

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 485
100TH GENERAL ASSEMBLY

Reported from the Committee on Government Reform, April 18, 2019, with recommendation that the Senate Committee Substitute do pass.

1264S.02C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 160.400, 160.405, 160.408, 160.410, 160.415, 160.425, 160.545, 162.081, 167.125, 167.131, 167.151, 167.241, 168.133, and 171.033, RSMo, and to enact in lieu thereof twenty-two new sections relating to elementary and secondary education, with emergency clauses for certain sections.

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

Section A. Sections 160.400, 160.405, 160.408, 160.410, 160.415, 160.425, 160.545, 162.081, 167.125, 167.131, 167.151, 167.241, 168.133, and 171.033, RSMo, are repealed and twenty-two new sections enacted in lieu thereof, to be known as sections 160.400, 160.404, 160.405, 160.408, 160.410, 160.415, 160.422, 160.425, 160.545, 161.089, 162.081, 162.1323, 167.125, 167.131, 167.132, 167.151, 167.241, 167.890, 167.895, 167.898, 168.133, and 171.033, to read as follows:

- 160.400. 1. A charter school is an independent public school.
2. [Except as further provided in subsection 4 of this section,] Charter schools may be operated only:
- (1) In a metropolitan school district;
 - (2) In an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants;
 - (3) In a school district that has been classified as unaccredited by the state board of education;
 - (4) In a school district that has been classified as provisionally accredited by the state board of education and has received scores on its annual performance report consistent with a classification of provisionally accredited or unaccredited for three consecutive school years beginning with the 2012-13 accreditation year

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

13 under the following conditions:

14 (a) The eligibility for charter schools of any school district whose
15 provisional accreditation is based in whole or in part on financial stress as
16 defined in sections 161.520 to 161.529, or on financial hardship as defined by rule
17 of the state board of education, shall be decided by a vote of the state board of
18 education during the third consecutive school year after the designation of
19 provisional accreditation; and

20 (b) The sponsor is limited to the local school board or a sponsor who has
21 met the standards of accountability and performance as determined by the
22 department based on sections 160.400 to 160.425 and section 167.349 and
23 properly promulgated rules of the department; [or]

24 (5) **In a school district located within a county with a charter**
25 **form of government, provided the proposed charter school sponsor**
26 **receives a petition with the number of signatures of parents of students**
27 **who would qualify to attend the proposed charter school equal to fifty**
28 **percent of the number of seats with which the proposed charter school**
29 **intends to open. The provisions of this subdivision shall not apply to**
30 **any such district that is accredited without provisions by the state**
31 **board of education and that has a resident pupil enrollment of less than**
32 **three thousand;**

33 (6) **In any urban school district as defined in section 160.011,**
34 **provided the proposed charter school sponsor receives a petition with**
35 **the number of signatures of parents of students who would qualify to**
36 **attend the proposed charter school equal to fifty percent of the number**
37 **of seats with which the proposed charter school intends to open. The**
38 **provisions of this subdivision shall not apply to any such district that**
39 **is accredited without provisions by the state board of education and**
40 **that has a resident pupil enrollment of less than three thousand; or**

41 (7) **In a school district that has been accredited without provisions,**
42 **sponsored only by the local school board; provided that no board with a current**
43 **year enrollment of one thousand five hundred fifty students or greater shall**
44 **permit more than thirty-five percent of its student enrollment to enroll in charter**
45 **schools sponsored by the local board under the authority of this subdivision,**
46 **except that this restriction shall not apply to any school district that**
47 **subsequently becomes eligible under subdivision (3) or (4) of this subsection or to**
48 **any district accredited without provisions that sponsors charter schools prior to**

49 having a current year student enrollment of one thousand five hundred fifty
50 students or greater.

51 3. [Except as further provided in subsection 4 of this section,] The
52 following entities are eligible to sponsor charter schools:

53 (1) The school board of the district in any district which is sponsoring a
54 charter school as of August 27, 2012, as permitted under subdivision (1) or (2) of
55 subsection 2 of this section, the special administrative board of a metropolitan
56 school district during any time in which powers granted to the district's board of
57 education are vested in a special administrative board, or if the state board of
58 education appoints a special administrative board to retain the authority granted
59 to the board of education of an urban school district containing most or all of a
60 city with a population greater than three hundred fifty thousand inhabitants, the
61 special administrative board of such school district;

62 (2) A public four-year college or university with an approved teacher
63 education program that meets regional or national standards of accreditation;

64 (3) A community college, the service area of which encompasses some
65 portion of the district;

66 (4) Any private four-year college or university with an enrollment of at
67 least one thousand students, with its primary campus in Missouri, and with an
68 approved teacher preparation program;

69 (5) Any two-year private vocational or technical school designated as a
70 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as
71 amended, and accredited by the Higher Learning Commission, with its primary
72 campus in Missouri;

73 (6) The Missouri charter public school commission created in section
74 160.425.

75 4. [Changes in a school district's accreditation status that affect charter
76 schools shall be addressed as follows, except for the districts described in
77 subdivisions (1) and (2) of subsection 2 of this section:

78 (1) As a district transitions from unaccredited to provisionally accredited,
79 the district shall continue to fall under the requirements for an unaccredited
80 district until it achieves three consecutive full school years of provisional
81 accreditation;

82 (2) As a district transitions from provisionally accredited to full
83 accreditation, the district shall continue to fall under the requirements for a
84 provisionally accredited district until it achieves three consecutive full school

85 years of full accreditation;

86 (3) In any school district classified as unaccredited or provisionally
87 accredited where a charter school is operating and is sponsored by an entity other
88 than the local school board, when the school district becomes classified as
89 accredited without provisions, a charter school may continue to be sponsored by
90 the entity sponsoring it prior to the classification of accredited without provisions
91 and shall not be limited to the local school board as a sponsor.

92 A charter school operating in a school district identified in subdivision (1) or (2)
93 of subsection 2 of this section may be sponsored by any of the entities identified
94 in subsection 3 of this section, irrespective of the accreditation classification of
95 the district in which it is located. A charter school in a district described in this
96 subsection whose charter provides for the addition of grade levels in subsequent
97 years may continue to add levels until the planned expansion is complete to the
98 extent of grade levels in comparable schools of the district in which the charter
99 school is operated.

100 5. The mayor of a city not within a county may request a sponsor under
101 subdivision (2), (3), (4), (5), or (6) of subsection 3 of this section to consider
102 sponsoring a "workplace charter school", which is defined for purposes of sections
103 160.400 to 160.425 as a charter school with the ability to target prospective
104 students whose parent or parents are employed in a business district, as defined
105 in the charter, which is located in the city.

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

109 [7.] 5. The charter school shall be organized as a Missouri nonprofit
110 corporation incorporated pursuant to chapter 355. The charter provided for
111 herein shall constitute a contract between the sponsor and the charter school.

112 [8.] 6. As a nonprofit corporation incorporated pursuant to chapter 355,
113 the charter school shall select the method for election of officers pursuant to
114 section 355.326 based on the class of corporation selected. Meetings of the
115 governing board of the charter school shall be subject to the provisions of sections
116 610.010 to 610.030.

117 [9.] 7. A sponsor of a charter school, its agents and employees are not
118 liable for any acts or omissions of a charter school that it sponsors, including acts
119 or omissions relating to the charter submitted by the charter school, the operation
120 of the charter school and the performance of the charter school.

121 **[10.] 8.** A charter school may affiliate with a four-year college or
122 university, including a private college or university, or a community college as
123 otherwise specified in subsection 3 of this section when its charter is granted by
124 a sponsor other than such college, university or community college. Affiliation
125 status recognizes a relationship between the charter school and the college or
126 university for purposes of teacher training and staff development, curriculum and
127 assessment development, use of physical facilities owned by or rented on behalf
128 of the college or university, and other similar purposes. A university, college or
129 community college may not charge or accept a fee for affiliation status.

130 **[11.] 9.** The expenses associated with sponsorship of charter schools shall
131 be defrayed by the department of elementary and secondary education retaining
132 one and five-tenths percent of the amount of state and local funding allocated to
133 the charter school under section 160.415, not to exceed one hundred twenty-five
134 thousand dollars, adjusted for inflation. The department of elementary and
135 secondary education shall remit the retained funds for each charter school to the
136 school's sponsor, provided the sponsor remains in good standing by fulfilling its
137 sponsorship obligations under sections 160.400 to 160.425 and 167.349 with
138 regard to each charter school it sponsors, including appropriate demonstration of
139 the following:

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

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

147 (3) Negotiates contracts with charter schools that clearly articulate the
148 rights and responsibilities of each party regarding school autonomy, expected
149 outcomes, measures for evaluating success or failure, performance consequences
150 based on the annual performance report, and other material terms;

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

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

156 **[12.] 10.** Sponsors receiving funds under subsection **[11] 9** of this section

157 shall be required to submit annual reports to the joint committee on education
158 demonstrating they are in compliance with subsection [17] 15 of this section.

159 [13.] 11. No university, college or community college shall grant a charter
160 to a nonprofit corporation if an employee of the university, college or community
161 college is a member of the corporation's board of directors.

162 [14.] 12. No sponsor shall grant a charter under sections 160.400 to
163 160.425 and 167.349 without ensuring that a criminal background check and
164 family care safety registry check are conducted for all members of the governing
165 board of the charter schools or the incorporators of the charter school if initial
166 directors are not named in the articles of incorporation, nor shall a sponsor renew
167 a charter without ensuring a criminal background check and family care safety
168 registry check are conducted for each member of the governing board of the
169 charter school.

170 [15.] 13. No member of the governing board of a charter school shall hold
171 any office or employment from the board or the charter school while serving as
172 a member, nor shall the member have any substantial interest, as defined in
173 section 105.450, in any entity employed by or contracting with the board. No
174 board member shall be an employee of a company that provides substantial
175 services to the charter school. All members of the governing board of the charter
176 school shall be considered decision-making public servants as defined in section
177 105.450 for the purposes of the financial disclosure requirements contained in
178 sections 105.483, 105.485, 105.487, and 105.489.

179 [16.] 14. A sponsor shall develop the policies and procedures for:

180 (1) The review of a charter school proposal including an application that
181 provides sufficient information for rigorous evaluation of the proposed charter and
182 provides clear documentation that the education program and academic program
183 are aligned with the state standards and grade-level expectations, and provides
184 clear documentation of effective governance and management structures, and a
185 sustainable operational plan;

186 (2) The granting of a charter;

187 (3) The performance contract that the sponsor will use to evaluate the
188 performance of charter schools. Charter schools shall meet current state
189 academic performance standards as well as other standards agreed upon by the
190 sponsor and the charter school in the performance contract;

191 (4) The sponsor's intervention, renewal, and revocation policies, including
192 the conditions under which the charter sponsor may intervene in the operation

193 of the charter school, along with actions and consequences that may ensue, and
194 the conditions for renewal of the charter at the end of the term, consistent with
195 subsections 8 and 9 of section 160.405;

196 (5) Additional criteria that the sponsor will use for ongoing oversight of
197 the charter; and

198 (6) Procedures to be implemented if a charter school should close,
199 consistent with the provisions of subdivision (15) of subsection 1 of section
200 160.405.

