

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 842 & 831
93RD GENERAL ASSEMBLY

Reported from the Committee on Elementary and Secondary Education April 26, 2005 with recommendation that the House Committee Substitute for House Bill Nos. 842 & 831 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

2135L.03C

AN ACT

To repeal sections 160.400, 160.405, 160.410, 160.415, 160.420, and 167.349, RSMo, and to enact in lieu thereof six new sections relating to charter schools.

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

Section A. Sections 160.400, 160.405, 160.410, 160.415, 160.420, and 167.349, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 160.400, 160.405, 160.410, 160.415, 160.420, and 167.349, to read as follows:

- 160.400. 1. A charter school is an independent[, publicly supported] **public** school.
2. **Except as otherwise provided in this section**, charter schools may be operated only in a metropolitan school district or in an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants and may be sponsored by any of the following:
- (1) The school board of the district;
 - (2) A public four-year college or university with its primary campus in the school district or in a county adjacent to the county in which the district is located, with an approved teacher education program that meets regional or national standards of accreditation; [or]
 - (3) A community college located in the district; **or**
 - (4) **Any private four-year college or university with its primary campus located in the standard metropolitan statistical area of a district in which charter schools are permitted, an enrollment of at least one thousand students, and with an approved teacher preparation program.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 3. [A maximum of five percent of the school buildings currently in use for instructional
16 purposes in a district may be converted to charter schools. This limitation does not apply to
17 vacant buildings or buildings not used for instructional purposes.] **The mayor of a city not**
18 **within a county may request a sponsor under subdivision (2), (3), or (4) of subsection 2 of**
19 **this section to consider sponsoring a workplace charter school, which is defined for**
20 **purposes of sections 160.400 to 160.420 as a public charter school with the ability to target**
21 **a specific student population in a particular business district or with a particular business**
22 **partner. Eligible students for such a school shall be students who are residents of the**
23 **district and students eligible to attend schools in the district through a voluntary**
24 **interdistrict transfer program under section 162.1060, RSMo.**

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

28 5. The charter school shall be a Missouri nonprofit corporation incorporated pursuant
29 to chapter 355, RSMo. The charter provided for herein shall constitute a contract between the
30 sponsor and the charter school.

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

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

39 8. A charter school may affiliate with a four-year college or university, including a
40 private college or university, or a community college as otherwise specified in subsection 2 of
41 this section when its charter is granted by a sponsor other than such college, university or
42 community college. Affiliation status recognizes a relationship between the charter school and
43 the college or university for purposes of teacher training and staff development, curriculum and
44 assessment development, use of physical facilities owned by or rented on behalf of the college
45 or university, and other similar purposes. The primary campus of the college or university must
46 be located within the county in which the school district lies wherein the charter school is located
47 or in a county adjacent to the county in which the district is located. A university, college or
48 community college may not charge or accept a fee for affiliation status.

49 9. **The expenses associated with sponsorship of charter schools shall be defrayed**
50 **by the department retaining one and five-tenths percent of the amount of state and local**

51 **funding allocated to the charter school under section 160.415, not to exceed one hundred**
52 **twenty-five thousand dollars, adjusted for inflation. The department of elementary and**
53 **secondary education shall remit the retained funds for each charter school to the school's**
54 **sponsor, provided the sponsor remains in good standing by fulfilling its sponsorship**
55 **obligations under sections 160.400 to 160.420 with regard to each charter school it**
56 **sponsors.**

57 **10. No university, college or community college shall grant a charter to a nonprofit**
58 **corporation if an employee of the university, college or community college is a member of the**
59 **corporation's board of directors.**

60 **11. No sponsor shall grant a charter under sections 160.400 to 160.420 without**
61 **ensuring that a criminal background check and child abuse registry check are conducted**
62 **for all members of the governing board of the charter schools or the incorporators of the**
63 **charter school if initial directors are not named in the articles of incorporation, nor shall**
64 **a sponsor renew a charter without ensuring a criminal background check and child abuse**
65 **registry check are conducted for each member of the governing board of the charter**
66 **school.**

