

SECOND REGULAR SESSION

HOUSE BILL NO. 2127

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE NASHEED.

Read 1st time February 13, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3758L.01I

AN ACT

To repeal section 160.400, RSMo, and to enact in lieu thereof one new section relating to charter schools, with an emergency clause.

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

Section A. Section 160.400, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 160.400, to read as follows: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] **four hundred** thousand inhabitants [and] .

3. (1) In an urban school district containing most or all of a city with a population greater than four hundred thousand inhabitants, charter schools may be sponsored by any of the following:

[(1)] **(a)** The school board of the district;

[(2)] **(b)** 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)] **(c)** A community college located in the district; or

[(4)] **(d)** Any private four-year college or university located in a city not within a county with 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.

16 **(2) In a metropolitan district, beginning July 1, 2008, only the school board of the**
17 **district may be a sponsor, except that the state board of education may be a sponsor under**
18 **section 160.405. Schools sponsored by other entities may continue operation under their**
19 **current sponsors but may not expand their number of attendance centers.**

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

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 by the
50 department of elementary and secondary education retaining one and five-tenths percent of the
51 amount of state and local funding allocated to the charter school under section 160.415, not to

52 exceed one hundred twenty-five thousand dollars, adjusted for inflation. Such amount shall not
53 be withheld when the sponsor is a school district or the state board of education. The department
54 of elementary and secondary education shall remit the retained funds for each charter school to
55 the school's sponsor, provided the sponsor remains in good standing by fulfilling its sponsorship
56 obligations under sections 160.400 to 160.420 and 167.349, RSMo, with regard to each charter
57 school it sponsors.

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

61 11. No sponsor shall grant a charter under sections 160.400 to 160.420 and 167.349,
62 RSMo, without ensuring that a criminal background check and child abuse registry check are
63 conducted for all members of the governing board of the charter schools or the incorporators of
64 the charter school if initial directors are not named in the articles of incorporation, nor shall a
65 sponsor renew a charter without ensuring a criminal background check and child abuse registry
66 check are conducted for each member of the governing board of the charter 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 governing
72 board of the charter school shall be considered decision-making public servants as defined in
73 section 105.450, RSMo, for the purposes of the financial disclosure requirements contained in
74 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 of all data
76 necessary to demonstrate that the sponsor is in material compliance with all requirements of
77 sections 160.400 to 160.420 and 167.349, RSMo.

78 14. The state board of education shall ensure each sponsor is in compliance with all
79 requirements under sections 160.400 to 160.420 and 167.349, RSMo, for each charter school
80 sponsored by any sponsor. The state board shall notify each sponsor of the standards for
81 sponsorship of charter schools, delineating both what is mandated by statute and what best
82 practices dictate. The state board, after a public hearing, may require remedial action for a
83 sponsor that it finds has not fulfilled its obligations of sponsorship, such remedial actions
84 including 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 additional
86 school. If the state board removes the authority to sponsor a currently operating charter school,

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

Section B. Because immediate action is necessary to synchronize the requirements of
2 section A of this act with the school calendar and state fiscal year, section A of this act is deemed
3 necessary for the immediate preservation of the public health, welfare, peace, and safety, and is
4 hereby declared to be an emergency act within the meaning of the constitution, and section A of
5 this act shall be in full force and effect upon its passage and approval.

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