201 The department shall provide guidance to sponsors in developing such policies
202 and procedures.

203 [17.] **15.** (1) A sponsor shall provide timely submission to the state board
204 of education of all data necessary to demonstrate that the sponsor is in material
205 compliance with all requirements of sections 160.400 to 160.425 and section
206 167.349. The state board of education shall ensure each sponsor is in compliance
207 with all requirements under sections 160.400 to 160.425 and 167.349 for each
208 charter school sponsored by any sponsor. The state board shall notify each
209 sponsor of the standards for sponsorship of charter schools, delineating both what
210 is mandated by statute and what best practices dictate. The state board shall
211 evaluate sponsors to determine compliance with these standards every three
212 years. The evaluation shall include a sponsor's policies and procedures in the
213 areas of charter application approval; required charter agreement terms and
214 content; sponsor performance evaluation and compliance monitoring; and charter
215 renewal, intervention, and revocation decisions. Nothing shall preclude the
216 department from undertaking an evaluation at any time for cause.

217 (2) If the department determines that a sponsor is in material
218 noncompliance with its sponsorship duties, the sponsor shall be notified and
219 given reasonable time for remediation. If remediation does not address the
220 compliance issues identified by the department, the commissioner of education
221 shall conduct a public hearing and thereafter provide notice to the charter
222 sponsor of corrective action that will be recommended to the state board of
223 education. Corrective action by the department may include withholding the
224 sponsor's funding and suspending the sponsor's authority to sponsor a school that
225 it currently sponsors or to sponsor any additional school until the sponsor is
226 reauthorized by the state board of education under section 160.403.

227 (3) The charter sponsor may, within thirty days of receipt of the notice of
228 the commissioner's recommendation, provide a written statement and other

229 documentation to show cause as to why that action should not be taken. Final
230 determination of corrective action shall be determined by the state board of
231 education based upon a review of the documentation submitted to the department
232 and the charter sponsor.

233 (4) If the state board removes the authority to sponsor a currently
234 operating charter school under any provision of law, the Missouri charter public
235 school commission shall become the sponsor of the school.

236 [18.] **16.** If a sponsor notifies a charter school of closure under subsection
237 8 of section 160.405, the department of elementary and secondary education shall
238 exercise its financial withholding authority under subsection 12 of section 160.415
239 to assure all obligations of the charter school shall be met. The state, charter
240 sponsor, or resident district shall not be liable for any outstanding liability or
241 obligations of the charter school.

242 **17. If a charter school fails to receive a renewal of its charter**
243 **after a three-year term as described in paragraph (e) of subdivision (3)**
244 **of subsection 9 of section 160.405, the sponsor of the charter school at**
245 **the time of the failure of renewal shall not sponsor any new charter**
246 **schools until the state board of education has completed an evaluation**
247 **and received a determination of compliance with all requirements**
248 **under sections 160.400 to 160.425 and section 167.349 for all charter**
249 **schools sponsored by the sponsor and meets the state standards of**
250 **sponsorship. The provisions of this subsection shall not apply to**
251 **sponsors who revoke or let lapse the three-year charter.**

160.404. 1. For purposes of sections 160.400 to 160.425, the term
2 "underperformance", "underperforms", or "underperformed" means the
3 receipt of scores demonstrating that the percentage of students who
4 perform proficient and advanced on the annual statewide system of
5 assessments under section 160.518 in English language arts and
6 mathematics in a charter school is lower than the average percentage
7 of grade-level-equivalent students attending nonselective attendance
8 centers in the school district which the charter school is located who
9 perform proficient and advanced in English language arts and
10 mathematics.

11 2. Notwithstanding subsection 1 of this section, the term
12 "underperformance", "underperforms", or "underperformed" shall not
13 apply to any charter school in which:

14 **(1) Fifty percent or more of the school's students were previously**
15 **considered dropouts under subdivision (5) of subsection 2 of section**
16 **160.405; or**

17 **(2) The average rate of growth in English language arts and**
18 **mathematics on the annual statewide system of assessments under**
19 **section 160.518 based on the state's growth model for the charter**
20 **school's students is higher than the average growth in English language**
21 **arts and mathematics based on the state's growth model for grade-level-**
22 **equivalent students attending nonselective attendance centers in the**
23 **school district in which the charter school is located.**

160.405. 1. A person, group or organization seeking to establish a charter
2 school shall submit the proposed charter, as provided in this section, to a sponsor.
3 If the sponsor is not a school board, the applicant shall give a copy of its
4 application to the school board of the district in which the charter school is to be
5 located and to the state board of education, within five business days of the date
6 the application is filed with the proposed sponsor. The school board may file
7 objections with the proposed sponsor, and, if a charter is granted, the school
8 board may file objections with the state board of education. The charter shall
9 include a legally binding performance contract that describes the obligations and
10 responsibilities of the school and the sponsor as outlined in sections 160.400 to
11 160.425 and section 167.349 and shall address the following:

12 (1) A mission and vision statement for the charter school;

13 (2) A description of the charter school's organizational structure and
14 bylaws of the governing body, which will be responsible for the policy, financial
15 management, and operational decisions of the charter school, including the nature
16 and extent of parental, professional educator, and community involvement in the
17 governance and operation of the charter school;

18 (3) A financial plan for the first three years of operation of the charter
19 school including provisions for annual audits;

20 (4) A description of the charter school's policy for securing personnel
21 services, its personnel policies, personnel qualifications, and professional
22 development plan;

23 (5) A description of the grades or ages of students being served;

24 (6) The school's calendar of operation, which shall include at least the
25 equivalent of a full school term as defined in section 160.011;

26 (7) A description of the charter school's pupil performance standards and

27 academic program performance standards, which shall meet the requirements of
28 subdivision (6) of subsection 4 of this section. The charter school program shall
29 be designed to enable each pupil to achieve such standards and shall contain a
30 complete set of indicators, measures, metrics, and targets for academic program
31 performance, including specific goals on graduation rates and standardized test
32 performance and academic growth;

33 (8) A description of the charter school's educational program and
34 curriculum;

35 (9) The term of the charter, which shall be five years and may be renewed
36 **for a five-year term; except that, if renewal occurs as described under**
37 **paragraph (e) of subdivision (3) of subsection 9 of this section, such**
38 **renewal shall be for only a three-year term;**

39 (10) Procedures, consistent with the Missouri financial accounting
40 manual, for monitoring the financial accountability of the charter, which shall
41 meet the requirements of subdivision (4) of subsection 4 of this section;

42 (11) Preopening requirements for applications that require that charter
43 schools meet all health, safety, and other legal requirements prior to opening;

44 (12) A description of the charter school's policies on student discipline and
45 student admission, which shall include a statement, where applicable, of the
46 validity of attendance of students who do not reside in the district but who may
47 be eligible to attend under the terms of judicial settlements and procedures that
48 ensure admission of students with disabilities in a nondiscriminatory manner;

49 (13) A description of the charter school's grievance procedure for parents
50 or guardians;

51 (14) A description of the agreement and time frame for implementation
52 between the charter school and the sponsor as to when a sponsor shall intervene
53 in a charter school, when a sponsor shall revoke a charter for failure to comply
54 with subsection 8 of this section, and when a sponsor will not renew a charter
55 under subsection 9 of this section;

56 (15) Procedures to be implemented if the charter school should close, as
57 provided in subdivision (6) of subsection 16 of section 160.400 including:

58 (a) Orderly transition of student records to new schools and archival of
59 student records;

60 (b) Archival of business operation and transfer or repository of personnel
61 records;

62 (c) Submission of final financial reports;

63 (d) Resolution of any remaining financial obligations;
64 (e) Disposition of the charter school's assets upon closure; and
65 (f) A notification plan to inform parents or guardians of students, the local
66 school district, the retirement system in which the charter school's employees
67 participate, and the state board of education within thirty days of the decision to
68 close;

69 (16) A description of the special education and related services that shall
70 be available to meet the needs of students with disabilities; and

71 (17) For all new or revised charters, procedures to be used upon closure
72 of the charter school requiring that unobligated assets of the charter school be
73 returned to the department of elementary and secondary education for their
74 disposition, which upon receipt of such assets shall return them to the local
75 school district in which the school was located, the state, or any other entity to
76 which they would belong.

77 Charter schools operating on August 27, 2012, shall have until August 28, 2015,
78 to meet the requirements of this subsection.

79 2. Proposed charters shall be subject to the following requirements:

80 (1) A charter shall be submitted to the sponsor, and follow the sponsor's
81 policies and procedures for review and granting of a charter approval, and be
82 approved by the state board of education by January thirty-first prior to the
83 school year of the proposed opening date of the charter school;

84 (2) A charter may be approved when the sponsor determines that the
85 requirements of this section are met, determines that the applicant is sufficiently
86 qualified to operate a charter school, and that the proposed charter is consistent
87 with the sponsor's charter sponsorship goals and capacity. The sponsor's decision
88 of approval or denial shall be made within ninety days of the filing of the
89 proposed charter;

90 (3) If the charter is denied, the proposed sponsor shall notify the applicant
91 in writing as to the reasons for its denial and forward a copy to the state board
92 of education within five business days following the denial;

93 (4) If a proposed charter is denied by a sponsor, the proposed charter may
94 be submitted to the state board of education, along with the sponsor's written
95 reasons for its denial. If the state board determines that the applicant meets the
96 requirements of this section, that the applicant is sufficiently qualified to operate
97 the charter school, and that granting a charter to the applicant would be likely
98 to provide educational benefit to the children of the district, the state board may

99 grant a charter and act as sponsor of the charter school. The state board shall
100 review the proposed charter and make a determination of whether to deny or
101 grant the proposed charter within sixty days of receipt of the proposed charter,
102 provided that any charter to be considered by the state board of education under
103 this subdivision shall be submitted no later than March first prior to the school
104 year in which the charter school intends to begin operations. The state board of
105 education shall notify the applicant in writing as the reasons for its denial, if
106 applicable; and

107 (5) The sponsor of a charter school shall give priority to charter school
108 applicants that propose a school oriented to high-risk students and to the reentry
109 of dropouts into the school system. If a sponsor grants three or more charters,
110 at least one-third of the charters granted by the sponsor shall be to schools that
111 actively recruit dropouts or high-risk students as their student body and address
112 the needs of dropouts or high-risk students through their proposed mission,
113 curriculum, teaching methods, and services. For purposes of this subsection, a
114 "high-risk" student is one who is at least one year behind in satisfactory
115 completion of course work or obtaining high school credits for graduation, has
116 dropped out of school, is at risk of dropping out of school, needs drug and alcohol
117 treatment, has severe behavioral problems, has been suspended from school three
118 or more times, has a history of severe truancy, is a pregnant or parenting teen,
119 has been referred for enrollment by the judicial system, is exiting incarceration,
120 is a refugee, is homeless or has been homeless sometime within the preceding six
121 months, has been referred by an area school district for enrollment in an
122 alternative program, or qualifies as high risk under department of elementary
123 and secondary education guidelines. Dropout shall be defined through the
124 guidelines of the school core data report. The provisions of this subsection do not
125 apply to charters sponsored by the state board of education.

