor shall take all reasonable steps
422 necessary to confirm that each charter school sponsored by
423 such sponsor is in material compliance and remains in

424 material compliance with all material provisions of the
425 charter and sections 160.400 to 160.425 and 167.349. Every
426 charter school shall provide all information necessary to
427 confirm ongoing compliance with all provisions of its
428 charter and sections 160.400 to 160.425 and 167.349 in a
429 timely manner to its sponsor.

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

433 (a) The charter school has maintained results on its
434 annual performance report that meet or exceed the district
435 in which the charter school is located based on the
436 performance standards that are applicable to the grade-level
437 configuration of both the charter school and the district in
438 which the charter school is located in three of the last
439 four school years;

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

- 443 a. A negative balance in its operating funds;
444 b. A combined balance of less than three percent of
445 the amount expended for such funds during the previous
446 fiscal year; or
447 c. Expenditures that exceed receipts for the most
448 recently completed fiscal year;

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

452 (d) The charter school has an annual performance
453 report consistent with a classification of accredited for
454 three of the last four years and is fiscally viable as
455 described in paragraph (b) of this subdivision. If such is

456 the case, the charter school may have an expedited renewal
457 process as defined by rule of the department of elementary
458 and secondary education.

459 (3) (a) Beginning August first during the year in
460 which a charter is considered for renewal, a charter school
461 sponsor shall demonstrate to the state board of education
462 that the charter school is in compliance with federal and
463 state law as provided in sections 160.400 to 160.425 and
464 section 167.349 and the school's performance contract
465 including but not limited to those requirements specific to
466 academic performance.

467 (b) Along with data reflecting the academic
468 performance standards indicated in paragraph (a) of this
469 subdivision, the sponsor shall submit a revised charter
470 application to the state board of education for review.

471 (c) Using the data requested and the revised charter
472 application under paragraphs (a) and (b) of this
473 subdivision, the state board of education shall determine if
474 compliance with all standards enumerated in this subdivision
475 has been achieved. The state board of education at its next
476 regularly scheduled meeting shall vote on the revised
477 charter application.

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

481 10. A school district may enter into a lease with a
482 charter school for physical facilities.

483 11. A governing board or a school district employee
484 who has control over personnel actions shall not take
485 unlawful reprisal against another employee at the school
486 district because the employee is directly or indirectly
487 involved in an application to establish a charter school. A

488 governing board or a school district employee shall not take
489 unlawful reprisal against an educational program of the
490 school or the school district because an application to
491 establish a charter school proposes the conversion of all or
492 a portion of the educational program to a charter school.
493 As used in this subsection, "unlawful reprisal" means an
494 action that is taken by a governing board or a school
495 district employee as a direct result of a lawful application
496 to establish a charter school and that is adverse to another
497 employee or an educational program.

498 12. Charter school board members shall be subject to
499 the same liability for acts while in office as if they were
500 regularly and duly elected members of school boards in any
501 other public school district in this state. The governing
502 board of a charter school may participate, to the same
503 extent as a school board, in the Missouri public entity risk
504 management fund in the manner provided under sections
505 537.700 to 537.756.

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

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

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

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

519 15. The department of elementary and secondary
520 education shall calculate an annual performance report for
521 each charter school and shall publish it in the same manner
522 as annual performance reports are calculated and published
523 for districts and attendance centers.

524 16. The joint committee on education shall create a
525 committee to investigate facility access and affordability
526 for charter schools. The committee shall be comprised of
527 equal numbers of the charter school sector and the public
528 school sector and shall report its findings to the general
529 assembly by December 31, 2016.

 160.420. 1. Any school district in which charter
2 schools may be established under sections 160.400 to 160.425
3 shall establish a uniform policy which provides that if a
4 charter school offers to retain the services of an employee
5 of a school district, and the employee accepts a position at
6 the charter school, an employee at the employee's option may
7 remain an employee of the district and the charter school
8 shall pay to the district the district's full costs of
9 salary and benefits provided to the employee. The
10 district's policy shall provide that any teacher who accepts
11 a position at a charter school and opts to remain an
12 employee of the district retains such teacher's permanent
13 teacher status and retains such teacher's seniority rights
14 in the district for three years. The school district shall
15 not be liable for any such employee's acts while an employee
16 of the charter school.

