

FIRST REGULAR SESSION

HOUSE BILL NO. 831

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ROBB (Sponsor), MUSCHANY,
NIEVES AND HUBBARD (Co-sponsors).

Read 1st time March 17, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1608L.011

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Section A. Sections 160.400, 160.405, 160.410, 160.415, 160.420, and 167.349, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 160.400, 160.405, 160.410, 160.415, 160.420, and 167.349, to read as follows: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, **in any school district which has more than two thousand students and which at its last accreditation review under the Missouri school improvement program or successor accreditation program was designated as provisionally accredited or unaccredited, regardless of its subsequent reclassification, or in any school district containing territory formerly contained in any school district in which charter schools were authorized to be established under this section** 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]

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 community college located in the district;

16 (4) **Any four-year college or university, public or private, with an approved teacher**
17 **preparation program; or**

18 (5) **The mayor of a city not within a county or of a home rule city with more than**
19 **four hundred thousand inhabitants and located in more than one county.**

20 3. [A maximum of five percent of the school buildings currently in use for instructional
21 purposes in a district may be converted to charter schools. This limitation does not apply to
22 vacant buildings or buildings not used for instructional purposes.] **Each school district in which**
23 **charter schools are permitted shall establish procedures for offering the right of first**
24 **refusal for sale or lease of any buildings owned by the school district when such buildings**
25 **are not used by the district for their educational purposes or otherwise previously**
26 **contractually obligated to another party.**

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

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

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

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

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

51 **9. The expenses associated with sponsorship of charter schools shall be defrayed**
52 **by the department retaining one and five-tenths percent of the amount allocated to the**
53 **charter school under section 160.415.**

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

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

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

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

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 that 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 ninety 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] **ninety** 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 **lieu of other publishing requirements**, and provide liability insurance to indemnify the school,
92 its board, staff and teachers against tort claims. For the purposes of securing such insurance, a
93 charter school shall be eligible for the Missouri public entity risk management fund pursuant to
94 section 537.700, RSMo. A charter school that incurs debt must include a repayment plan in its
95 financial plan;

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

99 (6) (a) Design a method to measure pupil progress toward the pupil academic standards
100 adopted by the state board of education pursuant to section 160.514, collect baseline data during
101 at least the first three years for determining how the charter school is performing and to the
102 extent applicable, participate in the statewide system of assessments, comprised of the essential
103 skills tests and the nationally standardized norm-referenced achievement tests, as designated by
104 the state board pursuant to section 160.518, complete and distribute an annual report card as
105 prescribed in section 160.522, **which shall also include a statement that background checks**
106 **have been completed on the charter school's board members**, report to its sponsor, the local
107 school district, and the state board of education as to its teaching methods and any educational
108 innovations and the results thereof, and provide data required for the study of charter schools
109 pursuant to subsection 3 of section 160.410. No charter school will be considered in the
110 Missouri school improvement program review of the district in which it is located for the
111 resource or process standards of the program.

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

121 **and secondary education, the state board, and the public shall include comprehensive**
122 **measures of student progress.**

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

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

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

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

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

136 6. The charter of a charter school may be amended at the request of the governing body
137 of the charter school and on the approval of the sponsor. The sponsor and the governing board
138 and staff of the charter school shall jointly review the school's performance, management and
139 operations at least once every two years **or at any point where the operation or management**
140 **of the charter school is changed or transferred to another entity, either public or private.**
141 **The governing board of a charter school may amend the charter, if the sponsor approves**
142 **such amendment, or the sponsor and the governing board may reach an agreement in**
143 **writing to reflect the charter school's decision to become a local educational agency for the**
144 **sole purpose of seeking direct access to federal grants.**

145 7. (1) A sponsor may revoke a charter at any time if the charter school commits a serious
146 breach of one or more provisions of its charter or on any of the following grounds: failure to
147 meet academic performance standards as set forth in its charter, failure to meet generally
148 accepted standards of fiscal management, **failure to provide information necessary to confirm**
149 **compliance with all provisions of the charter and sections 160.400 to 160.420 within forty-**
150 **five days following receipt of written notice requesting such information,** or violation of law.