67 **12. No member of the governing board of a charter school shall hold any office or**
68 **employment from the board or the charter school while serving as a member, nor shall the**
69 **member have any substantial interest, as defined in section 105.450, RSMo, in any entity**
70 **employed by or contracting with the board. No board member shall be an employee of a**
71 **company that provides substantial services to the charter school. All members of the**
72 **governing board of the charter school shall be considered decision-making public servants**
73 **as defined in section 105.450, RSMo, for the purposes of the financial disclosure**
74 **requirements contained in sections 105.483, 105.485, 105.487, and 105.489, RSMo.**

75 **13. A sponsor shall provide timely submission to the state board of education all**
76 **data necessary to demonstrate that the sponsor is in material compliance with all**
77 **requirements of sections 160.400 to 160.420.**

78 **14. The state board of education shall ensure each sponsor is in compliance with**
79 **all requirements under sections 160.400 to 160.420 for each charter school sponsored by**
80 **any sponsor. The state board shall notify each sponsor of the standards for sponsorship**
81 **of charter schools, delineating both what is mandated by statute and what best practices**
82 **dictate. The state board, after a public hearing, may require remedial action for a sponsor**
83 **that it finds has not fulfilled its obligations of sponsorship, such remedial actions including**
84 **withholding the sponsor's funding and suspending for a period of up to one year the**
85 **sponsor's authority to sponsor a school that it currently sponsors or to sponsor any**
86 **additional school. If the state board removes the authority to sponsor a currently**

87 **operating charter school, the state board shall become the interim sponsor of the school for**
88 **a period of up to three years until the school finds a new sponsor or until the charter**
89 **contract period lapses.**

160.405. 1. A person, group or organization seeking to establish a charter school shall
2 submit the proposed charter, as provided in this section, to a sponsor. If the sponsor is not a
3 school board, the applicant shall give a copy of its application to the school board of the district
4 in which the charter school is to be located[, when] **and to the state board of education, within**
5 **five business days of the date** the application is filed with the proposed sponsor. The school
6 board may file objections with the proposed sponsor, and, if a charter is granted, the school board
7 may file objections with the state board of education. The charter shall include a mission
8 statement for the charter school, a description of the charter school's organizational structure and
9 bylaws of the governing body, which will be responsible for the policy and operational decisions
10 of the charter school, a financial plan for the first three years of operation of the charter school
11 including provisions for annual audits, a description of the charter school's policy for securing
12 personnel services, its personnel policies, personnel qualifications, and professional development
13 plan, a description of the grades or ages of students being served, the school's calendar of
14 operation, which shall include at least the equivalent of a full school term as defined in section
15 160.011, and an outline of criteria specified in this section designed to measure the effectiveness
16 of the school. The charter shall also state:

17 (1) The educational goals and objectives to be achieved by the charter school;

18 (2) A description of the charter school's educational program and curriculum;

19 (3) The term of the charter, which shall be not less than five years, nor greater than ten
20 years and shall be renewable;

21 (4) A description of the charter school's pupil performance standards, which must meet
22 the requirements of subdivision (6) of subsection 5 of this section. The charter school program
23 must be designed to enable each pupil to achieve such standards; [and]

24 (5) A description of the governance and operation of the charter school, including the
25 nature and extent of parental, professional educator, and community involvement in the
26 governance and operation of the charter school; **and**

27 **(6) A description of the charter school's policies on student discipline and student**
28 **admission, which shall include a statement, where applicable, of the validity of attendance**
29 **of students who do not reside in the district but who may be eligible to attend under the**
30 **terms of judicial settlements.**

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

32 (1) A charter may be approved when the sponsor determines that the requirements of this
33 section are met and determines that the applicant is sufficiently qualified to operate a charter

34 school. The sponsor's decision **of approval or denial** shall be made within [sixty] **ninety** days
35 of the filing of the proposed charter;

36 (2) If the charter is denied, the proposed sponsor shall notify the applicant in writing as
37 to the reasons for its denial **and forward a copy to the state board of education within five**
38 **business days following the denial;**