17 2. A charter school may employ noncertificated
18 instructional personnel; provided that no more than [twenty]
19 **ten** percent of the full-time equivalent instructional staff
20 positions at the school are filled by noncertificated
21 personnel. All noncertificated instructional personnel shall

22 be supervised by certificated instructional personnel. A
23 charter school that has a foreign language immersion
24 experience as its chief educational mission, as stated in
25 its charter, shall not be subject to the **[twenty-percent]**
26 **ten-percent** requirement of this subsection but shall ensure
27 that any teachers whose duties include instruction given in
28 a foreign language have current valid credentials in the
29 country in which such teacher received his or her training
30 and shall remain subject to the remaining requirements of
31 this subsection. The charter school shall ensure that all
32 instructional employees of the charter school have
33 experience, training and skills appropriate to the
34 instructional duties of the employee, and the charter school
35 shall ensure that a criminal background check and family
36 care safety registry check are conducted for each employee
37 of the charter school prior to the hiring of the employee
38 under the requirements of section 168.133. The charter
39 school may not employ instructional personnel whose
40 certificate of license to teach has been revoked or is
41 currently suspended by the state board of education.
42 Appropriate experience, training and skills of
43 noncertificated instructional personnel shall be determined
44 considering:

- 45 (1) Teaching certificates issued by another state or
46 states;
- 47 (2) Certification by the National Board for
48 Professional Teaching Standards;
- 49 (3) College degrees in the appropriate field;
- 50 (4) Evidence of technical training and competence when
51 such is appropriate; and
- 52 (5) The level of supervision and coordination with
53 certificated instructional staff.

54 3. Personnel employed by the charter school shall
55 participate in the retirement system of the school district
56 in which the charter school is located, subject to the same
57 terms, conditions, requirements and other provisions
58 applicable to personnel employed by the school district.
59 For purposes of participating in the retirement system, the
60 charter school shall be considered to be a public school
61 within the school district, and personnel employed by the
62 charter school shall be public school employees. In the
63 event of a lapse of the school district's corporate
64 organization as described in subsections 1 and 4 of section
65 162.081, personnel employed by the charter school shall
66 continue to participate in the retirement system and shall
67 do so on the same terms, conditions, requirements and other
68 provisions as they participated prior to the lapse.

 160.518. 1. (1) Consistent with the provisions
2 contained in section 160.526, the state board of education
3 shall develop, modify, and revise, as necessary, a statewide
4 assessment system that provides maximum flexibility for
5 local school districts, **private schools, and charter schools**
6 to determine the degree to which students in the public
7 schools, **private schools, and charter schools** of the state
8 are proficient in the knowledge, skills, and competencies
9 adopted by such board pursuant to section 160.514.

10 (2) (a) The statewide assessment system shall assess
11 problem solving, analytical ability, evaluation, creativity,
12 and application ability in the different content areas and
13 shall be performance-based to identify what students know,
14 as well as what they are able to do, and shall enable
15 teachers to evaluate actual academic performance.

16 (b) The statewide assessment system shall neither
17 promote nor prohibit rote memorization and shall not include

18 existing versions of tests approved for use pursuant to the
19 provisions of section 160.257, nor enhanced versions of such
20 tests.

21 (3) After the state board of education adopts and
22 implements academic performance standards as required under
23 section 161.855, the state board of education shall develop
24 and adopt a standardized assessment instrument under this
25 section based on the academic performance standards adopted
26 under section 161.855.

27 (4) The statewide assessment system shall measure,
28 where appropriate by grade level, a student's knowledge of
29 academic subjects including, but not limited to, reading
30 skills, writing skills, mathematics skills, world and
31 American history, forms of government, geography and science.

32 2. The statewide assessment system shall only permit
33 the academic performance of students in each **public school,**
34 **private school, or charter** school in the state to be tracked
35 against prior academic performance in the same school.

36 3. (1) The state board of education shall suggest,
37 but not mandate, criteria for a school to demonstrate that
38 its students learn the knowledge, skills and competencies at
39 exemplary levels worthy of imitation by students in other
40 schools in the state and nation.

41 (2) Exemplary levels shall be measured by the
42 statewide assessment system developed pursuant to subsection
43 1 of this section, or until said statewide assessment system
44 is available, by indicators approved for such use by the
45 state board of education.

46 (3) The provisions of other law to the contrary
47 notwithstanding, the commissioner of education may, upon
48 request of the school district, **private school, or charter**
49 **school,** present a plan for the waiver of rules and

50 regulations to any such school, to be known as "Outstanding
51 Schools Waivers", consistent with the provisions of
52 subsection 4 of this section.

53 4. (1) For any school that meets the criteria
54 established by the state board of education for three
55 successive school years pursuant to the provisions of
56 subsection 3 of this section, by August first following the
57 third such school year, the commissioner of education shall
58 present a plan to the **charter school governing board,**
59 **private school governing body, or the** superintendent of the
60 school district in which such school is located for the
61 waiver of rules and regulations to promote flexibility in
62 the operations of the school and to enhance and encourage
63 efficiency in the delivery of instructional services.

64 (2) The provisions of other law to the contrary
65 notwithstanding, the plan presented to the **governing board,**
66 **governing body, or** superintendent shall provide a summary
67 waiver, with no conditions, for the pupil testing
68 requirements pursuant to section 160.257, in the school.