126 3. If a charter is approved by a sponsor, the charter application shall be
127 submitted to the state board of education, along with a statement of finding by
128 the sponsor that the application meets the requirements of sections 160.400 to
129 160.425 and section 167.349 and a monitoring plan under which the charter
130 sponsor shall evaluate the academic performance, including annual performance
131 reports, of students enrolled in the charter school. The state board of education
132 shall approve or deny a charter application within sixty days of receipt of the
133 application. The state board of education may deny a charter on grounds that the
134 application fails to meet the requirements of sections 160.400 to 160.425 and

135 section 167.349 or that a charter sponsor previously failed to meet the statutory
136 responsibilities of a charter sponsor. Any denial of a charter application made
137 by the state board of education shall be in writing and shall identify the specific
138 failures of the application to meet the requirements of sections 160.400 to 160.425
139 and section 167.349, and the written denial shall be provided within ten business
140 days to the sponsor.

141 4. A charter school shall, as provided in its charter:

142 (1) Be nonsectarian in its programs, admission policies, employment
143 practices, and all other operations;

144 (2) Comply with laws and regulations of the state, county, or city relating
145 to health, safety, and state minimum educational standards, as specified by the
146 state board of education, including the requirements relating to student discipline
147 under sections 160.261, 167.161, 167.164, and 167.171, notification of criminal
148 conduct to law enforcement authorities under sections 167.115 to 167.117,
149 academic assessment under section 160.518, transmittal of school records under
150 section 167.020, the minimum amount of school time required under section
151 171.031, and the employee criminal history background check and the family care
152 safety registry check under section 168.133;

153 (3) Except as provided in sections 160.400 to 160.425 and as specifically
154 provided in other sections, be exempt from all laws and rules relating to schools,
155 governing boards and school districts;

156 (4) Be financially accountable, use practices consistent with the Missouri
157 financial accounting manual, provide for an annual audit by a certified public
158 accountant, publish audit reports and annual financial reports as provided in
159 chapter 165, provided that the annual financial report may be published on the
160 department of elementary and secondary education's internet website in addition
161 to other publishing requirements, and provide liability insurance to indemnify the
162 school, its board, staff and teachers against tort claims. A charter school that
163 receives local educational agency status under subsection 6 of this section shall
164 meet the requirements imposed by the Elementary and Secondary Education Act
165 for audits of such agencies and comply with all federal audit requirements for
166 charters with local educational agency status. **The charter school shall make**
167 **the results of such audits available on its website.** For purposes of an
168 audit by petition under section 29.230, a charter school shall be treated as a
169 political subdivision on the same terms and conditions as the school district in
170 which it is located. For the purposes of securing such insurance, a charter school

171 shall be eligible for the Missouri public entity risk management fund pursuant
172 to section 537.700. A charter school that incurs debt shall include a repayment
173 plan in its financial plan;

174 (5) Provide a comprehensive program of instruction for at least one grade
175 or age group from early childhood through grade twelve, as specified in its
176 charter;

177 (6) (a) Design a method to measure pupil progress toward the pupil
178 academic standards adopted by the state board of education pursuant to section
179 160.514, establish baseline student performance in accordance with the
180 performance contract during the first year of operation, collect student
181 performance data as defined by the annual performance report throughout the
182 duration of the charter to annually monitor student academic performance, and
183 to the extent applicable based upon grade levels offered by the charter school,
184 participate in the statewide system of assessments, comprised of the essential
185 skills tests and the nationally standardized norm-referenced achievement tests,
186 as designated by the state board pursuant to section 160.518, complete and
187 distribute an annual report card as prescribed in section 160.522, which shall also
188 include a statement that background checks have been completed on the charter
189 school's board members, and report to its sponsor, the local school district, and
190 the state board of education as to its teaching methods and any educational
191 innovations and the results thereof. No charter school shall be considered in the
192 Missouri school improvement program review of the district in which it is located
193 for the resource or process standards of the program.

194 (b) For proposed high-risk or alternative charter schools, sponsors shall
195 approve performance measures based on mission, curriculum, teaching methods,
196 and services. Sponsors shall also approve comprehensive academic and
197 behavioral measures to determine whether students are meeting performance
198 standards on a different time frame as specified in that school's charter. Student
199 performance shall be assessed comprehensively to determine whether a high-risk
200 or alternative charter school has documented adequate student progress. Student
201 performance shall be based on sponsor-approved comprehensive measures as well
202 as standardized public school measures. Annual presentation of charter school
203 report card data to the department of elementary and secondary education, the
204 state board, and the public shall include comprehensive measures of student
205 progress.

206 (c) Nothing in this subdivision shall be construed as permitting a charter

207 school to be held to lower performance standards than other public schools within
208 a district; however, the charter of a charter school may permit students to meet
209 performance standards on a different time frame as specified in its charter. The
210 performance standards for alternative and special purpose charter schools that
211 target high-risk students as defined in subdivision (5) of subsection 2 of this
212 section shall be based on measures defined in the school's performance contract
213 with its sponsors;

214 (7) Comply with all applicable federal and state laws and regulations
215 regarding students with disabilities, including sections 162.670 to 162.710, the
216 Individuals with Disabilities Education Act (20 U.S.C. Section 1400) and Section
217 504 of the Rehabilitation Act of 1973 (29 U.S.C. Section 794) or successor
218 legislation;

219 (8) Provide along with any request for review by the state board of
220 education the following:

221 (a) Documentation that the applicant has provided a copy of the
222 application to the school board of the district in which the charter school is to be
223 located, except in those circumstances where the school district is the sponsor of
224 the charter school; and

225 (b) A statement outlining the reasons for approval or denial by the
226 sponsor, specifically addressing the requirements of sections 160.400 to 160.425
227 and 167.349; and

228 **(9) Seek to ensure that the percentage of its students who**
229 **perform proficient and advanced on the annual statewide system of**
230 **assessments under section 160.518 in English language arts and**
231 **mathematics is equal to or higher than the average percentage of**
232 **grade-level-equivalent students attending nonselective attendance**
233 **centers in the school district in which it is located who perform**
234 **proficient and advanced in English language arts and mathematics.**

235 5. (1) Proposed or existing high-risk or alternative charter schools may
236 include alternative arrangements for students to obtain credit for satisfying
237 graduation requirements in the school's charter application and
238 charter. Alternative arrangements may include, but not be limited to, credit for
239 off-campus instruction, embedded credit, work experience through an internship
240 arranged through the school, and independent studies. When the state board of
241 education approves the charter, any such alternative arrangements shall be
242 approved at such time.

243 (2) The department of elementary and secondary education shall conduct
244 a study of any charter school granted alternative arrangements for students to
245 obtain credit under this subsection after three years of operation to assess
246 student performance, graduation rates, educational outcomes, and entry into the
247 workforce or higher education.

248 6. The charter of a charter school may be amended at the request of the
249 governing body of the charter school and on the approval of the sponsor. The
250 sponsor and the governing board and staff of the charter school shall jointly
251 review the school's performance, management and operations during the first year
252 of operation and then every other year after the most recent review or at any
253 point where the operation or management of the charter school is changed or
254 transferred to another entity, either public or private. The governing board of a
255 charter school may amend the charter, if the sponsor approves such amendment,
256 or the sponsor and the governing board may reach an agreement in writing to
257 reflect the charter school's decision to become a local educational agency. In such
258 case the sponsor shall give the department of elementary and secondary
259 education written notice no later than March first of any year, with the
260 agreement to become effective July first. The department may waive the March
261 first notice date in its discretion. The department shall identify and furnish a list
262 of its regulations that pertain to local educational agencies to such schools within
263 thirty days of receiving such notice.

264 7. Sponsors shall annually review the charter school's compliance with
265 statutory standards including:

266 (1) Participation in the statewide system of assessments, as designated
267 by the state board of education under section 160.518;

268 (2) Assurances for the completion and distribution of an annual report
269 card as prescribed in section 160.522;

270 (3) The collection of baseline data during the first three years of operation
271 to determine the longitudinal success of the charter school;

272 (4) A method to measure pupil progress toward the pupil academic
273 standards adopted by the state board of education under section 160.514; and

274 (5) Publication of each charter school's annual performance report.

275 8. (1) (a) A sponsor's policies shall give schools clear, adequate,
276 evidence-based, and timely notice of contract violations or performance
277 deficiencies and mandate intervention based upon findings of the state board of
278 education of the following:

279 a. The charter school provides a high school program which fails to
280 maintain a graduation rate of at least seventy percent in three of the last four
281 school years unless the school has dropout recovery as its mission;

282 b. The charter school's annual performance report results are below the
283 district's annual performance report results based on the performance standards
284 that are applicable to the grade level configuration of both the charter school and
285 the district in which the charter school is located in three of the last four school
286 years; and

287 c. The charter school is identified as a persistently lowest achieving school
288 by the department of elementary and secondary education.

289 (b) A sponsor shall have a policy to revoke a charter during the charter
290 term if there is:

291 a. Clear evidence of **[underperformance] low performance** as
292 demonstrated in the charter school's annual performance report in three of the
293 last four school years; or

294 b. A violation of the law or the public trust that imperils students or
295 public funds.

296 (c) A sponsor shall revoke a charter or take other appropriate remedial
297 action, which may include placing the charter school on probationary status for
298 no more than twenty-four months, provided that no more than one designation
299 of probationary status shall be allowed for the duration of the charter contract,
300 at any time if the charter school commits a serious breach of one or more
301 provisions of its charter or on any of the following grounds:

302 **a.** Failure to meet the performance contract as set forth in its charter[.];

303 **b. Underperformance for at least two years;**

304 **c.** Failure to meet generally accepted standards of fiscal management[.];

305 **d.** Failure to provide information necessary to confirm compliance with
306 all provisions of the charter and sections 160.400 to 160.425 and 167.349 within
307 forty-five days following receipt of written notice requesting such information[.];

308 or

309 **e.** Violation of law.

310 (2) The sponsor may place the charter school on probationary status to
311 allow the implementation of a remedial plan, which may require a change of
312 methodology, a change in leadership, or both, after which, if such plan is
313 unsuccessful, the charter may be revoked.

314 (3) At least sixty days before acting to revoke a charter, the sponsor shall

315 notify the governing board of the charter school of the proposed action in
316 writing. The notice shall state the grounds for the proposed action. The school's
317 governing board may request in writing a hearing before the sponsor within two
318 weeks of receiving the notice.