39 (3) If a proposed charter is denied by a sponsor, the proposed charter may be submitted
40 to the state board of education, along with the sponsor's written reasons for its denial. If the state
41 board determines that the applicant meets the requirements of this section, **that the applicant**
42 **is sufficiently qualified to operate the charter school**, and that granting a charter to the
43 applicant would be likely to provide educational benefit to the children of the district, the state
44 board may grant a charter and act as sponsor of the charter school. **The state board shall**
45 **review the proposed charter and make a determination of whether to deny or grant the**
46 **proposed charter within sixty days of receipt of the proposed charter, provided that any**
47 **charter to be considered by the state board of education under this subdivision shall be**
48 **submitted no later than March first prior to the school year in which the charter school**
49 **intends to begin operations. The state board of education shall notify the applicant in**
50 **writing as the reasons for its denial, if applicable;** and

51 (4) The sponsor of a charter school shall give priority to charter school applicants that
52 propose a school oriented to high-risk students and to the reentry of dropouts into the school
53 system. If a sponsor grants three or more charters, at least one-third of the charters granted by
54 the sponsor shall be to schools that actively recruit dropouts or high-risk students as their student
55 body and address the needs of dropouts or high-risk students through their proposed mission,
56 curriculum, teaching methods, and services. For purposes of this subsection, a "high-risk"
57 student is one who is at least one year behind in satisfactory completion of course work or
58 obtaining credits for graduation, pregnant or a parent, homeless or has been homeless sometime
59 within the preceding six months, has limited English proficiency, has been suspended from
60 school three or more times, **is eligible for free or reduced price school lunch**, or has been
61 referred by the school district for enrollment in an alternative program. "Dropout" shall be
62 defined through the guidelines of the school core data report. The provisions of this subsection
63 do not apply to charters sponsored by the state board of education.

64 3. If a charter is approved by a sponsor, [it] **the charter application** shall be submitted
65 to the state board of education [which], **along with a statement of finding that the application**
66 **meets the requirements of sections 160.400 to 160.420 and section 167.439, RSMo, and a**
67 **monitoring plan under which the charter sponsor will evaluate the academic performance**
68 **of students enrolled in the charter school. The state board of education** may, within
69 [forty-five] **sixty** days, disapprove the granting of the charter. The state board of education may

70 disapprove a charter [only] on grounds that the application fails to meet the requirements of
71 sections 160.400 to 160.420 **and section 167.349, RSMo, or that a charter sponsor previously**
72 **failed to meet the statutory responsibilities of a charter sponsor.**

73 4. Any disapproval of a charter pursuant to subsection 3 of this section shall be subject
74 to judicial review pursuant to chapter 536, RSMo.

75 5. A charter school shall, as provided in its charter:

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

78 (2) Comply with laws and regulations of the state, **county, or city** relating to health,
79 safety, and **state** minimum educational standards, **as specified by the state board of education,**
80 **including the requirements relating to student discipline under sections 160.261, 167.161,**
81 **167.164, and 167.171, RSMo, notification of criminal conduct to law enforcement**
82 **authorities under sections 167.115 to 167.117, RSMo, academic assessment under section**
83 **160.518, transmittal of school records under section 167.020, RSMo, and the minimum**
84 **number of school days and hours required under section 160.041;**

85 (3) Except as provided in sections 160.400 to 160.420, be exempt from all laws and rules
86 relating to schools, governing boards and school districts;

87 (4) Be financially accountable, use practices consistent with the Missouri financial
88 accounting manual, provide for an annual audit by a certified public accountant, **publish audit**
89 **reports and annual financial reports as provided in chapter 165, RSMo, provided that the**
90 **annual financial report may be published on the secretary of state's Internet web site in**
91 **addition to other publishing requirements,** and provide liability insurance to indemnify the
92 school, its board, staff and teachers against tort claims. **A charter school that receives local**
93 **educational agency status under subsection 6 of this section shall meet the requirements**
94 **imposed by the Elementary and Secondary Education Act for audits of such agencies. For**
95 **purposes of an audit by petition under section 29.230, RSMo, a charter school shall be**
96 **treated as a political subdivision on the same terms and conditions as the school district in**
97 **which it is located.** For the purposes of securing such insurance, a charter school shall be
98 eligible for the Missouri public entity risk management fund pursuant to section 537.700, RSMo.
99 A charter school that incurs debt must include a repayment plan in its financial plan;