69 (3) Further, the provisions of other law to the
70 contrary notwithstanding, the plan shall detail a means for
71 the waiver of requirements otherwise imposed on the school
72 related to the authority of the state board of education to
73 classify **charter schools, private schools, and** school
74 districts pursuant to subdivision (9) **of subsection 1** of
75 section 161.092 and such other rules and regulations as
76 determined by the commissioner of education, excepting such
77 waivers shall be confined to the school and not other
78 schools in the district unless such other schools meet the
79 criteria established by the state board of education
80 consistent with subsection 3 of this section and the waivers

81 shall not include the requirements contained in this section
82 and section 160.514.

83 (4) Any waiver provided to any school as outlined in
84 this subsection shall be void on June thirtieth of any
85 school year in which the school fails to meet the criteria
86 established by the state board of education consistent with
87 subsection 3 of this section.

88 5. The score on any assessment test developed pursuant
89 to this section or this chapter of any student for whom
90 English is a second language shall not be counted until such
91 time as such student has been educated for three full school
92 years in a school in this state, or in any other state, in
93 which English is the primary language.

94 6. (1) (a) The state board of education shall
95 identify or, if necessary, establish one or more
96 developmentally appropriate alternate assessments for
97 students who receive special educational services, as that
98 term is defined pursuant to section 162.675.

99 (b) In the development of such alternate assessments,
100 the state board shall establish an advisory panel consisting
101 of a majority of active special education teachers residing
102 in Missouri and other education professionals as appropriate
103 to research available assessment options.

104 (c) The advisory panel shall attempt to identify
105 preexisting developmentally appropriate alternate
106 assessments but shall, if necessary, develop alternate
107 assessments and recommend one or more alternate assessments
108 for adoption by the state board.

109 (d) The state board shall consider the recommendations
110 of the advisory council in establishing such alternate
111 assessment or assessments.

112 (2) Any student who receives special educational
113 services, as that term is defined pursuant to section
114 162.675, shall be assessed by an alternate assessment
115 established pursuant to this subsection upon a determination
116 by the student's individualized education program team that
117 such alternate assessment is more appropriate to assess the
118 student's knowledge, skills and competencies than the
119 assessment developed pursuant to subsection 1 of this
120 section.

121 (3) The alternate assessment shall evaluate the
122 student's independent living skills, which include how
123 effectively the student addresses common life demands and
124 how well the student meets standards for personal
125 independence expected for someone in the student's age
126 group, sociocultural background, and community setting.

127 7. The state board of education shall also develop
128 recommendations regarding alternate assessments for any
129 military dependent who relocates to Missouri after the
130 commencement of a school term, in order to accommodate such
131 student while ensuring that he or she is proficient in the
132 knowledge, skills, and competencies adopted under section
133 160.514.

134 8. (1) As used in this subsection, the following
135 terms mean:

136 (a) "Department", the department of elementary and
137 secondary education;

138 (b) "Grade-level equivalence", a metric developed for
139 grades three to eight and used by the department to show a
140 student's proximity to doing grade-level work;

141 (c) "Parent", a parent, guardian, custodian, or other
142 person with authority to act on behalf of a student.

143 (2) Grade-level equivalence, as developed and used
144 under this subsection, shall consist of a student's
145 knowledge of academic subjects by grade level and
146 performance-level descriptors indicating whether such
147 student is ready for the next grade or level of education.
148 Such performance-level descriptors shall consist of the
149 following:

150 (a) Advanced, which shall indicate that such student:

151 a. Demonstrates superior performance on challenging
152 grade-level subject matter;

153 b. Is above such student's current grade or level of
154 education; and

155 c. Is ready for, at a minimum, the next grade or level
156 of education;

157 (b) Proficient, which shall indicate that such student:

158 a. Demonstrates mastery over all appropriate grade-
159 level standards and has introductory-level knowledge for the
160 next grade or level of education;

161 b. May be above such student's current grade or level
162 of education in some areas; and

163 c. Is ready for the next grade or level of education;

164 (c) Grade level, which shall indicate that such
165 student:

166 a. Demonstrates mastery over appropriate grade-level
167 subject matter;

168 b. Is at such student's current grade or level of
169 education; and

170 c. May be ready, with appropriate reinforcement, for
171 the next grade or level of education;

172 (d) Basic, which shall indicate that such student:

173 a. Demonstrates partial mastery of the essential
174 knowledge and skills appropriate to such student's grade or
175 level of education;

176 b. May not be at such student's current grade or level
177 of education; and

178 c. May not be ready, without appropriate remediation,
179 for the next grade or level of education; and

180 (e) Below basic, which shall indicate that such
181 student:

182 a. Has failed to perform, at a minimum, at the limited
183 knowledge level necessary for such student's grade or level
184 of education;

185 b. Is not at such student's current grade or level of
186 education; and

187 c. Has been determined to be at the specific lower
188 grade or level of education measured by and listed in such
189 student's statewide assessment score.