319 (4) The sponsor of a charter school shall establish procedures to conduct
320 administrative hearings upon determination by the sponsor that grounds exist to
321 revoke a charter. Final decisions of a sponsor from hearings conducted pursuant
322 to this subsection are subject to an appeal to the state board of education, which
323 shall determine whether the charter shall be revoked.

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

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

330 9. (1) A sponsor shall take all reasonable steps necessary to confirm that
331 each charter school sponsored by such sponsor is in material compliance and
332 remains in material compliance with all material provisions of the charter and
333 sections 160.400 to 160.425 and 167.349. Every charter school shall provide all
334 information necessary to confirm ongoing compliance with all provisions of its
335 charter and sections 160.400 to 160.425 and 167.349 in a timely manner to its
336 sponsor.

337 (2) The sponsor's renewal process of the charter school shall be based on
338 the thorough analysis of a comprehensive body of objective evidence and consider
339 if:

340 (a) The charter school has maintained results on its annual performance
341 report that meet or exceed the district in which the charter school is located
342 based on the performance standards that are applicable to the grade-level
343 configuration of both the charter school and the district in which the charter
344 school is located in three of the last four school years;

345 (b) **The charter school has underperformed for two of the three**
346 **consecutive years immediately before a decision whether to renew the**
347 **school's charter is made;**

348 (c) The charter school is organizationally and fiscally viable determining
349 at a minimum that the school does not have:

350 a. A negative balance in its operating funds;

351 b. A combined balance of less than three percent of the amount expended
352 for such funds during the previous fiscal year; or

353 c. Expenditures that exceed receipts for the most recently completed fiscal
354 year;

355 [(c)] (d) The charter is in compliance with its legally binding
356 performance contract and sections 160.400 to 160.425 and section 167.349; and

357 [(d)] (e) The charter school has an annual performance report consistent
358 with a classification of accredited for three of the last four years and is fiscally
359 viable as described in paragraph (b) of this subdivision. If such is the case, the
360 charter school may have an expedited renewal process as defined by rule of the
361 department of elementary and secondary education.

362 (3) (a) Beginning August first during the year in which a charter is
363 considered for renewal, a charter school sponsor shall demonstrate to the state
364 board of education that the charter school is in compliance with federal and state
365 law as provided in sections 160.400 to 160.425 and section 167.349 and the
366 school's performance contract including but not limited to those requirements
367 specific to academic performance.

368 (b) Along with data reflecting the academic performance standards
369 indicated in paragraph (a) of this subdivision, the sponsor shall submit a revised
370 charter application to the state board of education for review. **Such application**
371 **shall include a financial audit performed by an independent certified**
372 **public accountant in accordance with generally accepted auditing**
373 **standards, which shall be paid for by the charter school.**

374 (c) Using the data requested and the revised charter application under
375 paragraphs (a) and (b) of this subdivision, the state board of education shall
376 determine if compliance with all standards enumerated in this subdivision has
377 been achieved. The state board of education at its next regularly scheduled
378 meeting shall vote on the revised charter application.

379 (d) If a charter school sponsor demonstrates the objectives identified in
380 this subdivision, the state board of education shall renew the school's charter.

381 **(e) If a charter school underperforms for two of the three**
382 **consecutive years immediately before a decision whether to renew the**
383 **school's charter is made, any renewal granted shall be for only a two-**
384 **year term. If the charter school again underperforms for both years of**
385 **the two-year term, the school's charter shall not be renewed.**

386 10. A school district may enter into a lease with a charter school for

387 physical facilities.

388 11. A governing board or a school district employee who has control over
389 personnel actions shall not take unlawful reprisal against another employee at
390 the school district because the employee is directly or indirectly involved in an
391 application to establish a charter school. A governing board or a school district
392 employee shall not take unlawful reprisal against an educational program of the
393 school or the school district because an application to establish a charter school
394 proposes the conversion of all or a portion of the educational program to a charter
395 school. As used in this subsection, "unlawful reprisal" means an action that is
396 taken by a governing board or a school district employee as a direct result of a
397 lawful application to establish a charter school and that is adverse to another
398 employee or an educational program.

399 12. Charter school board members shall be subject to the same liability
400 for acts while in office as if they were regularly and duly elected members of
401 school boards in any other public school district in this state. The governing
402 board of a charter school may participate, to the same extent as a school board,
403 in the Missouri public entity risk management fund in the manner provided
404 under sections 537.700 to 537.756.

405 13. Any entity, either public or private, operating, administering, or
406 otherwise managing a charter school shall be considered a quasi-public
407 governmental body and subject to the provisions of sections 610.010 to 610.035.

408 14. The chief financial officer of a charter school shall maintain:

409 (1) A surety bond in an amount determined by the sponsor to be adequate
410 based on the cash flow of the school; or

411 (2) An insurance policy issued by an insurance company licensed to do
412 business in Missouri on all employees in the amount of five hundred thousand
413 dollars or more that provides coverage in the event of employee theft.

414 15. The department of elementary and secondary education shall calculate
415 an annual performance report for each charter school and shall publish it in the
416 same manner as annual performance reports are calculated and published for
417 districts and attendance centers.

418 16. The joint committee on education shall create a committee to
419 investigate facility access and affordability for charter schools. The committee
420 shall be comprised of equal numbers of the charter school sector and the public
421 school sector and shall report its findings to the general assembly by December
422 31, 2016.

160.408. 1. For purposes of this section, "high-quality charter school"
2 means a charter school operating in the state of Missouri that meets the following
3 requirements:

4 (1) Receives eighty-five percent or more of the total points on the annual
5 performance report for three out of the last four school years by comparing points
6 earned to the points possible on the annual performance report for three of the
7 last four school years;

8 (2) Maintains a graduation rate of at least eighty percent for three of the
9 last four school years, if the charter school provides a high school program;

10 (3) Is in material compliance with its legally binding performance contract
11 and sections 160.400 to 160.425 and section 167.349; and

12 (4) Is organizationally and fiscally viable as described in paragraph (b) of
13 subdivision (2) of subsection 9 of section 160.405.

14 2. Notwithstanding any other provision of law, high-quality charter
15 schools shall be provided expedited opportunities to replicate and expand into
16 unaccredited districts, a metropolitan district, or an urban school district
17 containing most or all of a home rule city with more than four hundred thousand
18 inhabitants and located in more than one county. Such replication and expansion
19 shall be subject to the following:

20 (1) The school seeking to replicate or expand shall submit its proposed
21 charter to a proposed sponsor. The charter shall include a legally binding
22 performance contract that meets the requirements of sections 160.400 to 160.425
23 and section 167.349;

24 (2) The sponsor's decision to approve or deny shall be made within sixty
25 days of the filing of the proposed charter with the proposed sponsor;

26 (3) If a charter is approved by a sponsor, the charter application shall be
27 filed with the state board of education with a statement of finding from the
28 sponsor that the application meets the requirements of sections 160.400 to
29 160.425 and section 167.349 and a monitoring plan under which the sponsor shall
30 evaluate the academic performance of students enrolled in the charter
31 school. Such filing shall be made by January thirty-first prior to the school year
32 in which the charter school intends to begin operations.

33 3. The term of the charter for schools operating under this section shall
34 be five years, and the charter may be renewed for terms of up to ten
35 years. Renewal shall be subject to the provisions of paragraphs (a) to [(d)] (e) of
36 subdivision (3) of subsection 9 of section 160.405.

160.410. 1. A charter school shall enroll:

2 (1) All pupils resident in the district in which it operates;

3 (2) Nonresident pupils eligible to attend a district's school under an urban
4 voluntary transfer program;

5 (3) Nonresident pupils who transfer from an unaccredited district under
6 section [167.131] **167.895**, provided that the charter school is an approved
7 charter school, as defined in section [167.131] **167.895**, and subject to all other
8 provisions of section [167.131] **167.895**;

9 (4) In the case of a charter school whose mission includes student drop-out
10 prevention or recovery, any nonresident pupil from the same or an adjacent
11 county who resides in a residential care facility, a transitional living group home,
12 or an independent living program whose last school of enrollment is in the school
13 district where the charter school is established, who submits a timely application;
14 and

15 (5) In the case of a workplace charter school, any student eligible to
16 attend under subdivision (1) or (2) of this subsection whose parent is employed
17 in the business district, who submits a timely application, unless the number of
18 applications exceeds the capacity of a program, class, grade level or building. The
19 configuration of a business district shall be set forth in the charter and shall not
20 be construed to create an undue advantage for a single employer or small number
21 of employers.

22 2. If capacity is insufficient to enroll all pupils who submit a timely
23 application, the charter school shall have an admissions process that assures all
24 applicants of an equal chance of gaining admission and does not discriminate
25 based on parents' ability to pay fees or tuition except that:

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

31 (2) A charter school may also give a preference for admission of children
32 whose siblings attend the school or whose parents are employed at the school or
33 in the case of a workplace charter school, a child whose parent is employed in the
34 business district or at the business site of such school; [and]

35 (3) Charter schools may also give a preference for admission to high-risk
36 students, as defined in subdivision (5) of subsection 2 of section 160.405, when

37 the school targets these students through its proposed mission, curriculum,
38 teaching methods, and services; **and**

39 **(4) A charter school may also give preference for admission to**
40 **students who will be eligible for the free and reduced price lunch**
41 **program in the upcoming school year.**

42 3. A charter school shall not limit admission based on race, ethnicity,
43 national origin, disability, income level **except as allowed under subdivision**
44 **(4) of subsection 2 of this section**, proficiency in the English language or
45 athletic ability, but may limit admission to pupils within a given age group or
46 grade level. Charter schools may limit admission based on gender only when the
47 school is a single-gender school. Students of a charter school who have been
48 enrolled for a full academic year shall be counted in the performance of the
49 charter school on the statewide assessments in that calendar year, unless
50 otherwise exempted as English language learners. For purposes of this
51 subsection, "full academic year" means the last Wednesday in September through
52 the administration of the Missouri assessment program test without transferring
53 out of the school and re-enrolling.

54 4. A charter school shall make available for public inspection **as well as**
55 **on their website**, and provide upon request, to the parent, guardian, or other
56 custodian of any school-age pupil resident in the district in which the school is
57 located the following information:

58 (1) The school's charter;

59 (2) The school's most recent annual report card published according to
60 section 160.522;

61 (3) **[The results of] A statement that the charter school has**
62 **completed** background checks on the charter school's board members, **provided**
63 **that the results of such background checks shall be made available for**
64 **public inspection and provided upon request under the provisions of**
65 **this subsection;** and

66 (4) If a charter school is operated by a management company, a copy of
67 the written contract between the governing board of the charter school and the
68 educational management organization or the charter management organization
69 for services. The charter school may charge reasonable fees, not to exceed the
70 rate specified in section 610.026 for furnishing copies of documents under this
71 subsection.

72 5. When a student attending a charter school who is a resident of the

73 school district in which the charter school is located moves out of the boundaries
74 of such school district, the student may complete the current semester and shall
75 be considered a resident student. The student's parent or legal guardian shall
76 be responsible for the student's transportation to and from the charter school.

