

HOUSE _____ **AMENDMENT NO.** _____

Offered By

AMEND House Committee Substitute #2 for House Bill No. 1543, Page 7, Section 160.261, Line 220, by inserting after all of said line the following:

“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

(4) 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.

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

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

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

6. As a nonprofit corporation incorporated pursuant to chapter 355, RSMo, the charter school shall select the method for election of officers pursuant to section 355.326, RSMo, based on the class of corporation selected. Meetings of the governing board of the charter school shall

1 be subject to the provisions of sections 610.010 to 610.030, RSMo, the open meetings law.

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

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

16 9. The expenses associated with sponsorship of charter schools shall be defrayed by the
17 department of elementary and secondary education retaining one and five-tenths percent of the
18 amount of state and local funding allocated to the charter school under section 160.415, not to
19 exceed one hundred twenty-five thousand dollars, adjusted for inflation. Such amount shall not be
20 withheld when the sponsor is a school district or the state board of education. The department of
21 elementary and secondary education shall remit the retained funds for each charter school to the
22 school's sponsor, provided the sponsor remains in good standing by fulfilling its sponsorship
23 obligations under sections 160.400 to 160.420 and 167.349, RSMo, with regard to each charter
24 school it sponsors, including appropriate demonstration of the following:

25 (1) Expends no less than ninety percent of its charter school sponsorship funds in support
26 of its charter school sponsorship program, or as a direct investment in the sponsored schools;

27 (2) Maintains a comprehensive application process that follows fair procedures and
28 rigorous criteria and grants charters only to those developers who demonstrate strong capacity for
29 establishing and operating a quality charter school;

30 (3) Negotiates contracts with charter schools that clearly articulate the rights and
31 responsibilities of each party regarding school autonomy, expected outcomes, measures for
32 evaluating success or failure, performance consequences, and other material terms;

33 (4) Conducts contract oversight that evaluates performance, monitors compliance, informs
34 intervention and renewal decisions, and ensures autonomy provided under applicable law; and

35 (5) Designs and implements a transparent and rigorous process that uses comprehensive
36 data to make merit-based renewal decisions.

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

4 11. No sponsor shall grant a charter under sections 160.400 to 160.420 and 167.349,
5 RSMo, without ensuring that a criminal background check and child abuse registry check are
6 conducted for all members of the governing board of the charter schools or the incorporators of
7 the charter school if initial directors are not named in the articles of incorporation, nor shall a
8 sponsor renew a charter without ensuring a criminal background check and child abuse registry
9 check are conducted for each member of the governing board of the charter school.

10 12. No member of the governing board of a charter school shall hold any office or
11 employment from the board or the charter school while serving as a member, nor shall the
12 member have any substantial interest, as defined in section 105.450, RSMo, in any entity
13 employed by or contracting with the board. No board member shall be an employee of a company
14 that provides substantial services to the charter school. All members of the governing board of
15 the charter school shall be considered decision-making public servants as defined in section
16 105.450, RSMo, for the purposes of the financial disclosure requirements contained in sections
17 105.483, 105.485, 105.487, and 105.489, RSMo.

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

21 14. The state board of education shall ensure each sponsor is in compliance with all
22 requirements under sections 160.400 to 160.420 and 167.349, RSMo, for each charter school
23 sponsored by any sponsor. The state board shall notify each sponsor of the standards for
24 sponsorship of charter schools, delineating both what is mandated by statute and what best
25 practices dictate. The state board, after a public hearing, may require remedial action for a
26 sponsor that it finds has not fulfilled its obligations of sponsorship, such remedial actions
27 including withholding the sponsor's funding and suspending for a period of up to one year the
28 sponsor's authority to sponsor a school that it currently sponsors or to sponsor any additional
29 school. If the state board removes the authority to sponsor a currently operating charter school,
30 the state board shall become the interim sponsor of the school for a period of up to three years
31 until the school finds a new sponsor or until the charter contract period lapses.

32 15. In the event that a charter school loses its sponsor or has its charter revoked or
33 rescinded or the charter otherwise expires, the governing board of the charter school and the local
34 school district where the charter school is located may enter into a contract to continue operations
35 of the charter school as a school site of the local school district.

36 160.420. 1. Any school district in which charter schools may be established under

1 sections 160.400 to 160.420 shall establish a uniform policy which provides that if a charter
2 school offers to retain the services of an employee of a school district, and the employee accepts a
3 position at the charter school, an employee at the employee's option may remain an employee of
4 the district and the charter school shall pay to the district the district's full costs of salary and
5 benefits provided to the employee. The district's policy shall provide that any teacher who accepts
6 a position at a charter school and opts to remain an employee of the district retains such teacher's
7 permanent teacher status and retains such teacher's seniority rights in the district for three years.
8 The school district shall not be liable for any such employee's acts while an employee of the
9 charter school.

10 2. A charter school may employ noncertificated instructional personnel; provided that no
11 more than twenty percent of the full-time equivalent instructional staff positions at the school are
12 filled by noncertificated personnel. All noncertificated instructional personnel shall be supervised
13 by certificated instructional personnel. A charter school that has a foreign language immersion
14 experience as its chief educational mission, as stated in its charter, shall not be subject to the
15 twenty-percent requirement of this subsection but shall ensure that any teachers whose duties
16 include instruction given in a foreign language have current valid credentials in the country in
17 which such teacher received his or her training and shall remain subject to the remaining
18 requirements of this subsection. The charter school shall ensure that all instructional employees
19 of the charter school have experience, training and skills appropriate to the instructional duties of
20 the employee, and the charter school shall ensure that a criminal background check and child
21 abuse registry check are conducted for each employee of the charter school prior to the hiring of
22 the employee. The charter school may not employ instructional personnel whose certificate of
23 license to teach has been revoked or is currently suspended by the state board of education.
24 Appropriate experience, training and skills of noncertificated instructional personnel shall be
25 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
32 the school district in which the charter school is located, subject to the same terms, conditions,
33 requirements and other provisions applicable to personnel employed by the school district. For
34 purposes of participating in the retirement system, the charter school shall be considered to be a
35 public school within the school district, and personnel employed by the charter school shall be
36 public school employees. In the event of a lapse of the school district's corporate organization as

described in subsections 1 and 4 of section 162.081, RSMo, personnel employed by the charter school shall continue to participate in the retirement system and shall do so on the same terms, conditions, requirements and other provisions as they participated prior to the lapse.

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

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

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

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

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

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

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

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

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

1 charter.] The instructional employees of a charter school in circumstances described in subsection
2 15 of section 160.400 shall continue to be employees of the governing board of the former charter
3 school and shall not be considered employees of the local school district; however, such
4 instructional employees shall meet all licensure and certification requirements as determined by
5 the department to perform the duties of a public school teacher.” ; and
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8 Further amend said bill by amending the title, enacting clause, and intersectional references
9 accordingly.
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