100 (5) Provide a comprehensive program of instruction for at least one grade or age group
101 from kindergarten through grade twelve, which may include early childhood education if funding
102 for such programs is established by statute, as specified in its charter;

103 (6) (a) Design a method to measure pupil progress toward the pupil academic standards
104 adopted by the state board of education pursuant to section 160.514, collect baseline data during
105 at least the first three years for determining how the charter school is performing and to the

106 extent applicable, participate in the statewide system of assessments, comprised of the essential
107 skills tests and the nationally standardized norm-referenced achievement tests, as designated by
108 the state board pursuant to section 160.518, complete and distribute an annual report card as
109 prescribed in section 160.522, **which shall also include a statement that background checks**
110 **have been completed on the charter school's board members**, report to its sponsor, the local
111 school district, and the state board of education as to its teaching methods and any educational
112 innovations and the results thereof, and provide data required for the study of charter schools
113 pursuant to subsection 3 of section 160.410. No charter school will be considered in the
114 Missouri school improvement program review of the district in which it is located for the
115 resource or process standards of the program.

116 **(b) For proposed high risk or alternative charter schools, sponsors shall approve**
117 **performance measures based on mission, curriculum, teaching methods, and services.**
118 **Sponsors shall also approve comprehensive academic and behavioral measures to**
119 **determine whether students are meeting performance standards on a different time frame**
120 **as specified in that school's charter. Student performance shall be assessed**
121 **comprehensively to determine whether a high risk or alternative charter school has**
122 **documented adequate student progress. Student performance shall be based on sponsor-**
123 **approved comprehensive measures as well as standardized public school measures.**
124 **Annual presentation of charter school report card data to the department of elementary**
125 **and secondary education, the state board, and the public shall include comprehensive**
126 **measures of student progress.**

127 **(c)** Nothing in this paragraph shall be construed as permitting a charter school to be held
128 to lower performance standards than other public schools within a district; however, the charter
129 of a charter school may permit students to meet performance standards on a different time frame
130 as specified in its charter;

131 **(7)** Assure that the needs of special education children are met in compliance with all
132 applicable federal and state laws and regulations;

133 **(8) Provide along with any request for review by the state board of education the**
134 **following:**

135 **(a) Documentation that the applicant has provided a copy of the application to the**
136 **school board of the district in which the charter school is to be located, except in those**
137 **circumstances where the school district is the sponsor of the charter school; and**

138 **(b) A statement outlining the reasons for approval or disapproval by the sponsor,**
139 **specifically addressing the requirements of sections 160.400 to 160.420.**

140 **6.** The charter of a charter school may be amended at the request of the governing body
141 of the charter school and on the approval of the sponsor. The sponsor and the governing board

142 and staff of the charter school shall jointly review the school's performance, management and
143 operations at least once every two years **or at any point where the operation or management**
144 **of the charter school is changed or transferred to another entity, either public or private.**
145 **The governing board of a charter school may amend the charter, if the sponsor approves**
146 **such amendment, or the sponsor and the governing board may reach an agreement in**
147 **writing to reflect the charter school's decision to become a local educational agency for the**
148 **sole purpose of seeking direct access to federal grants. In such case the sponsor shall give**
149 **the department of elementary and secondary education ninety days' written notice prior**
150 **to the effective date of such agreement. The department shall identify and furnish a list**
151 **of its regulations that pertain to local educational agencies to such schools within thirty**
152 **days of receiving such notice.**

153 7. (1) A sponsor may revoke a charter at any time if the charter school commits a serious
154 breach of one or more provisions of its charter or on any of the following grounds: failure to
155 meet academic performance standards as set forth in its charter, failure to meet generally
156 accepted standards of fiscal management, **failure to provide information necessary to confirm**
157 **compliance with all provisions of the charter and sections 160.400 to 160.420 within forty-**
158 **five days following receipt of written notice requesting such information,** or violation of law.