77 6. If a change in school district boundary lines occurs under section
78 162.223, 162.431, 162.441, or 162.451, or by action of the state board of education
79 under section 162.081, including attachment of a school district's territory to
80 another district or dissolution, such that a student attending a charter school
81 prior to such change no longer resides in a school district in which the charter
82 school is located, then the student may complete the current academic year at the
83 charter school. The student shall be considered a resident student. The student's
84 parent or legal guardian shall be responsible for the student's transportation to
85 and from the charter school.

86 7. The provisions of sections 167.018 and 167.019 concerning foster
87 children's educational rights are applicable to charter schools.

160.415. 1. For the purposes of calculation and distribution of state
2 school aid under section 163.031, pupils enrolled in a charter school shall be
3 included in the pupil enrollment of the school district within which each pupil
4 resides. Each charter school shall report the names, addresses, and eligibility for
5 free and reduced price lunch, special education, or limited English proficiency
6 status, as well as eligibility for categorical aid, of pupils resident in a school
7 district who are enrolled in the charter school to the school district in which those
8 pupils reside. The charter school shall report the average daily attendance data,
9 free and reduced price lunch count, special education pupil count, and limited
10 English proficiency pupil count to the state department of elementary and
11 secondary education. Each charter school shall promptly notify the state
12 department of elementary and secondary education and the pupil's school district
13 when a student discontinues enrollment at a charter school.

14 2. Except as provided in subsections 3 and 4 of this section, the aid
15 payments for charter schools shall be as described in this subsection.

16 (1) A school district having one or more resident pupils attending a
17 charter school shall pay to the charter school an annual amount equal to the
18 product of the charter school's weighted average daily attendance and the state
19 adequacy target, multiplied by the dollar value modifier for the district, plus local
20 tax revenues per weighted average daily attendance from the incidental and
21 teachers' funds in excess of the performance levy as defined in section 163.011

22 plus all other state aid attributable to such pupils.

23 (2) The district of residence of a pupil attending a charter school shall also
24 pay to the charter school any other federal or state aid that the district receives
25 on account of such child.

26 (3) If the department overpays or underpays the amount due to the
27 charter school, such overpayment or underpayment shall be repaid by the public
28 charter school or credited to the public charter school in twelve equal payments
29 in the next fiscal year.

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

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

37 3. A workplace charter school shall receive payment for each eligible pupil
38 as provided under subsection 2 of this section, except that if the student is not a
39 resident of the district and is participating in a voluntary interdistrict transfer
40 program, the payment for such pupils shall be the same as provided under section
41 162.1060.

42 4. A charter school that has declared itself as a local educational agency
43 shall receive from the department of elementary and secondary education an
44 annual amount equal to the product of the charter school's weighted average daily
45 attendance and the state adequacy target, multiplied by the dollar value modifier
46 for the district, plus local tax revenues per weighted average daily attendance
47 from the incidental and teachers funds in excess of the performance levy as
48 defined in section 163.011 plus all other state aid attributable to such pupils. If
49 a charter school declares itself as a local educational agency, the department of
50 elementary and secondary education shall, upon notice of the declaration, reduce
51 the payment made to the school district by the amount specified in this
52 subsection and pay directly to the charter school the annual amount reduced from
53 the school district's payment.

54 5. If a school district fails to make timely payments of any amount for
55 which it is the disbursal agent, the state department of elementary and secondary
56 education shall authorize payment to the charter school of the amount due
57 pursuant to subsection 2 of this section and shall deduct the same amount from

58 the next state school aid apportionment to the owing school district. If a charter
59 school is paid more or less than the amounts due pursuant to this section, the
60 amount of overpayment or underpayment shall be adjusted equally in the next
61 twelve payments by the school district or the department of elementary and
62 secondary education, as appropriate. Any dispute between the school district and
63 a charter school as to the amount owing to the charter school shall be resolved by
64 the department of elementary and secondary education, and the department's
65 decision shall be the final administrative action for the purposes of review
66 pursuant to chapter 536. During the period of dispute, the department of
67 elementary and secondary education shall make every administrative and
68 statutory effort to allow the continued education of children in their current
69 public charter school setting.

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

78 7. In the case of a proposed charter school that intends to contract with
79 an education service provider for substantial educational services or management
80 services, the request for proposals shall additionally require the charter school
81 applicant to:

82 (1) Provide evidence of the education service provider's success in serving
83 student populations similar to the targeted population, including demonstrated
84 academic achievement as well as successful management of nonacademic school
85 functions, if applicable;

86 (2) Provide a term sheet setting forth the proposed duration of the service
87 contract; roles and responsibilities of the governing board, the school staff, and
88 the service provider; scope of services and resources to be provided by the service
89 provider; performance evaluation measures and time lines; compensation
90 structure, including clear identification of all fees to be paid to the service
91 provider; methods of contract oversight and enforcement; investment disclosure;
92 and conditions for renewal and termination of the contract;

93 (3) Disclose any known conflicts of interest between the school governing

94 board and proposed service provider or any affiliated business entities;

95 (4) Disclose and explain any termination or nonrenewal of contracts for
96 equivalent services for any other charter school in the United States within the
97 past five years;

98 (5) Ensure that the legal counsel for the charter school shall report
99 directly to the charter school's governing board; and

100 (6) Provide a process to ensure that the expenditures that the education
101 service provider intends to bill to the charter school shall receive prior approval
102 of the governing board or its designee.

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

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

110 10. (1) The proportionate share of state and federal resources generated
111 by students with disabilities or staff serving them shall be paid in full to charter
112 schools enrolling those students by their school district where such enrollment is
113 through a contract for services described in this section. The proportionate share
114 of money generated under other federal or state categorical aid programs shall
115 be directed to charter schools serving such students eligible for that aid.

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

119 11. A charter school may not charge tuition or impose fees that a school
120 district is prohibited from charging or imposing, except that a charter school may
121 receive tuition payments from districts in the same or an adjoining county for
122 nonresident students who transfer to an approved charter school, as defined in
123 section [167.131] **167.895**, from an unaccredited district.

124 12. A charter school is authorized to incur debt in anticipation of receipt
125 of funds. A charter school may also borrow to finance facilities and other capital
126 items. A school district may incur bonded indebtedness or take other measures
127 to provide for physical facilities and other capital items for charter schools that
128 it sponsors or contracts with. Except as otherwise specifically provided in
129 sections 160.400 to 160.425, upon the dissolution of a charter school, any

130 liabilities of the corporation will be satisfied through the procedures of chapter
131 355. A charter school shall satisfy all its financial obligations within twelve
132 months of notice from the sponsor of the charter school's closure under subsection
133 8 of section 160.405. After satisfaction of all its financial obligations, a charter
134 school shall return any remaining state and federal funds to the department of
135 elementary and secondary education for disposition as stated in subdivision (17)
136 of subsection 1 of section 160.405. The department of elementary and secondary
137 education may withhold funding at a level the department determines to be
138 adequate during a school's last year of operation until the department determines
139 that school records, liabilities, and reporting requirements, including a full audit,
140 are satisfied.

141 13. Charter schools shall not have the power to acquire property by
142 eminent domain.

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

160.422. 1. Any city not within a county shall not adopt, enforce,
2 **impose, or administer an ordinance, local policy, or local resolution**
3 **that prohibits property sold, leased, or transferred by the city not**
4 **within a county from being used for any lawful educational purpose by**
5 **a charter school.**

6 **2. Any city not within a county shall not impose, enforce, or**
7 **apply any deed restriction that expressly, or by its operation, prohibits**
8 **property sold, leased, or transferred by the city not within a county**
9 **from being used for any lawful educational purpose by a charter**
10 **school. Any deed restriction or affirmative use deed restriction that**
11 **affirmatively allows for only one or more specified uses or purposes**
12 **that do not include any educational use or purpose is prohibited under**
13 **this section. Any deed restriction or affirmative use deed restriction**
14 **in effect on the effective date of this section that prohibits or does not**
15 **permit property previously used for any educational purpose from**
16 **being used for any future educational purpose is void.**

17 **3. If any city not within a county offers property of the city not**
18 **within a county for sale, lease, or rent, the city not within a county**

19 shall not refuse to sell, lease, or rent the property to a charter school
20 solely because the charter school intends to use the property for an
21 educational purpose, if the intent of the charter school is to use the
22 property for a lawful educational purpose. If the city not within a
23 county offers property of the city not within a county for sale, lease, or
24 rent, the city not within a county is not required to sell, lease, or rent
25 the property to a charter school solely because the charter school
26 intends to use the property for an educational purpose.

27 4. Any ordinance, policy, regulation, deed, or contract made in
28 violation of this section shall be void from its inception.

160.425. 1. The "Missouri Charter Public School Commission" is hereby
2 created with the authority to sponsor high quality charter schools throughout the
3 state of Missouri.

4 2. The commission shall consist of nine members appointed by the
5 governor, by and with the advice and consent of the senate. No more than five
6 of the members shall be of the same political party. No more than two members
7 shall be from the same congressional district. The term of office of each member
8 shall be four years, except those of the members first appointed, of which three
9 shall be appointed for a term of one year, two for a term of two years, two for a
10 term of three years, and two for a term of four years. At the expiration of the
11 term of each member, the governor, by and with the advice and consent of the
12 senate, shall appoint a successor.

13 3. The appointees to the commission shall be selected as follows:

14 (1) One member selected by the governor from a slate of three
15 recommended by the commissioner of education;

16 (2) One member selected by the governor from a slate of three
17 recommended by the commissioner of higher education;

18 (3) One member selected by the governor from a slate of three
19 recommended by the president pro tempore of the senate;

20 (4) One member selected by the governor from a slate of three
21 recommended by the speaker of the house of representatives; and

22 (5) Five additional members appointed by the governor, one of whom shall
23 be selected from a slate of three nominees recommended by the Missouri School
24 Boards Association.

25 4. Members appointed to the commission shall collectively possess strong
26 experience and expertise in governance, management and finance, school

27 leadership, assessment, curriculum and instruction, and education law. All
28 members of the commission shall have demonstrated understanding of and
29 commitment to charter schooling as a strategy for strengthening public education.

30 5. The commission shall annually elect a chairperson and vice
31 chairperson, who shall act as chairperson in his or her absence. The commission
32 shall meet at the call of the chairperson. The chairperson may call meetings at
33 such times as he or she deems advisable and shall call a meeting when requested
34 to do so by three or more members of the commission. Members of the
35 commission are not eligible to receive compensation.

36 6. The commission may approve proposed charters for its sponsorship
37 under sections 160.400 to 160.425 and shall:

38 (1) Comply with all of the requirements applicable to sponsors under
39 sections 160.400 to 160.425;

40 (2) Exercise sponsorship over charters approved by the commission under
41 sections 160.400 to 160.425, including receipt of sponsorship funding under
42 subsection [11] 9 of section 160.400.

43 7. Charter schools sponsored by the commission shall comply with all of
44 the requirements applicable to charter schools under sections 160.400 to 160.425.