190 (3) (a) Such grade-level equivalence shall be
191 determined at the same time each student's academic
192 performance is measured by the statewide assessment system
193 developed under this section.

194 (b) Such grade-level equivalence shall be provided at
195 the same time such student's statewide assessment score is
196 reported to such student or such student's parent.

197 (4) (a) Data related to grade-level equivalence shall
198 be searchable on a building-by-building, school-by-school,
199 district-by-district, and statewide basis on the
200 department's school accountability report card developed
201 under section 160.522.

202 (b) Data related to grade-level equivalence shall
203 display the percentage of students whose performance-level
204 descriptor is grade level or above on a building-by-

205 building, school-by-school, district-by-district, and
206 statewide basis.

207 (c) No data related to grade-level equivalence shall
208 be disclosed in any form that allows the personal
209 identification of any student to any individual or entity
210 except such student or such student's parent.

211 (5) The provisions of subsection 2 of section 160.514
212 shall not apply to the development of the grade-level
213 equivalence metric.

214 (6) The department may choose a third-party nonprofit
215 entity to develop the grade-level equivalence metric.

216 **9. As used in this section, "private school" means any**
217 **private school that enrolls a student who participates in**
218 **the program established in sections 135.712 to 135.719 and**
219 **sections 166.700 to 166.720.**

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, **each private school**, and each charter
6 school in the state. **All school districts, private schools,**
7 **and charter schools shall be held to the same annual**
8 **reporting standards pursuant to this section.** The report
9 card shall be designed to satisfy state and federal
10 requirements for the disclosure of statistics about
11 students, staff, finances, academic achievement, and other
12 indicators. The purpose of the report card shall be to
13 provide educational statistics and accountability
14 information for parents, taxpayers, school personnel,
15 legislators, and the print and broadcast news media in a
16 standardized, easily accessible form.

17 2. (1) The department of elementary and secondary
18 education shall develop a standard form for the school
19 accountability report card.

20 (2) The information reported shall include, but not be
21 limited to, the following information reported by each
22 school district, **private school**, or charter school:

23 (a) The most recent accreditation rating;

24 (b) Enrollment;

25 (c) Rates of pupil attendance;

26 (d) High school dropout rate and graduation rate;

27 (e) The number and rate of suspensions of ten days or
28 longer and expulsions of pupils;

29 (f) The district, **private school**, or charter school
30 ratio of students to administrators and students to
31 classroom teachers;

32 (g) The average years of experience of professional
33 staff and advanced degrees earned;

34 (h) Student achievement and grade-level equivalence
35 data as measured through the statewide assessment system
36 developed pursuant to section 160.518;

37 (i) Student scores on the ACT, along with the
38 percentage of graduates taking the test;

39 (j) Average teachers' and administrators' salaries
40 compared to the state averages;

41 (k) Average per-pupil current expenditures for the
42 district, **private school**, or charter school as a whole and
43 by attendance center as reported to the department of
44 elementary and secondary education;

45 (l) The adjusted tax rate of the district or charter
46 school;

47 (m) The assessed valuation of the district;

48 (n) The percentage of the district, **private school**, or
49 charter school operating budget received from state,
50 federal, and local sources **including, but not limited to,**
51 **the percentage of the private school operating budget**
52 **received from the program established in sections 135.712 to**
53 **135.719 and sections 166.700 to 166.720;**

54 (o) The percentage of students eligible for free or
55 reduced-price lunch;

56 (p) Data on the percentage of students continuing
57 their education in postsecondary programs;

58 (q) Information about the job placement rate for
59 students who complete district, **private school**, or charter
60 school vocational education programs;

61 (r) Whether the school district, **private school**, or
62 charter school currently has a state-approved gifted
63 education program; and

64 (s) The percentage and number of students who are
65 currently being served in the district's, **private school's**,
66 or charter school's state-approved gifted education program.

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

71 4. The report card shall identify each school or
72 attendance center that has been identified as a priority
73 school under sections 160.720 and 161.092. The report also
74 shall identify attendance centers that have been categorized
75 under federal law as needing improvement or requiring
76 specific school improvement strategies.

77 5. The report card shall not limit or discourage other
78 methods of public reporting and accountability by **charter**
79 **schools, private schools, and** local school districts.

80 Districts, **private schools, and charter schools** shall
81 provide information included in the report card to parents,
82 community members, the print and broadcast news media, and
83 legislators by December first annually or as soon thereafter
84 as the information is available to the district, **private**
85 **school, or charter school**, giving preference to methods that
86 incorporate the reporting into substantive official
87 communications such as student report cards. The school
88 district, **private school, or charter school** shall provide a
89 printed copy of the district-level or school-level report
90 card to any patron upon request and shall make reasonable
91 efforts to supply businesses such as, but not limited to,
92 real estate and employment firms with copies or other
93 information about the reports so that parents and businesses
94 from outside the district who may be contemplating
95 relocation have access.