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

162 (3) At least sixty days before acting to revoke a charter, the sponsor shall notify the
163 [board of directors] **governing board** of the charter school of the proposed action in writing.
164 The notice shall state the grounds for the proposed action. The school's [board of directors]
165 **governing board** may request in writing a hearing before the sponsor within two weeks of
166 receiving the notice.

167 (4) The sponsor of a charter school shall establish procedures to conduct administrative
168 hearings upon determination by the sponsor that grounds exist to revoke a charter. Final
169 decisions of a sponsor from hearings conducted pursuant to this subsection are subject to judicial
170 review pursuant to chapter 536, RSMo.

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

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

177 **8. A sponsor shall take all reasonable steps necessary to confirm that each charter**
178 **school sponsored by such sponsor is in material compliance and remains in material**
179 **compliance with all material provisions of the charter and sections 160.400 to 160.420.**
180 **Every charter school shall provide all information necessary to confirm ongoing**
181 **compliance with all provisions of its charter and sections 160.400 to 160.420 in a timely**
182 **manner to its sponsor.**

183 **9.** A school district may enter into a lease with a charter school for physical facilities.
184 [A charter school may not be located on the property of a school district unless the district
185 governing board agrees.]

186 [9.] **10.** A governing board or a school district employee who has control over personnel
187 actions shall not take unlawful reprisal against another employee at the school district because
188 the employee is directly or indirectly involved in an application to establish a charter school. A
189 governing board or a school district employee shall not take unlawful reprisal against an
190 educational program of the school or the school district because an application to establish a
191 charter school proposes the conversion of all or a portion of the educational program to a charter
192 school. As used in this subsection, "unlawful reprisal" means an action that is taken by a
193 governing board or a school district employee as a direct result of a lawful application to
194 establish a charter school and that is adverse to another employee or an educational program.

195 **11. Charter school board members shall be subject to the same liability for acts**
196 **while in office as if they were regularly and duly elected members of school boards in any**
197 **other public school district in this state. The governing board of a charter school may**
198 **participate, to the same extent as a school board, in the Missouri public entity risk**
199 **management fund in the manner provided under sections 537.700 to 537.756, RSMo.**

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

203 **13. The chief financial officer of a charter school shall maintain a surety bond in**
204 **an amount determined by the sponsor to be adequate based on the cash flow of the school.**

160.410. 1. A charter school shall enroll all pupils resident in the district in which it
2 operates [or], eligible to attend a district's school under an urban voluntary transfer program, **or**
3 **in the case of a workplace charter school, whose parent is employed in the business district**
4 **or at the business site** who submit a timely application, unless the number of applications
5 exceeds the capacity of a program, class, grade level or building. If capacity is insufficient to
6 enroll all pupils who submit a timely application, the charter school shall have an admissions
7 process that assures all applicants of an equal chance of gaining admission except that:

8 (1) A charter school may establish a geographical area around the school whose residents
9 will receive a preference for enrolling in the school, provided that such preferences do not result
10 in the establishment of racially or socioeconomically isolated schools and provided such
11 preferences conform to policies and guidelines established by the state board of education; and

12 (2) A charter school may also give a preference for admission of children whose siblings
13 attend the school or whose parents are employed at the school **or in the case of a workplace**
14 **charter school, a child whose parent is employed in the business district or at the business**
15 **site of such school.**

16 2. A charter school shall not limit admission based on race, ethnicity, national origin,
17 disability, gender, income level, proficiency in the English language or athletic ability, but may
18 limit admission to pupils within a given age group or grade level.