151 (2) The sponsor may place the charter school on probationary status to allow the
152 implementation of a remedial plan, after which, if such plan is unsuccessful, the charter may be
153 revoked.

154 (3) At least sixty days before acting to revoke a charter, the sponsor shall notify the
155 [board of directors] **governing board** of the charter school of the proposed action in writing.
156 The notice shall state the grounds for the proposed action. The school's [board of directors]

157 **governing board** may request in writing a hearing before the sponsor within two weeks of
158 receiving the notice.

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

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

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

169 8. **A sponsor shall take all reasonable steps necessary to confirm that each charter**
170 **school sponsored by such sponsor is in material compliance and remains in material**
171 **compliance with all material provisions of the charter and sections 160.400 to 160.420.**
172 **Every charter school shall provide all information necessary to confirm ongoing**
173 **compliance with all provisions of its charter and sections 160.400 to 160.420 in a timely**
174 **manner to its sponsor.**

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

178 [9.] 10. A governing board or a school district employee who has control over personnel
179 actions shall not take unlawful reprisal against another employee at the school district because
180 the employee is directly or indirectly involved in an application to establish a charter school. A
181 governing board or a school district employee shall not take unlawful reprisal against an
182 educational program of the school or the school district because an application to establish a
183 charter school proposes the conversion of all or a portion of the educational program to a charter
184 school. As used in this subsection, "unlawful reprisal" means an action that is taken by a
185 governing board or a school district employee as a direct result of a lawful application to
186 establish a charter school and that is adverse to another employee or an educational program.

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

192 12. **Any entity, either public or private, operating, administering, or otherwise**

193 **managing a charter school shall be considered a quasi-public governmental body and**
194 **subject to the provisions of sections 610.010 to 610.035, RSMo.**

195 **13. Any nonprofit corporation operating a charter school shall maintain a surety**
196 **bond in an amount not less than the total funds to be received by the charter school under**
197 **section 160.415 in any given school year as determined by the department of elementary**
198 **and secondary education.**

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 who
3 submit a timely application, unless the number of applications exceeds the capacity of a program,
4 class, grade level or building. If capacity is insufficient to enroll all pupils who submit a timely
5 application, the charter school shall have an admissions process that assures all applicants of an
6 equal chance of gaining admission except that:

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

11 (2) A charter school may also give a preference for admission of children whose siblings
12 attend the school or whose parents are employed at the school.

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

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

31 secondary education shall make the results of the studies public and shall deliver copies to the
32 governing boards of the charter schools, the sponsors of the charter schools, the school board and
33 superintendent of the districts in which the charter schools are operated.

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

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

38 (2) **The school's most recent annual report card published according to section**
39 **160.522; and**

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

41

42 **The charter school may charge reasonable fees for furnishing copies of documents under**
43 **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. (1) A school district having one or more resident pupils attending a charter school
11 shall pay to the charter school an annual amount equal to the product of the equalized, adjusted
12 operating levy for school purposes for the pupils' district of residence for the current year times
13 the guaranteed tax base per eligible pupil, as defined in section 163.011, RSMo, times the
14 number of the district's resident pupils attending the charter school plus all other state aid
15 attributable to such pupils, including summer school, if applicable, and all aid provided pursuant
16 to section 163.031, RSMo. **If a charter school declares itself as a local education agency, the**
17 **department of elementary and secondary education shall upon notice of the declaration**
18 **reduce the payment made to the school district by the amount specified in this subdivision**
19 **and pay directly to the charter school the annual amount reduced from the school district's**
20 **payment.**

21 (2) The district of residence of a pupil attending a charter school shall also pay to the
22 charter school any other federal or state aid that the district receives on account of such child.
23 **If a charter school declares itself a local education agency, the department of elementary**

24 **and secondary education shall upon notice of the declaration withhold an amount equal**
25 **to any other federal or state aid or local revenue for which the school would be eligible that**
26 **would otherwise flow through the department of elementary and secondary education to**
27 **the district and shall pay directly to the charter school such aid that the district receives**
28 **on account of such child.**