45 8. The commission shall conduct its business in accordance with chapter
46 610.

47 9. The department of elementary and secondary education shall provide
48 start-up funding for the commission to operate. The commission shall reimburse
49 the department's costs from any funds it receives as sponsor under section
50 160.400.

51 10. The commission is authorized to receive and expend gifts, grants, and
52 donations of any kind from any public or private entity to carry out the purposes
53 of sections 160.400 to 160.425, subject to the terms and conditions under which
54 they are given, provided that all such terms and conditions are permissible under
55 law.

160.545. 1. There is hereby established within the department of
2 elementary and secondary education the "A+ Schools Program" to be administered
3 by the commissioner of education. The program shall consist of grant awards
4 made to public secondary schools that demonstrate a commitment to ensure that:

5 (1) All students be graduated from school;

6 (2) All students complete a selection of high school studies that is
7 challenging and for which there are identified learning expectations; and

8 (3) All students:

9 (a) **Earn credits toward any type of college degree while in high**
10 **school; or**

11 (b) Proceed from high school graduation to a college or postsecondary
12 vocational or technical school or high-wage job with work place skill development
13 opportunities.

14 2. The state board of education shall promulgate rules and regulations for
15 the approval of grants made under the program to schools that:

16 (1) Establish measurable districtwide performance standards for the goals
17 of the program outlined in subsection 1 of this section; and

18 (2) Specify the knowledge, skills and competencies, in measurable terms,
19 that students must demonstrate to successfully complete any individual course
20 offered by the school, and any course of studies which will qualify a student for
21 graduation from the school; and

22 (3) Do not offer a general track of courses that, upon completion, can lead
23 to a high school diploma; and

24 (4) Require rigorous coursework with standards of competency in basic
25 academic subjects for students pursuing vocational and technical education as
26 prescribed by rule and regulation of the state board of education; and

27 (5) Have a partnership plan developed in cooperation and with the advice
28 of local business persons, labor leaders, parents, and representatives of college
29 and postsecondary vocational and technical school representatives, with the plan
30 then approved by the local board of education. The plan shall specify a
31 mechanism to receive information on an annual basis from those who developed
32 the plan in addition to senior citizens, community leaders, and teachers to update
33 the plan in order to best meet the goals of the program as provided in subsection
34 1 of this section. Further, the plan shall detail the procedures used in the school
35 to identify students that may drop out of school and the intervention services to
36 be used to meet the needs of such students. The plan shall outline counseling
37 and mentoring services provided to students who will enter the work force upon
38 graduation from high school, address apprenticeship and intern programs, and
39 shall contain procedures for the recruitment of volunteers from the community
40 of the school to serve in schools receiving program grants.

41 3. Any nonpublic school in this state may apply to the state board of
42 education for certification that it meets the requirements of this section subject
43 to the same criteria as public high schools. Every nonpublic school that applies

44 and has met the requirements of this section shall have its students eligible for
45 reimbursement of postsecondary education under subsection 8 of this section on
46 an equal basis to students who graduate from public schools that meet the
47 requirements of this section. Any nonpublic school that applies shall not be
48 eligible for any grants under this section. Students of certified nonpublic schools
49 shall be eligible for reimbursement of postsecondary education under subsection
50 8 of this section so long as they meet the other requirements of such
51 subsection. For purposes of subdivision (5) of subsection 2 of this section, the
52 nonpublic school shall be included in the partnership plan developed by the
53 public school district in which the nonpublic school is located. For purposes of
54 subdivision (1) of subsection 2 of this section, the nonpublic school shall establish
55 measurable performance standards for the goals of the program for every school
56 and grade level over which the nonpublic school maintains control.

57 4. A school district may participate in the program irrespective of its
58 accreditation classification by the state board of education, provided it meets all
59 other requirements.

60 5. By rule and regulation, the state board of education may determine a
61 local school district variable fund match requirement in order for a school or
62 schools in the district to receive a grant under the program. However, no school
63 in any district shall receive a grant under the program unless the district
64 designates a salaried employee to serve as the program coordinator, with the
65 district assuming a minimum of one-half the cost of the salary and other benefits
66 provided to the coordinator. Further, no school in any district shall receive a
67 grant under the program unless the district makes available facilities and
68 services for adult literacy training as specified by rule of the state board of
69 education.

70 6. For any school that meets the requirements for the approval of the
71 grants authorized by this section and specified in subsection 2 of this section for
72 three successive school years, by August first following the third such school year,
73 the commissioner of education shall present a plan to the superintendent of the
74 school district in which such school is located for the waiver of rules and
75 regulations to promote flexibility in the operations of the school and to enhance
76 and encourage efficiency in the delivery of instructional services in the
77 school. The provisions of other law to the contrary notwithstanding, the plan
78 presented to the superintendent shall provide a summary waiver, with no
79 conditions, for the pupil testing requirements pursuant to section 160.257 in the

80 school. Further, the provisions of other law to the contrary notwithstanding, the
81 plan shall detail a means for the waiver of requirements otherwise imposed on
82 the school related to the authority of the state board of education to classify
83 school districts pursuant to subdivision (9) of section 161.092 and such other rules
84 and regulations as determined by the commissioner of education, except such
85 waivers shall be confined to the school and not other schools in the school district
86 unless such other schools meet the requirements of this subsection. However, any
87 waiver provided to any school as outlined in this subsection shall be void on June
88 thirtieth of any school year in which the school fails to meet the requirements for
89 the approval of the grants authorized by this section as specified in subsection 2
90 of this section.

91 7. For any school year, grants authorized by subsections 1, 2, and 5 of this
92 section shall be funded with the amount appropriated for this program, less those
93 funds necessary to reimburse eligible students pursuant to subsection 8 **or 9** of
94 this section.

95 8. The department of higher education shall, by rule, establish a
96 procedure for the reimbursement of the cost of tuition, books and fees to any
97 public community college or vocational or technical school or within the limits
98 established in subsection [10] **11** of this section for any two-year private
99 vocational or technical school for any student:

100 (1) Who has attended a high school in the state for at least [three] **two**
101 years [prior to graduation] that meets the requirements of subsection 2 of this
102 section and who has graduated from such a school; except that, students who are
103 active duty military dependents, and students who are [dependants] **dependents**
104 of retired military who relocate to Missouri within one year of the date of the
105 parent's retirement from active duty[,] who[, in the school year immediately
106 preceding graduation,] meet all other requirements of this subsection and are
107 attending a school that meets the requirements of subsection 2 of this section
108 shall be exempt from the [three-year] **two-year** attendance requirement of this
109 subdivision; and

110 (2) Who has made a good faith effort to first secure all available federal
111 sources of funding that could be applied to the reimbursement described in this
112 subsection; and

113 (3) Who has earned a minimal grade average while in high school **or**
114 **through the semester immediately before taking the course for which**
115 **reimbursement is sought** as determined by rule of the department of higher

116 education, and other requirements for the reimbursement authorized by this
117 subsection as determined by rule and regulation of the department; and

118 (4) Who is a citizen or permanent resident of the United States.

119 **9. The department of higher education shall, by rule, establish**
120 **a procedure for the reimbursement of the cost of tuition, and fees for**
121 **any dual-credit or dual-enrollment course offered to a student in high**
122 **school in association with a public community college or vocational or**
123 **technical school, subject to the requirements of subsection 11 of this**
124 **section, for any student who meets the requirements established in**
125 **subsection 8 of this section immediately before taking the course for**
126 **which reimbursement is sought.**

127 **10.** The commissioner of education shall develop a procedure for
128 evaluating the effectiveness of the program described in this section. Such
129 evaluation shall be conducted annually with the results of the evaluation
130 provided to the governor, speaker of the house, and president pro tempore of the
131 senate.

132 **[10.] 11.** For a two-year private vocational or technical school to obtain
133 reimbursements under subsection 8 **or 9** of this section, the following
134 requirements shall be satisfied:

135 (1) Such two-year private vocational or technical school shall be a member
136 of the North Central Association and be accredited by the Higher Learning
137 Commission as of July 1, 2008, and maintain such accreditation;

138 (2) Such two-year private vocational or technical school shall be
139 designated as a 501(c)(3) nonprofit organization under the Internal Revenue Code
140 of 1986, as amended;

141 (3) No two-year private vocational or technical school shall receive tuition
142 reimbursements in excess of the tuition rate charged by a public community
143 college for course work offered by the private vocational or technical school within
144 the service area of such college; and

145 (4) The reimbursements provided to any two-year private vocational or
146 technical school shall not violate the provisions of Article IX, Section 8, or Article
147 I, Section 7, of the Missouri Constitution or the first amendment of the United
148 States Constitution.

149 **12. The department of higher education shall distribute**
150 **reimbursements in the following manner:**

151 (1) To community college or vocational or technical school

152 students;

153 (2) After all students from subdivision (1) of this subsection have
154 been reimbursed, to any dual-credit or dual-enrollment student on the
155 basis of financial need.

 161.089. 1. For purposes of this section, the term "accreditation
2 standards" means the standards of the Missouri school improvement
3 program or its successor accreditation program.

4 2. The state board of education shall modify accreditation
5 standards for special school districts to reflect the educational needs
6 of students served by such districts and appropriately measure the
7 performance of the students.

8 3. Before July 1, 2020, the state board of education shall, through
9 administrative rule, adopt modified accreditation standards for special
10 school districts. Any rule or portion of a rule, as that term is defined
11 in section 536.010, that is created under the authority delegated in this
12 section shall become effective only if it complies with and is subject to
13 all of the provisions of chapter 536, and, if applicable, section
14 536.028. This section and chapter 536 are nonseverable, and if any of
15 the powers vested with the general assembly pursuant to chapter 536
16 to review, to delay the effective date, or to disapprove and annul a rule
17 are subsequently held unconstitutional, then the grant of rulemaking
18 authority and any rule proposed or adopted after August 28, 2019, shall
19 be invalid and void.

 162.081. 1. Whenever any school district in this state fails or refuses in
2 any school year to provide for the minimum school term required by section
3 163.021 or is classified unaccredited, the state board of education shall, upon a
4 district's initial classification or reclassification as unaccredited:

5 (1) Review the governance of the district to establish the conditions under
6 which the existing school board shall continue to govern; or

7 (2) Determine the date the district shall lapse and determine an
8 alternative governing structure for the district.

9 2. If at the time any school district in this state shall be classified as
10 unaccredited, the department of elementary and secondary education shall
11 conduct at least two public hearings at a location in the unaccredited school
12 district regarding the accreditation status of the school district. The hearings
13 shall provide an opportunity to convene community resources that may be useful

14 or necessary in supporting the school district as it attempts to return to
15 accredited status, continues under revised governance, or plans for continuity of
16 educational services and resources upon its attachment to a neighboring
17 district. The department may request the attendance of stakeholders and district
18 officials to review the district's plan to return to accredited status, if any; offer
19 technical assistance; and facilitate and coordinate community resources. Such
20 hearings shall be conducted at least twice annually for every year in which the
21 district remains unaccredited or provisionally accredited.