19 3. The department of elementary and secondary education shall commission a study of
20 the performance of students at each charter school in comparison with a comparable group and
21 a study of the impact of charter schools upon the districts in which they are located, to be
22 conducted by a contractor selected through a request for proposal. The department of elementary
23 and secondary education shall reimburse the contractor from funds appropriated by the general
24 assembly for the purpose. The study of a charter school's student performance in relation to a
25 comparable group shall be designed to provide information that would allow parents and
26 educators to make valid comparisons of academic performance between the charter school's
27 students and a group of students comparable to the students enrolled in the charter school. The
28 impact study shall be undertaken every two years to determine the effect of charter schools on
29 education stakeholders in the districts where charter schools are operated. The impact study may
30 include, but is not limited to, determining if changes have been made in district policy or
31 procedures attributable to the charter school and to perceived changes in attitudes and
32 expectations on the part of district personnel, school board members, parents, students, the
33 business community and other education stakeholders. The department of elementary and
34 secondary education shall make the results of the studies public and shall deliver copies to the
35 governing boards of the charter schools, the sponsors of the charter schools, the school board and
36 superintendent of the districts in which the charter schools are operated.

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

40 (1) **The school's charter;**

41 (2) **The school's most recent annual report card published according to section**
42 **160.522; and**

43 (3) **The results of background checks on the charter school's board members.**

44 **The charter school may charge reasonable fees for furnishing copies of documents under**
45 **this subsection.**

160.415. 1. For the purposes of calculation and distribution of state school aid under
2 section 163.031, RSMo, pupils enrolled in a charter school shall be included in the pupil
3 enrollment of the school district within which each pupil resides. Each charter school shall
4 report the names, addresses, and eligibility for free or reduced-price lunch or other categorical
5 aid, of pupils resident in a school district who are enrolled in the charter school to the school
6 district in which those pupils reside and to the state department of elementary and secondary
7 education. Each charter school shall promptly notify the state department of elementary and
8 secondary education and the pupil's school district when a student discontinues enrollment at a
9 charter school.

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

12 (1) A school district having one or more resident pupils attending a charter school shall
13 pay to the charter school an annual amount equal to the product of the equalized, adjusted
14 operating levy for school purposes for the pupils' district of residence for the current year times
15 the guaranteed tax base per eligible pupil, as defined in section 163.011, RSMo, times the
16 number of the district's resident pupils attending the charter school plus all other state aid
17 attributable to such pupils, including summer school, if applicable, and all aid provided pursuant
18 to section 163.031, RSMo.

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

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

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

26 [(4) A school district] **(5) The department of elementary and secondary education**
27 **shall pay the amounts due pursuant to this subsection as the disbursal agent [and no later than**
28 **twenty days following receipt of any such funds] within five days of the required due date.**

29 [(5) The per-pupil amount paid by a school district to a charter school shall be reduced
30 by the amount per pupil determined by the state board of education to be needed by the district
31 in the current year for repayment of leasehold revenue bonds obligated pursuant to a federal court
32 desegregation action.]

33 **3. A workplace charter school shall receive payment for each eligible pupil as**
34 **provided under subsection 2 of this section, except that if the student is not a resident of**

35 the district and is participating in a voluntary interdistrict transfer program, the payment
36 for such pupils shall be the same as provided under section 162.1060, RSMo.

37 **4. A charter school that has declared itself as a local educational agency shall**
38 **receive from the department of elementary and secondary education an annual amount**
39 **equal to the product of the equalized, adjusted operating levy for school purposes for the**
40 **pupils' district of residence for the current year times the guaranteed tax base per eligible**
41 **pupil, as defined in section 163.011, RSMo, times the number of the district's resident**
42 **pupils attending the charter school plus all other state and federal aid attributable to such**
43 **pupils, including summer school, if applicable, and all aid provided under section 163.031,**
44 **RSMo. If a charter school declares itself as a local education agency, the department of**
45 **elementary and secondary education shall, upon notice of the declaration, reduce the**
46 **payment made to the school district by the amount specified in this subsection and pay**
47 **directly to the charter school the annual amount reduced from the school district's**
48 **payment.**

49 **5. If a school district fails to make timely payments of any amount for which it is the**
50 **disbursal agent, the state department of elementary and secondary education shall authorize**
51 **payment to the charter school of the amount due pursuant to subsection 2 of this section and shall**
52 **deduct the same amount from the next state school aid apportionment to the owing school**
53 **district. If a charter school is paid more or less than the amounts due pursuant to subsection 2**
54 **of this section, the amount of overpayment or underpayment shall be adjusted [in its next**
55 **payment] equally in the next twelve payments by the school district or the department of**
56 **elementary and secondary education, as appropriate. Any dispute between the school district and**
57 **a charter school as to the amount owing to the charter school shall be resolved by the department**
58 **of elementary and secondary education, and the department's decision shall be the final**
59 **administrative action for the purposes of review pursuant to chapter 536, RSMo. During the**
60 **period of dispute, the department of elementary and secondary education shall make every**
61 **administrative and statutory effort to allow the continued education of children in their**
62 **current public charter school setting.**