96 6. For purposes of completing and distributing the
97 annual report card as prescribed in this section, a school
98 district may include the data from a charter school located
99 within such school district, provided the local board of
100 education or special administrative board for such district
101 and the charter school reach mutual agreement for the
102 inclusion of the data from the charter school and the terms
103 of such agreement are approved by the state board of
104 education. The charter school shall not be required to be a
105 part of the local educational agency of such school district
106 and may maintain a separate local educational agency status.

107 7. **As used in this section, "private school" means any**
108 **private school that enrolls a student who participates in**
109 **the program established in sections 135.712 to 135.719 and**
110 **sections 166.700 to 166.720.**

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

7 (1) All students be graduated from school;

8 (2) All students complete a selection of high school
9 studies that is challenging and for which there are
10 identified learning expectations; and

11 (3) All students:

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

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

17 2. The state board of education shall promulgate rules
18 and regulations for the approval of grants made under the
19 program to schools that:

20 (1) Establish measurable districtwide performance
21 standards for the goals of the program outlined in
22 subsection 1 of this section; and

23 (2) Specify the knowledge, skills and competencies, in
24 measurable terms, that students must demonstrate to
25 successfully complete any individual course offered by the
26 school, and any course of studies which will qualify a
27 student for graduation from the school; and

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

30 (4) Require rigorous coursework with standards of
31 competency in basic academic subjects for students pursuing

32 vocational and technical education as prescribed by rule and
33 regulation of the state board of education; and

34 (5) Have a partnership plan developed in cooperation
35 and with the advice of local business persons, labor
36 leaders, parents, and representatives of college and
37 postsecondary vocational and technical school
38 representatives, with the plan then approved by the local
39 board of education. The plan shall specify a mechanism to
40 receive information on an annual basis from those who
41 developed the plan in addition to senior citizens, community
42 leaders, and teachers to update the plan in order to best
43 meet the goals of the program as provided in subsection 1 of
44 this section. Further, the plan shall detail the procedures
45 used in the school to identify students that may drop out of
46 school and the intervention services to be used to meet the
47 needs of such students. The plan shall outline counseling
48 and mentoring services provided to students who will enter
49 the work force upon graduation from high school, address
50 apprenticeship and intern programs, and shall contain
51 procedures for the recruitment of volunteers from the
52 community of the school to serve in schools receiving
53 program grants.

54 3. Any nonpublic school in this state may apply to the
55 state board of education for certification that it meets the
56 requirements of this section subject to the same criteria as
57 public high schools. Every nonpublic school that applies
58 and has met the requirements of this section shall have its
59 students eligible for reimbursement of postsecondary
60 education under subsection 8 of this section on an equal
61 basis to students who graduate from public schools that meet
62 the requirements of this section. Any nonpublic school that
63 applies shall not be eligible for any grants under this

64 section. Students of certified nonpublic schools shall be
65 eligible for reimbursement of postsecondary education under
66 subsection 8 of this section so long as they meet the other
67 requirements of such subsection. For purposes of
68 subdivision (5) of subsection 2 of this section, the
69 nonpublic school shall be included in the partnership plan
70 developed by the public school district in which the
71 nonpublic school is located. For purposes of subdivision
72 (1) of subsection 2 of this section, the nonpublic school
73 shall establish measurable performance standards for the
74 goals of the program for every school and grade level over
75 which the nonpublic school maintains control.

76 4. A school district may participate in the program
77 irrespective of its accreditation classification by the
78 state board of education, provided it meets all other
79 requirements.

80 5. By rule and regulation, the state board of
81 education may determine a local school district variable
82 fund match requirement in order for a school or schools in
83 the district to receive a grant under the program. However,
84 no school in any district shall receive a grant under the
85 program unless the district designates a salaried employee
86 to serve as the program coordinator, with the district
87 assuming a minimum of one-half the cost of the salary and
88 other benefits provided to the coordinator. Further, no
89 school in any district shall receive a grant under the
90 program unless the district makes available facilities and
91 services for adult literacy training as specified by rule of
92 the state board of education.

93 6. For any school that meets the requirements for the
94 approval of the grants authorized by this section and
95 specified in subsection 2 of this section for three

96 successive school years, by August first following the third
97 such school year, the commissioner of education shall
98 present a plan to the superintendent of the school district
99 in which such school is located for the waiver of rules and
100 regulations to promote flexibility in the operations of the
101 school and to enhance and encourage efficiency in the
102 delivery of instructional services in the school. The
103 provisions of other law to the contrary notwithstanding, the
104 plan presented to the superintendent shall provide a summary
105 waiver, with no conditions, for the pupil testing
106 requirements pursuant to section 160.257 in the school.
107 Further, the provisions of other law to the contrary
108 notwithstanding, the plan shall detail a means for the
109 waiver of requirements otherwise imposed on the school
110 related to the authority of the state board of education to
111 classify school districts pursuant to subdivision (9) **of**
112 **subsection 1** of section 161.092 and such other rules and
113 regulations as determined by the commissioner of education,
114 except such waivers shall be confined to the school and not
115 other schools in the school district unless such other
116 schools meet the requirements of this subsection. However,
117 any waiver provided to any school as outlined in this
118 subsection shall be void on June thirtieth of any school
119 year in which the school fails to meet the requirements for
120 the approval of the grants authorized by this section as
121 specified in subsection 2 of this section.