22 3. Upon classification of a district as unaccredited, the state board of
23 education may:

24 (1) Allow continued governance by the existing school district board of
25 education under terms and conditions established by the state board of education;
26 or

27 (2) Lapse the corporate organization of **all or part of** the unaccredited
28 district and:

29 (a) Appoint a special administrative board for the operation of all or part
30 of the district. **If a special administrative board is appointed for the**
31 **operation of a part of a school district, the state board of education**
32 **shall determine an equitable apportionment of state and federal aid for**
33 **the part of the district and the school district shall provide local**
34 **revenue in proportion to the weighted average daily attendance of the**
35 **part.** The number of members of the special administrative board shall not be
36 less than five, the majority of whom shall be residents of the district. The
37 members of the special administrative board shall reflect the population
38 characteristics of the district and shall collectively possess strong experience in
39 school governance, management and finance, and leadership. **The state board**
40 **of education may appoint members of the district's elected school board**
41 **to the special administrative board, but members of the elected school**
42 **board shall not comprise more than forty-nine percent of the special**
43 **administrative board's membership.** Within fourteen days after the
44 appointment by the state board of education, the special administrative board
45 shall organize by the election of a president, vice president, secretary and a
46 treasurer, with their duties and organization as enumerated in section
47 162.301. The special administrative board shall appoint a superintendent of
48 schools to serve as the chief executive officer of the school district, **or a subset**
49 **of schools,** and to have all powers and duties of any other general

50 superintendent of schools in a seven-director school district. Any special
51 administrative board appointed under this section shall be responsible for the
52 operation of the district **or part of the district** until such time that the district
53 is classified by the state board of education as provisionally accredited for at least
54 two successive academic years, after which time the state board of education may
55 provide for a transition pursuant to section 162.083; or

56 (b) Determine an alternative governing structure for the district
57 including, at a minimum:

58 a. A rationale for the decision to use an alternative form of governance
59 and in the absence of the district's achievement of full accreditation, the state
60 board of education shall review and recertify the alternative form of governance
61 every three years;

62 b. A method for the residents of the district to provide public comment
63 after a stated period of time or upon achievement of specified academic objectives;

64 c. Expectations for progress on academic achievement, which shall include
65 an anticipated time line for the district to reach full accreditation; and

66 d. Annual reports to the general assembly and the governor on the
67 progress towards accreditation of any district that has been declared unaccredited
68 and is placed under an alternative form of governance, including a review of the
69 effectiveness of the alternative governance; or

70 (c) Attach the territory of the lapsed district to another district or districts
71 for school purposes; or

72 (d) Establish one or more school districts within the territory of the lapsed
73 district, with a governance structure specified by the state board of education,
74 with the option of permitting a district to remain intact for the purposes of
75 assessing, collecting, and distributing property taxes, to be distributed equitably
76 on a weighted average daily attendance basis, but to be divided for operational
77 purposes, which shall take effect sixty days after the adjournment of the regular
78 session of the general assembly next following the state board's decision unless
79 a statute or concurrent resolution is enacted to nullify the state board's decision
80 prior to such effective date.

81 4. If a district remains under continued governance by the school board
82 under subdivision (1) of subsection 3 of this section and either has been
83 unaccredited for three consecutive school years and failed to attain accredited
84 status after the third school year or has been unaccredited for two consecutive
85 school years and the state board of education determines its academic progress

86 is not consistent with attaining accredited status after the third school year, then
87 the state board of education shall proceed under subdivision (2) of subsection 3
88 of this section in the following school year.

89 5. A special administrative board **or any other form of governance**
90 appointed under this section shall retain the authority granted to a board of
91 education for the operation of the lapsed school district under the laws of the
92 state in effect at the time of the lapse and may enter into contracts with
93 accredited school districts or other education service providers in order to deliver
94 high-quality educational programs to the residents of the district. If a student
95 graduates while attending a school building in the district that is operated under
96 a contract with an accredited school district as specified under this subsection,
97 the student shall receive his or her diploma from the accredited school
98 district. The authority of the special administrative board **or any other form**
99 **of governance appointed under this section** shall expire at the end of the
100 third full school year following its appointment, unless extended by the state
101 board of education. If the lapsed district is reassigned, the [special
102 administrative board] **governing board prior to lapse** shall provide an
103 accounting of all funds, assets and liabilities of the lapsed district and transfer
104 such funds, assets, and liabilities of the lapsed district as determined by the state
105 board of education. Neither the special administrative board **nor any other**
106 **form of governance appointed under this section** nor its members or
107 employees shall be deemed to be the state or a state agency for any purpose,
108 including section 105.711, et seq. The state of Missouri, its agencies and
109 employees shall be absolutely immune from liability for any and all acts or
110 omissions relating to or in any way involving the lapsed district, [the] a special
111 administrative board, [its] **any other form of governance appointed under**
112 **this section, or the** members or employees **of the lapsed district, a special**
113 **administrative board, or any other form of governance appointed under**
114 **this section.** Such immunities, and immunity doctrines as exist or may
115 hereafter exist benefitting boards of education, their members and their
116 employees shall be available to the special administrative board[, its] **or any**
117 **other form of governance appointed under this section and the** members
118 and employees **of the special administrative board or any other form of**
119 **governance appointed under this section** members and employees.

120 6. Neither the special administrative board **nor any other form of**
121 **governance appointed under this section** nor any district or other entity

122 assigned territory, assets or funds from a lapsed district shall be considered a
123 successor entity for the purpose of employment contracts, unemployment
124 compensation payment pursuant to section 288.110, or any other purpose.

125 7. If additional teachers are needed by a district as a result of increased
126 enrollment due to the annexation of territory of a lapsed or dissolved district,
127 such district shall grant an employment interview to any permanent teacher of
128 the lapsed or dissolved district upon the request of such permanent teacher.

129 8. In the event that a school district with an enrollment in excess of five
130 thousand pupils lapses, no school district shall have all or any part of such lapsed
131 school district attached without the approval of the board of the receiving school
132 district.

133 **9. If the state board of education reasonably believes that a**
134 **school district is unlikely to provide for the minimum school term**
135 **required by section 163.021 because of financial difficulty, the state**
136 **board of education may, prior to the start of the school term:**

137 **(1) Allow continued governance by the existing district school**
138 **board under terms and conditions established by the state board of**
139 **education; or**

140 **(2) Lapse the corporate organization of the district and**
141 **implement one of the options available under subdivision (2) of**
142 **subsection 3 of this section.**

143 **10. The provisions of subsection 9 of this section shall not apply**
144 **to any district solely on the basis of financial difficulty resulting from**
145 **paying tuition and providing transportation for transfer students under**
146 **sections 167.895 and 167.898.**

162.1323. 1. For purposes of this section, "attendance center"
2 means a public school building, public school buildings, or part of a
3 public school building that offers education in a grade or grades not
4 higher than the twelfth grade and that constitutes one unit for
5 accountability and reporting purposes for the department of
6 elementary and secondary education, but the term shall not include any
7 high school that is identified as an alternative high school.

8 2. (1) If an attendance center receives two or more consecutive
9 annual performance report scores consistent with a classification of
10 unaccredited, the district in which the attendance center is located
11 shall notify the parent or guardian of any student enrolled in the
12 attendance center of the annual performance report scores within

13 **fourteen business days.**

14 **(2) If the state board of education classifies any district as**
15 **unaccredited, the district shall notify the parent or guardian of any**
16 **student enrolled in the unaccredited district of the loss of accreditation**
17 **within fourteen business days.**

18 **3. The district's notice shall include an explanation of which**
19 **students may be eligible to transfer, the transfer process under sections**
20 **167.895 and 167.898, and any services students may be entitled to**
21 **receive. The district's notice shall be written in a clear, concise, and**
22 **easy-to-understand manner.**

23 **4. (1) If the notice concerns an attendance center's annual**
24 **performance report scores, the district shall post the notice in a**
25 **conspicuous and accessible place in the attendance center.**

26 **(2) If the notice concerns a district's loss of accreditation, the**
27 **district shall post the notice in a conspicuous and accessible place in**
28 **each district attendance center.**

29 **5. The district shall send any notice described under this section**
30 **to each municipality located within the boundaries of the district.**

167.125. 1. (1) For the purposes of this section, the term "attendance
2 center" shall mean a public school building or buildings or part of a school
3 building that constitutes one unit for accountability purposes under the Missouri
4 school improvement program.

5 (2) For any pupil residing in any unincorporated area located in any
6 county of the first classification with more than one hundred one thousand but
7 fewer than one hundred fifteen thousand inhabitants that also borders on any
8 county with a charter form of government and with more than nine hundred fifty
9 thousand inhabitants and any county with a charter form of government and with
10 more than three hundred thousand but fewer than four hundred fifty thousand
11 inhabitants, and for any pupil residing in any village with more than three
12 hundred twenty but fewer than three hundred sixty inhabitants and located in
13 any county of the third classification without a township form of government and
14 with more than twenty-three thousand but fewer than twenty-six thousand
15 inhabitants and with a village with more than two hundred but fewer than two
16 hundred fifty inhabitants as the county seat, **and for any pupil residing in an**
17 **unincorporated area of a county of the third classification without a**
18 **township form of government and with more than nine thousand but**

19 **fewer than ten thousand inhabitants and with a city of the fourth**
20 **classification with more than five hundred fifty but fewer than six**
21 **hundred fifty inhabitants as the county seat,** the commissioner of education
22 or his or her designee shall, upon proper application by the parent or guardian
23 of the pupil, assign the pupil and any sibling of the pupil to another school
24 district if the pupil is eligible as described under subsection 2 of this section and
25 the following conditions are met:

26 (a) The actual driving distance from the pupil's residence to the
27 attendance center in the district of residence is fifteen miles or more by the
28 shortest route available as determined by the commissioner or his or her
29 designee;

30 (b) The attendance center to which the pupil would be assigned in the
31 receiving district is at least five miles closer in actual driving distance by the
32 shortest route available to the pupil's residence than the current attendance
33 center in the district of residence as determined by the commissioner or his or her
34 designee; and

35 (c) The attendance of the pupil will not cause the classroom in the
36 receiving district to exceed the maximum number of pupils per class as
37 determined by the receiving district.

38 2. (1) For pupils applying to the commissioner of education under this
39 section, the commissioner, or his or her designee, shall assign pupils in the order
40 in which applications are received, provided the applications are properly
41 completed and the conditions of subsection 1 of this section are met.

42 (2) Once granted, the hardship assignment shall continue until the pupil,
43 and any sibling of the pupil who attends the same attendance center, completes
44 his or her course of study in the receiving district or the parent or guardian
45 withdraws the pupil. If a parent or guardian withdraws a pupil from a hardship
46 assignment, the granting of a subsequent application is discretionary.