63 [4.] **6. The charter school and a local school board may agree by contract for services to**
64 **be provided by the school district to the charter school. The charter school may contract with**
65 **any other entity for services. Such services may include but are not limited to food service,**
66 **custodial service, maintenance, management assistance, curriculum assistance, media services**
67 **and libraries and shall be subject to negotiation between the charter school and the local school**
68 **board or other entity. Documented actual costs of such services shall be paid for by the charter**
69 **school.**

70 [5.] 7. A charter school may enter into contracts with community partnerships and state
71 agencies acting in collaboration with such partnerships that provide services to children and their
72 families linked to the school.

73 [6.] 8. A charter school shall be eligible for transportation state aid pursuant to section
74 163.161, RSMo, and shall be free to contract with the local district, or any other entity, for the
75 provision of transportation to the students of the charter school.

76 [7.] 9. (1) The proportionate share of state and federal resources generated by students
77 with disabilities or staff serving them shall be paid in full to charter schools enrolling those
78 students by their school district where such enrollment is through a contract for services
79 described in this section. The proportionate share of money generated under other federal or
80 state categorical aid programs shall be directed to charter schools serving such students eligible
81 for that aid.

82 (2) A charter school district shall provide the special services provided pursuant to
83 section 162.705, RSMo, and may provide the special services pursuant to a contract with a
84 school district or any provider of such services.

85 [8.] 10. A charter school may not charge tuition, nor may it impose fees that a school
86 district is prohibited from imposing.

87 [9.] 11. A charter school is authorized to incur debt in anticipation of receipt of funds.
88 A charter school may also borrow to finance facilities and other capital items. A school district
89 may incur bonded indebtedness or take other measures to provide for physical facilities and other
90 capital items for charter schools that it sponsors or contracts with. Upon the dissolution of a
91 charter school, any liabilities of the corporation will be satisfied through the procedures of
92 chapter 355, RSMo.

93 [10.] 12. Charter schools shall not have the power to acquire property by eminent
94 domain.

95 [11.] 13. The governing body of a charter school is authorized to accept grants, gifts or
96 donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or
97 donation may not be accepted by the governing body if it is subject to any condition contrary to
98 law applicable to the charter school or other public schools, or contrary to the terms of the
99 charter.

160.420. 1. **Any school district in which charter schools may be established under**
2 **sections 160.400 to 160.420 shall establish a uniform policy which provides that** if a charter
3 school offers to retain the services of an employee of a school district, and the employee accepts
4 a position at the charter school, [the contract between the charter school and the school district
5 may provide that] an employee at the employee's option may remain an employee of the district
6 and the charter school shall pay to the district the district's full costs of salary and benefits

7 provided to the employee. [A] **The district's policy shall provide that any** teacher who accepts
8 a position at a charter school and opts to remain an employee of the district retains such teacher's
9 permanent teacher status and **retains such teacher's** seniority rights in the district **for three**
10 **years**. The school district shall not be liable for any such employee's acts while an employee of
11 the charter school.

12 2. A charter school may employ noncertificated instructional personnel; provided that
13 no more than twenty percent of the full-time equivalent instructional staff positions at the school
14 are filled by noncertificated personnel. All [noncertified] **noncertificated** instructional
15 personnel shall be supervised by [certified] **certificated** instructional personnel. **A charter**
16 **school that has a foreign language immersion experience as its chief educational mission,**
17 **as stated in its charter, shall not be subject to the twenty percent requirement of this**
18 **subsection but shall ensure that any teachers whose duties include instruction given in a**
19 **foreign language have current valid credentials in the country in which such teacher**
20 **received his or her training and shall remain subject to the remaining requirements of this**
21 **subsection.** The charter school shall ensure that all instructional employees of the charter school
22 have experience, training and skills appropriate to the instructional duties of the employee, and
23 the charter school shall ensure that a criminal background check and child abuse registry check
24 are conducted for each employee of the charter school prior to the hiring of the employee. **The**
25 **charter school may not employ instructional personnel whose certificate of license to teach**
26 **has been revoked or is currently suspended by the state board of education.** Appropriate
27 experience, training and skills of noncertificated instructional personnel shall be determined
28 considering:

- 29 (1) Teaching certificates issued by another state or states;
30 (2) Certification by the National Standards Board;
31 (3) College degrees in the appropriate field;
32 (4) Evidence of technical training and competence when such is appropriate; and
33 (5) The level of supervision and coordination with certificated instructional staff.

34 3. Personnel employed by the charter school shall participate in the retirement system
35 of the school district in which the charter school is located, subject to the same terms, conditions,
36 requirements and other provisions applicable to personnel employed by the school district. For
37 purposes of participating in the retirement system, the charter school shall be considered to be
38 a public school within the school district, and personnel employed by the charter school shall be
39 public school employees. In the event of a lapse of the school district's corporate organization
40 as described in subsections 1 and 4 of section 162.081, RSMo, personnel employed by the
41 charter school shall continue to participate in the retirement system and shall do so on the same
42 terms, conditions, requirements and other provisions as they participated prior to the lapse.

43 4. The charter school and a local school board may agree by contract for services to be
44 provided by the school district to the charter school. The charter school may contract with any
45 other entity for services. Such services may include but are not limited to food service, custodial
46 service, maintenance, management assistance, curriculum assistance, media services and libraries
47 and shall be subject to negotiation between the charter school and the local school board or other
48 entity. Documented actual costs of such services shall be paid for by the charter school.

49 5. A charter school may enter into contracts with community partnerships and state
50 agencies acting in collaboration with such partnerships that provide services to children and their
51 families linked to the school.

52 6. A charter school shall be eligible for transportation state aid pursuant to section
53 163.161, RSMo, and shall be free to contract with the local district, or any other entity, for the
54 provision of transportation to the students of the charter school.

55 7. (1) The proportionate share of state and federal resources generated by students with
56 disabilities or staff serving them shall be paid in full to charter schools enrolling those students
57 by their school district where such enrollment is through a contract for services described in this
58 section. The proportionate share of money generated under other federal or state categorical aid
59 programs shall be directed to charter schools serving such students eligible for that aid.

60 (2) A charter school district shall provide the special services provided pursuant to
61 section 162.705, RSMo, and may provide the special services pursuant to a contract with a
62 school district or any provider of such services.

63 8. A charter school may not charge tuition, nor may it impose fees that a school district
64 is prohibited from imposing.

65 9. A charter school is authorized to incur debt in anticipation of receipt of funds. A
66 charter school may also borrow to finance facilities and other capital items. A school district
67 may incur bonded indebtedness or take other measures to provide for physical facilities and other
68 capital items for charter schools that it sponsors or contracts with. Upon the dissolution of a
69 charter school, any liabilities of the corporation will be satisfied through the procedures of
70 chapter 355, RSMo.

71 10. Charter schools shall not have the power to acquire property by eminent domain.

72 11. The governing body of a charter school is authorized to accept grants, gifts or
73 donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or
74 donation may not be accepted by the governing body if it is subject to any condition contrary to
75 law applicable to the charter school or other public schools, or contrary to the terms of the
76 charter.

 167.349. In any school district to which any provisions of sections 167.340 to 167.346
2 apply and in which district charter schools may be established pursuant to section 160.400,

3 RSMo, any state college or university which provides educational programs to any part of such
4 district **and any campus of the state university located in a county of the third classification**
5 may sponsor one or more charter schools pursuant to section 160.400, RSMo, and, in addition
6 to the purposes for which charter schools may be established pursuant to sections 160.400 to
7 160.420, RSMo, such charter schools may be established to emphasize remediation of reading
8 deficiencies.