122 7. For any school year, grants authorized by
123 subsections 1, 2, and 5 of this section shall be funded with
124 the amount appropriated for this program, less those funds
125 necessary to reimburse eligible students pursuant to
126 subsection 8 of this section.

127 8. The department of higher education and workforce
128 development shall, by rule, establish a procedure for the
129 reimbursement of the cost of tuition, books and fees to any
130 public community college or vocational or technical school
131 or within the limits established in subsection 10 of this
132 section for any two-year private vocational or technical
133 school for any student:

134 (1) Who has attended a high school in the state for at
135 least two years that meets the requirements of subsection 2
136 of this section and who has graduated from such a school;
137 except that, students who are active duty military
138 dependents, and students who are dependents of retired
139 military who relocate to Missouri within one year of the
140 date of the parent's retirement from active duty who meet
141 all other requirements of this subsection and are attending
142 a school that meets the requirements of subsection 2 of this
143 section shall be exempt from the two-year attendance
144 requirement of this subdivision; and

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

149 (3) Who has earned a minimal grade average while in
150 high school or through the semester immediately before
151 taking the course for which reimbursement is sought as
152 determined by rule of the department of higher education and
153 workforce development, and other requirements for the
154 reimbursement authorized by this subsection as determined by
155 rule and regulation of the department; and

156 (4) Who is a citizen or permanent resident of the
157 United States.

158 9. The commissioner of education shall develop a
159 procedure for evaluating the effectiveness of the program
160 described in this section. Such evaluation shall be
161 conducted annually with the results of the evaluation
162 provided to the governor, speaker of the house, and
163 president pro tempore of the senate.

164 10. For a two-year private vocational or technical
165 school to obtain reimbursements under subsection 8 of this
166 section, the following requirements shall be satisfied:

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

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

175 (3) No two-year private vocational or technical school
176 shall receive tuition reimbursements in excess of the
177 tuition rate charged by a public community college for
178 course work offered by the private vocational or technical
179 school within the service area of such college; and

180 (4) The reimbursements provided to any two-year
181 private vocational or technical school shall not violate the
182 provisions of Article IX, Section 8, or Article I, Section
183 7, of the Missouri Constitution or the first amendment of
184 the United States Constitution.

161.092. **1.** 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, **private schools, and**
41 **charter schools** of the state, subject to limitations
42 provided by law and subdivision (14) of this [section]
43 **subsection**, establish requirements for the schools of each
44 class, and formulate rules governing the inspection and
45 accreditation of schools preparatory to classification, with
46 such requirements taking effect not less than two years from
47 the date of adoption of the proposed rule by the state board
48 of education, provided that this condition shall not apply
49 to any requirement for which a time line for adoption is
50 mandated in either federal or state law. Such rules shall
51 include a process to allow any district, **private school, or**
52 **charter school** that is accredited without provision that
53 does not meet the state board's promulgated criteria for a
54 classification designation of accredited with distinction to
55 propose alternative criteria to the state board to be
56 classified as accredited with distinction;

57 (10) Make an annual report on or before the first
58 Wednesday after the first day of January to the general
59 assembly or, when it is not in session, to the governor for
60 publication and transmission to the general assembly. The
61 report shall be for the last preceding school year, and
62 shall include:

63 (a) A statement of the number of public schools in the
64 state, the number of pupils attending the schools, their
65 sex, and the branches taught;

66 (b) A statement of the number of teachers employed,
67 their sex, their professional training, and their average
68 salary;

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

72 (d) Suggestions for the improvement of public schools;
73 and

74 (e) Any other information relative to the educational
75 interests of the state that the law requires or the board
76 deems important;

77 (11) Make an annual report to the general assembly and
78 the governor concerning coordination with other agencies and
79 departments of government that support family literacy
80 programs and other services which influence educational
81 attainment of children of all ages;

82 (12) Require from the chief officer of each division
83 of the department of elementary and secondary education, on
84 or before the thirty-first day of August of each year,
85 reports containing information the board deems important and
86 desires for publication;

87 (13) Cause fifty copies of its annual report to be
88 reserved for the use of each division of the state
89 department of elementary and secondary education, and ten
90 copies for preservation in the state library;

