

SECOND REGULAR SESSION

# HOUSE BILL NO. 1973

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES ROBB (Sponsor), MUSCHANY,  
CUNNINGHAM (86) AND RICHARD (Co-sponsors).

Read 1st time March 8, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5362L.02I

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### AN ACT

To repeal section 160.400 as enacted by conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 287, ninety-third general assembly, first regular session, and to enact in lieu thereof one new section relating to charter schools, with an emergency clause.

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

Section A. Section 160.400 as enacted by conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 287, ninety-third general assembly, first regular session, is repealed and one new section enacted in lieu thereof, to be known as section 160.400, to read as follows:

- 160.400. 1. A charter school is an independent public school.
2. 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;
  - (3) A community college located in the district; 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.

10 (4) [Any private four-year college or university located in a city not within a county with  
11 an enrollment of at least one thousand students, and with an approved teacher preparation  
12 program] **Except in an urban school district, any private four-year college or university**  
13 **with its primary campus located in Missouri in a standard metropolitan statistical area**  
14 **which contains a metropolitan school district, with an enrollment in excess of one thousand**  
15 **students, and with an approved teacher preparation program.**

16 3. The mayor of a city not within a county may request a sponsor under subdivision (2),  
17 (3), or (4) of subsection 2 of this section to consider sponsoring a workplace charter school,  
18 which is defined for purposes of sections 160.400 to 160.420 as a charter school with the ability  
19 to target prospective students whose parent or parents are employed in a business district, as  
20 defined in the charter, which is located in the city.

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

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

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

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

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

45           9. The expenses associated with sponsorship of charter schools shall be defrayed by the  
46 department of elementary and secondary education retaining one and five-tenths percent of the  
47 amount of state and local funding allocated to the charter school under section 160.415, not to  
48 exceed one hundred twenty-five thousand dollars, adjusted for inflation. Such amount shall not  
49 be withheld when the sponsor is a school district or the state board of education. The department  
50 of elementary and secondary education shall remit the retained funds for each charter school to  
51 the school's sponsor, provided the sponsor remains in good standing by fulfilling its sponsorship  
52 obligations under sections 160.400 to 160.420 and 167.349, RSMo, with regard to each charter  
53 school it sponsors.

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 and 167.349,  
58 RSMo, without ensuring that a criminal background check and child abuse registry check are  
59 conducted for all members of the governing board of the charter schools or the incorporators of  
60 the charter school if initial directors are not named in the articles of incorporation, nor shall a  
61 sponsor renew a charter without ensuring a criminal background check and child abuse registry  
62 check are conducted for each member of the governing board of the charter school.

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

71           13. A sponsor shall provide timely submission to the state board of education of all data  
72 necessary to demonstrate that the sponsor is in material compliance with all requirements of  
73 sections 160.400 to 160.420 and 167.349, RSMo.

74           14. The state board of education shall ensure each sponsor is in compliance with all  
75 requirements under sections 160.400 to 160.420 and 167.349, RSMo, for each charter school  
76 sponsored by any sponsor. The state board shall notify each sponsor of the standards for  
77 sponsorship of charter schools, delineating both what is mandated by statute and what best  
78 practices dictate. The state board, after a public hearing, may require remedial action for a  
79 sponsor that it finds has not fulfilled its obligations of sponsorship, such remedial actions  
80 including withholding the sponsor's funding and suspending for a period of up to one year the

81 sponsor's authority to sponsor a school that it currently sponsors or to sponsor any additional  
82 school. If the state board removes the authority to sponsor a currently operating charter school,  
83 the state board shall become the interim sponsor of the school for a period of up to three years  
84 until the school finds a new sponsor or until the charter contract period lapses.

Section B. Because immediate action is necessary to ensure adequate funding for  
2 schools, section A of this act is deemed necessary for the immediate preservation of the public  
3 health, welfare, peace, and safety, and is hereby declared to be an emergency act within the  
4 meaning of the constitution, and section A of this act shall be in full force and effect on July 1,  
5 2006, or upon its passage and approval, whichever later occurs.

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