29 (3) **If the department overpays or underpays the amount due to the charter school,**
30 **such over payment or under payment shall be repaid by the public charter school or**
31 **credited to the public charter school in twelve equal payments in the next fiscal year.**

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

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

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

41 3. If a school district fails to make timely payments of any amount for which it is the
42 disbursal agent, the state department of elementary and secondary education shall authorize
43 payment to the charter school of the amount due pursuant to subsection 2 of this section and shall
44 deduct the same amount from the next state school aid apportionment to the owing school
45 district. If a charter school is paid more or less than the amounts due pursuant to subsection 2
46 of this section, the amount of overpayment or underpayment shall be adjusted [in its next
47 payment] **equally in the next twelve payments** by the school district or the department of
48 elementary and secondary education, as appropriate. Any dispute between the **department of**
49 **elementary and secondary education, the school district, and a charter school** as to the amount
50 owing to the charter school shall be resolved by the [department of elementary and secondary
51 education] **administrative hearing commission**, and the [department's decision shall be the final
52 administrative action for the purposes of review pursuant to chapter 536, RSMo] **decision of the**
53 **administrative hearing commission shall be eligible for review and appeal to the circuit**
54 **court located in the county which is the seat of state government. During the period of**
55 **dispute, the department of elementary and secondary education shall not take action which**
56 **prevents either directly or indirectly the continued operation of a charter school and shall**
57 **make every administrative and statutory effort to allow the continued education of**
58 **children in their current public charter school educational setting. In all administrative**
59 **decisions by the department of elementary and secondary education, they shall not make**

60 **an arbitrary and capricious decision which negatively impacts the education of a child.**

160.420. 1. **Any school district in which charter schools may be established under sections 160.400 to 160.420 shall establish a uniform policy which provides that** if a charter school offers to retain the services of an employee of a school district, and the employee accepts a position at the charter school, [the contract between the charter school and the school district may provide that] an employee at the employee's option may remain an employee of the district and the charter school shall pay to the district the district's full costs of salary and benefits provided to the employee. **[A] The district's policy shall provide that any** teacher who accepts a position at a charter school and opts to remain an employee of the district retains such teacher's permanent teacher status and **retains such teacher's** seniority rights in the district **for three years**. The school district shall not be liable for any such employee's acts while an employee of the charter school.

2. A charter school may employ noncertificated instructional personnel; provided that no more than twenty percent of the full-time equivalent instructional staff positions at the school are filled by noncertificated personnel. All [noncertified] **noncertificated** instructional personnel shall be supervised by [certified] **certificated** instructional personnel. **A charter school that has a foreign language emersion experience as its chief educational mission, as stated in its charter, shall not be subject to the twenty percent requirement of this subsection but shall remain subject to the remaining requirements of this subsection.** The charter school shall ensure that all instructional employees of the charter school have experience, training and skills appropriate to the instructional duties of the employee, and the charter school shall ensure that a criminal background check and child abuse registry check are conducted for each employee of the charter school prior to the hiring of the employee. **The charter school may not employ instructional personnel whose certificate of license to teach has been revoked or is currently suspended by the state board of education.** Appropriate experience, training and skills of noncertificated instructional personnel shall be determined considering:

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

31 3. Personnel employed by the charter school shall participate in the retirement system of the school district in which the charter school is located, subject to the same terms, conditions, requirements and other provisions applicable to personnel employed by the school district, **except that any employee of an entity providing services to a charter school under section 160.415 may elect to participate in the retirement program provided by that employer.** For

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

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

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

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

54 7. (1) The proportionate share of state and federal resources generated by students with
55 disabilities or staff serving them shall be paid in full to charter schools enrolling those students
56 by their school district where such enrollment is through a contract for services described in this
57 section. The proportionate share of money generated under other federal or state categorical aid
58 programs shall be directed to charter schools serving such students eligible for that aid.

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

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

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

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

71 11. The governing body of a charter school is authorized to accept grants, gifts or

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