91 (14) Promulgate rules under which the board shall
92 classify the public schools, **private schools, and charter**
93 **schools** of the state; provided **that all public schools,**
94 **private schools, and charter schools shall be classified**
95 **using the same assessment systems and accountability**
96 **measures; and further provided** that the appropriate scoring
97 guides, instruments, and procedures used in determining the
98 accreditation status of a district shall be subject to a
99 public meeting upon notice in a newspaper of general
100 circulation in each of the three most populous cities in the

101 state and also a newspaper that is a certified minority
102 business enterprise or woman-owned business enterprise in
103 each of the two most populous cities in the state, and
104 notice to each district board of education, each
105 superintendent of a school district, and to the speaker of
106 the house of representatives, the president pro tem of the
107 senate, and the members of the joint committee on education,
108 at least fourteen days in advance of the meeting, which
109 shall be conducted by the department of elementary and
110 secondary education not less than ninety days prior to their
111 application in accreditation, with all comments received to
112 be reported to the state board of education;

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

114 **2. As used in this section, "private school" means any**
115 **private school that enrolls a student who participates in**
116 **the program established in sections 135.712 to 135.719 and**
117 **sections 166.700 to 166.720.**

162.012. 1. Notwithstanding any provision of law to
2 the contrary, the governing body of a school district,
3 private school, or charter school shall comply with all
4 requirements for public meetings pursuant to the provisions
5 of chapter 610, provide public notice of all meetings
6 pursuant to the provisions of section 610.020, and provide
7 online public access to all meeting minutes.

8 **2. As used in this section, "private school" means any**
9 **private school that enrolls a student who participates in**
10 **the program established in sections 135.712 to 135.719 and**
11 **sections 166.700 to 166.720.**

162.015. 1. Notwithstanding any provision of law to
2 the contrary, a school district, private school, or charter
3 school shall publicly display on such district's or school's
4 website the annual financial report for such district or

5 school. The report shall include, but is not limited to,
6 comprehensive information about the school district's or
7 school's revenues, expenses, contributions, contracts, and
8 personnel salary schedules.

9 2. As used in this section, "private school" means any
10 private school that enrolls a student who participates in
11 the program established in sections 135.712 to 135.719 and
12 sections 166.700 to 166.720.

163.023. 1. Commencing September 1, 1997, a school
2 district that has an operating levy for school purposes as
3 defined in section 163.011, of less than the minimum value
4 required by section 163.021, shall be classified as
5 unaccredited by the state board of education and shall be
6 deemed to be an unclassified school district for all
7 purposes under force of law, pursuant to the authority of
8 the state board of education to classify school districts
9 pursuant to section 161.092, except that no school district
10 shall be classified as unaccredited or deemed to be an
11 unclassified school district pursuant to this section if
12 such district is ineligible to receive state aid under
13 section 163.031, exclusive of categorical add-ons, because
14 the district's local effort is greater than its weighted
15 average daily attendance multiplied by the state adequacy
16 target multiplied by the dollar value modifier. No school
17 district, except a district which is ineligible to receive
18 state aid under section 163.031, exclusive of categorical
19 add-ons, because the district's local effort is greater than
20 its weighted average daily attendance multiplied by the
21 state adequacy target multiplied by the dollar value
22 modifier, may be classified or reclassified as accredited
23 until such district has an operating levy for school
24 purposes which is equal to or greater than the minimum value

25 required by section 163.021. Beginning July 1, 1998, the
26 state board of education shall consider the results for a
27 school district from the statewide assessment system
28 developed pursuant to the provisions of section 160.518 when
29 classifying a school district as authorized by subdivision
30 (9) **of subsection 1** of section 161.092. Further, the state
31 board of education shall consider the condition and adequacy
32 of facilities of a school district when determining such
33 classification.

34 2. For any school district classified unaccredited for
35 any school year, the state board of education shall conduct
36 procedures to classify said school district for the first
37 school year following.

166.706. 1. As used in this section, "private school"
2 means any private school that enrolls a student who
3 participates in the program established in sections 135.712
4 to 135.719 and sections 166.700 to 166.720.

5 2. A private school shall be subject to the following
6 provisions of state law:

7 (1) Statewide assessment system requirements as
8 provided in section 160.518;

9 (2) Annual performance reporting requirements as
10 provided in section 160.522;

11 (3) Classification by the state board of education as
12 provided in section 161.092;

13 (4) Public meeting requirements as provided in section
14 162.012;

15 (5) Annual financial report requirements as provided
16 in section 162.015;

17 (6) Teacher certification requirements as provided in
18 section 168.011; and

19 (7) The school term start date as provided in section
20 171.031.

21 3. A private school shall be subject to the same state
22 laws and rules relating to procurement processes, wage
23 standards, and contractual obligations as are public schools
24 and school districts.

