

FIRST REGULAR SESSION

HOUSE BILL NO. 669

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHAAF.

1615L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

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

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Section A. Section 160.400, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 160.400, to read as follows: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:

(1) A metropolitan school district [or in] ;

(2) An urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants [and] ; or

(3) A school district with a majority of its area located in a home rule city with more than seventy-three thousand but fewer than seventy-five thousand inhabitants where a majority vote of all board members has authorized operation.

A vote to authorize operation of charter schools under subdivision (3) of this subsection shall not be reversible.

3. Charter schools 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.

18 (4) Any private four-year college or university located in a city not within a county with
19 an enrollment of at least one thousand students, and with an approved teacher preparation
20 program.

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

26 [4.] 5. No sponsor shall receive from an applicant for a charter school any fee of any type
27 for the consideration of a charter, nor may a sponsor condition its consideration of a charter on
28 the promise of future payment of any kind.

29 [5.] 6. The charter school shall be a Missouri nonprofit corporation incorporated pursuant
30 to chapter 355, RSMo. The charter provided for herein shall constitute a contract between the
31 sponsor and the charter school.

32 [6.] 7. As a nonprofit corporation incorporated pursuant to chapter 355, RSMo, the
33 charter school shall select the method for election of officers pursuant to section 355.326, RSMo,
34 based on the class of corporation selected. Meetings of the governing board of the charter school
35 shall be subject to the provisions of sections 610.010 to 610.030, RSMo, the open meetings law.

36 [7.] 8. A sponsor of a charter school, its agents and employees are not liable for any acts
37 or omissions of a charter school that it sponsors, including acts or omissions relating to the
38 charter submitted by the charter school, the operation of the charter school and the performance
39 of the charter school.

40 [8.] 9. A charter school may affiliate with a four-year college or university, including a
41 private college or university, or a community college as otherwise specified in subsection 2 of
42 this section when its charter is granted by a sponsor other than such college, university or
43 community college. Affiliation status recognizes a relationship between the charter school and
44 the college or university for purposes of teacher training and staff development, curriculum and
45 assessment development, use of physical facilities owned by or rented on behalf of the college
46 or university, and other similar purposes. The primary campus of the college or university must
47 be located within the county in which the school district lies wherein the charter school is located
48 or in a county adjacent to the county in which the district is located. A university, college or
49 community college may not charge or accept a fee for affiliation status.

50 [9.] 10. The expenses associated with sponsorship of charter schools shall be defrayed
51 by the department of elementary and secondary education retaining one and five-tenths percent
52 of the amount of state and local funding allocated to the charter school under section 160.415,
53 not to exceed one hundred twenty-five thousand dollars, adjusted for inflation. Such amount

54 shall not be withheld when the sponsor is a school district or the state board of education. The
55 department of elementary and secondary education shall remit the retained funds for each charter
56 school to the school's sponsor, provided the sponsor remains in good standing by fulfilling its
57 sponsorship obligations under sections 160.400 to 160.420 and 167.349, RSMo, with regard to
58 each charter school it sponsors.

59 [10.] **11.** No university, college or community college shall grant a charter to a nonprofit
60 corporation if an employee of the university, college or community college is a member of the
61 corporation's board of directors.

62 [11.] **12.** No sponsor shall grant a charter under sections 160.400 to 160.420 and
63 167.349, RSMo, without ensuring that a criminal background check and child abuse registry
64 check are conducted for all members of the governing board of the charter schools or the
65 incorporators of the charter school if initial directors are not named in the articles of
66 incorporation, nor shall a sponsor renew a charter without ensuring a criminal background check
67 and child abuse registry check are conducted for each member of the governing board of the
68 charter school.

69 [12.] **13.** No member of the governing board of a charter school shall hold any office or
70 employment from the board or the charter school while serving as a member, nor shall the
71 member have any substantial interest, as defined in section 105.450, RSMo, in any entity
72 employed by or contracting with the board. No board member shall be an employee of a
73 company that provides substantial services to the charter school. All members of the governing
74 board of the charter school shall be considered decision-making public servants as defined in
75 section 105.450, RSMo, for the purposes of the financial disclosure requirements contained in
76 sections 105.483, 105.485, 105.487, and 105.489, RSMo.

77 [13.] **14.** A sponsor shall provide timely submission to the state board of education of
78 all data necessary to demonstrate that the sponsor is in material compliance with all requirements
79 of sections 160.400 to 160.420 and 167.349, RSMo.

80 [14.] **15.** The state board of education shall ensure each sponsor is in compliance with
81 all requirements under sections 160.400 to 160.420 and 167.349, RSMo, for each charter school
82 sponsored by any sponsor. The state board shall notify each sponsor of the standards for
83 sponsorship of charter schools, delineating both what is mandated by statute and what best
84 practices dictate. The state board, after a public hearing, may require remedial action for a
85 sponsor that it finds has not fulfilled its obligations of sponsorship, such remedial actions
86 including withholding the sponsor's funding and suspending for a period of up to one year the
87 sponsor's authority to sponsor a school that it currently sponsors or to sponsor any additional
88 school. If the state board removes the authority to sponsor a currently operating charter school,

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

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