 168.011. 1. Except as provided in subsection 3 of
2 this section, no person shall be employed to teach in any
3 position in a public school or private school until he has
4 received a valid certificate of license entitling him to
5 teach in that position.

6 2. Teaching in the state of Missouri, performing other
7 related education duties, school administration, and teacher
8 education are hereby declared to be professions with all the
9 appropriate rights, responsibilities and privileges accorded
10 to other recognized professions.

11 3. A school district or private school may employ
12 noncertificated instructional personnel; provided that no
13 more than ten percent of the full-time equivalent
14 instructional staff positions at the school district or
15 private school are filled by noncertificated personnel. The
16 school district or private school shall ensure that all
17 instructional employees of the school district or private
18 school have experience, training, and skills appropriate to
19 the instructional duties of the employee, and the school
20 district or private school shall ensure that a criminal
21 background check and family care safety registry check are
22 conducted for each employee of the school district or
23 private school prior to the hiring of the employee pursuant
24 to the requirements of section 168.133. The school district
25 or private school shall not employ instructional personnel
26 whose certificate of license to teach has been revoked or is

27 currently suspended by the state board of education.
28 Appropriate experience, training, and skills of
29 noncertificated instructional personnel shall be determined
30 considering:

31 (1) Teaching certificates issued by another state or
32 states;

33 (2) Certification by the National Board for
34 Professional Teaching Standards;

35 (3) College degrees in the appropriate field;

36 (4) Evidence of technical training and competence when
37 such is appropriate; and

38 (5) The level of supervision and coordination with
39 certificated instructional staff.

40 4. As used in this section, "private school" means any
41 private school that enrolls a student who participates in
42 the program established in sections 135.712 to 135.719 and
43 sections 166.700 to 166.720.

171.031. 1. Each school board shall prepare annually
2 a calendar for the school term, specifying the opening date,
3 days of planned attendance, and providing a minimum term of
4 at least one thousand forty-four hours of actual pupil
5 attendance, and, for a school district that is located
6 wholly or partially in a county with a charter form of
7 government or a school district that is located wholly or
8 partially in a city with more than thirty thousand
9 inhabitants, a minimum of one hundred and sixty-nine school
10 days, unless the district has adopted a four-day school week
11 as provided in section 171.028, in which case the district
12 school term shall have a minimum of one hundred forty-two
13 school days. In addition, such calendar shall include six
14 make-up days for possible loss of attendance due to
15 inclement weather as defined in subsection 1 of section

16 171.033. In school year 2019-20 and subsequent years, such
17 calendar shall include thirty-six make-up hours for possible
18 loss of attendance due to inclement weather, as defined in
19 subsection 1 of section 171.033, with no minimum number of
20 make-up days.

21 2. Each **charter school that accepts transferring**
22 **students under any public school open enrollment program**
23 **enacted by the general assembly, each private school that**
24 **enrolls a student who participates in the program**
25 **established in sections 135.712 to 135.719 and sections**
26 **166.700 to 166.720, and each** local school district may set
27 its opening date each year, which date shall be no earlier
28 than fourteen calendar days prior to the first Monday in
29 September. No **such charter school, private school, or**
30 public school district shall select an earlier start date
31 [unless, for calendars for school years before school year
32 2020-21, the district follows the procedure set forth in
33 subsection 3 of this section. The procedure set forth in
34 subsection 3 of this section shall be unavailable to school
35 districts in preparing their calendars for school year 2020-
36 21 and for subsequent years].

37 3. [For calendars for school years before school year
38 2020-21, a district may set an opening date that is more
39 than fourteen calendar days prior to the first Monday in
40 September only if the local school board first gives public
41 notice of a public meeting to discuss the proposal of
42 opening school on a date more than fourteen days prior to
43 the first Monday in September, and the local school board
44 holds said meeting and, at the same public meeting, a
45 majority of the board votes to allow an earlier opening
46 date. If all of the previous conditions are met, the
47 district may set its opening date more than fourteen

48 calendar days prior to the first Monday in September. The
49 condition provided in this subsection must be satisfied by
50 the local school board each year that the board proposes an
51 opening date more than fourteen days before the first Monday
52 in September.

53 4.] If any local district violates the provisions of
54 this section, the department of elementary and secondary
55 education shall withhold an amount equal to one quarter of
56 the state funding the district generated under section
57 163.031 for each date the district was in violation of this
58 section.

59 [5.] 4. The provisions of subsections 2 [to 4] and 3
60 of this section shall not apply to **charter schools, private**
61 **schools, or** school districts in which school is in session
62 for twelve months of each calendar year.

63 [6.] 5. The state board of education may grant an
64 exemption from this section to a **charter school, private**
65 **school, or** school district that demonstrates highly unusual
66 and extenuating circumstances justifying exemption from the
67 provisions of subsections 2 [to 4] and 3 of this section.
68 Any exemption granted by the state board of education shall
69 be valid for one academic year only.

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