47 (3) A pupil shall be eligible to apply to the commissioner of education to
48 be assigned to another district under this section if the pupil has been enrolled
49 in and attending a public school in his or her district of residence during the
50 school year prior to the application, **or if the pupil has applied for**
51 **enrollment in a public school in his or her district of residence but**
52 **whose application was denied.** Any pupil shall be eligible to apply to the
53 commissioner of education to be assigned to another district under this section
54 if the pupil has been enrolled in and attending a public school in a district other

55 than his or her district of residence and paid nonresident tuition for such
56 enrollment during the school year prior to the application. Pupils who reside in
57 the district who become eligible for kindergarten or first grade shall also be
58 eligible to apply to the commissioner of education to be assigned to another
59 district.

60 (4) A pupil who is not currently enrolled in a public school district shall
61 become eligible to apply to the commissioner of education to be assigned to
62 another district after the pupil has enrolled in and completed a full school year
63 in a public school in his or her district of residence.

64 3. The board of education of the district in which the pupil resides shall
65 pay the tuition of the pupil assigned. The tuition amount shall not exceed the pro
66 rata cost of instruction. However, if the tuition of the receiving district is greater
67 than the tuition of the pupil's district of residence, the pupil's parent or guardian
68 shall pay the difference in tuition.

69 4. A receiving district shall not be required to alter its transportation
70 route to accommodate pupils that are assigned to the receiving district under the
71 provisions of this section.

167.131. 1. The board of education of each district in this state that does
2 not maintain [an accredited] **a high school** [pursuant to the authority of the
3 state board of education to classify schools as established in section 161.092]
4 **offering work through the twelfth grade** shall pay [the] tuition [of] **as**
5 **calculated by the receiving district under subsection 2 of this section**
6 and provide transportation consistent with the provisions of section 167.241 for
7 each pupil resident therein **who has completed the work of the highest**
8 **grade offered in the schools of the district and** who attends an accredited
9 **public high school** in another district of the same or an adjoining county [or who
10 attends an approved charter school in the same or an adjoining county].

11 2. The rate of tuition to be charged by the district attended and paid by
12 the sending district is the per pupil cost of maintaining the district's grade level
13 grouping which includes the school attended. [The rate of tuition to be charged
14 by the approved charter school attended and paid by the sending district is the
15 per pupil cost of maintaining the approved charter school's grade level
16 grouping. For a district,] The cost of maintaining a grade level grouping shall be
17 determined by the board of education of the district but in no case shall it exceed
18 all amounts spent for teachers' wages, incidental purposes, debt service,
19 maintenance and replacements. [For an approved charter school, the cost of

20 maintaining a grade level grouping shall be determined by the approved charter
21 school but in no case shall it exceed all amounts spent by the district in which the
22 approved charter school is located for teachers' wages, incidental purposes, debt
23 service, maintenance, and replacements.] The term "debt service", as used in this
24 section, means expenditures for the retirement of bonded indebtedness and
25 expenditures for interest on bonded indebtedness. Per pupil cost of the grade
26 level grouping shall be determined by dividing the cost of maintaining the grade
27 level grouping by the average daily pupil attendance. If there is disagreement as
28 to the amount of tuition to be paid, the facts shall be submitted to the state board
29 of education, and its decision in the matter shall be final. Subject to the
30 limitations of this section, each pupil shall be free to attend the public school of
31 his or her choice.

32 [3. For purposes of this section, "approved charter school" means a charter
33 school that has existed for less than three years or a charter school with a
34 three-year average score of seventy percent or higher on its annual performance
35 report.]

167.132. 1. For purposes of this section, the following terms
2 **mean:**

3 **(1) "Receiving approved charter school", an approved charter**
4 **school, as defined under section 167.895, receiving transfer students**
5 **under section 167.895;**

6 **(2) "Receiving district", a school district receiving transfer**
7 **students under section 167.895;**

8 **(3) "Sending district", a school district from which students are**
9 **transferring to a receiving district or approved charter school, as**
10 **allowed under section 167.895;**

11 **(4) "State adequacy target", the same meaning given to the term**
12 **under section 163.011.**

13 **2. Notwithstanding any other provision of law, the tuition rate**
14 **paid by a sending district to the receiving district or the receiving**
15 **approved charter school for transfer students shall be the lesser of:**

16 **(1) The tuition rate set by the receiving district or the receiving**
17 **approved charter school under the policy adopted in accordance with**
18 **section 167.895; or**

19 **(2) The state adequacy target plus the average sum produced per**
20 **child by the local tax effort above the state adequacy target of the**

21 sending district.

167.151. 1. The school board of any district, in its discretion, may admit
2 to the school pupils not entitled to free instruction and prescribe the tuition fee
3 to be paid by them, except as provided in sections 167.121 [and], 167.131,
4 **167.132, and 167.895.**

5 2. Orphan children, children with only one parent living, and children
6 whose parents do not contribute to their support—if the children are between the
7 ages of six and twenty years and are unable to pay tuition—may attend the
8 schools of any district in the state in which they have a permanent or temporary
9 home without paying a tuition fee.

10 3. Any person who pays a school tax in any other district than that in
11 which he resides may send his children to any public school in the district in
12 which the tax is paid and receive as a credit on the amount charged for tuition
13 the amount of the school tax paid to the district; except that any person who owns
14 real estate of which eighty acres or more are used for agricultural purposes and
15 upon which his residence is situated may send his children to public school in any
16 school district in which a part of such real estate, contiguous to that upon which
17 his residence is situated, lies and shall not be charged tuition therefor; so long
18 as thirty-five percent of the real estate is located in the school district of
19 choice. The school district of choice shall count the children in its average daily
20 attendance for the purpose of distribution of state aid through the foundation
21 formula.

22 4. Any owner of agricultural land who, pursuant to subsection 3 of this
23 section, has the option of sending his children to the public schools of more than
24 one district shall exercise such option as provided in this subsection. Such person
25 shall send written notice to all school districts involved specifying to which school
26 district his children will attend by June thirtieth in which such a school year
27 begins. If notification is not received, such children shall attend the school in
28 which the majority of his property lies. Such person shall not send any of his
29 children to the public schools of any district other than the one to which he has
30 sent notice pursuant to this subsection in that school year or in which the
31 majority of his property lies without paying tuition to such school district.

32 5. If a pupil is attending school in a district other than the district of
33 residence and the pupil's parent is teaching in the school district or is a regular
34 employee of the school district which the pupil is attending, then the district in
35 which the pupil attends school shall allow the pupil to attend school upon

36 payment of tuition in the same manner in which the district allows other pupils
37 not entitled to free instruction to attend school in the district. The provisions of
38 this subsection shall apply only to pupils attending school in a district which has
39 an enrollment in excess of thirteen thousand pupils and not in excess of fifteen
40 thousand pupils and which district is located in a county of the first classification
41 with a charter form of government which has a population in excess of six
42 hundred thousand persons and not in excess of nine hundred thousand persons.

167.241. 1. **Except as otherwise provided under this section,**
2 transportation for pupils whose tuition the district of residence is required to pay
3 by section 167.131 or who are assigned as provided in section 167.121 shall be
4 provided by the district of residence[; however,].

5 2. In the case of pupils covered by section 167.131, the district of
6 residence shall be required to provide transportation only to [approved charter
7 schools as defined in section 167.131,] school districts accredited by the state
8 board of education pursuant to the authority of the state board of education to
9 classify schools as established in section 161.092, and those school districts
10 designated by the board of education of the district of residence.

11 3. (1) **For purposes of this subsection, "approved charter school"**
12 **has the same meaning given to the term under section 167.895.**

13 (2) **For pupils covered by section 167.895, the district of**
14 **residence shall be required to provide transportation only to school**
15 **districts or approved charter schools designated by the department of**
16 **elementary and secondary education or its designee. For pupils**
17 **covered by section 167.895, the department of elementary and**
18 **secondary education or its designee shall designate at least one**
19 **accredited district or approved charter school to which the district of**
20 **residence shall provide transportation. If the designated district or**
21 **charter school reaches full student capacity and is unable to receive**
22 **additional students, the department of elementary and secondary**
23 **education or its designee shall designate at least one additional**
24 **accredited district or approved charter school to which the district of**
25 **residence shall provide transportation.**

167.890. 1. **The department of elementary and secondary**
2 **education shall compile and maintain student performance data scores**
3 **of all students enrolled in districts other than their resident districts**
4 **as provided under section 167.895 and make such data available on the**

5 Missouri comprehensive data system. No personally identifiable data
6 shall be accessible on the database.

7 2. The department of elementary and secondary education may
8 promulgate all necessary rules and regulations for the administration
9 of this section. Any rule or portion of a rule, as that term is defined in
10 section 536.010, that is created under the authority delegated in this
11 section shall become effective only if it complies with and is subject to
12 all of the provisions of chapter 536, and, if applicable, section
13 536.028. This section and chapter 536 are nonseverable, and if any of
14 the powers vested with the general assembly pursuant to chapter 536
15 to review, to delay the effective date, or to disapprove and annul a rule
16 are subsequently held unconstitutional, then the grant of rulemaking
17 authority and any rule proposed or adopted after the effective date of
18 this section shall be invalid and void.

167.895. 1. For purposes of this section and section 167.898, the
2 following terms mean:

3 (1) "Approved charter school", a charter school that has existed
4 for less than three years or a charter school with a three-year average
5 score consistent with a classification of accredited without provisions
6 on its annual performance report;

7 (2) "Attendance center", a public school building, public school
8 buildings, or part of a public school building that offers education in
9 a grade or grades not higher than the twelfth grade and that
10 constitutes one unit for accountability and reporting purposes for the
11 department of elementary and secondary education, but the term shall
12 not include any high school that is identified as an alternative high
13 school;

14 (3) "Available receiving district", a school district able to receive
15 transfer students under this section;

16 (4) "Receiving district", a school district receiving transfer
17 students under this section;

18 (5) "Sending district", a school district from which students are
19 transferring to a receiving district or approved charter school, as
20 allowed under this section.

21 2. (1) Any student may transfer to another public school in the
22 student's district of residence if such student is enrolled in and has
23 attended, for the full semester immediately prior to requesting the

24 transfer, an attendance center:

25 (a) That is located within an unaccredited district; and

26 (b) That has an annual performance report score consistent with
27 a classification of unaccredited.

28 However, no such transfer shall result in a class size and assigned
29 enrollment in a receiving school that exceeds the standards for class
30 size and assigned enrollment as promulgated in the Missouri school
31 improvement program's resource standards. If the student chooses to
32 attend a magnet school, an academically selective school, or a school
33 with a competitive entrance process within his or her district of
34 residence that has admissions requirements, the student shall meet the
35 admissions requirements in order to attend.

36 (2) The school board of each unaccredited district shall
37 determine the capacity at each of the district's attendance centers that
38 has an annual performance report score consistent with a classification
39 of accredited. The district's school board shall be responsible for
40 coordinating transfers within the district as allowed under this
41 subsection.

42 (3) The school board of each unaccredited district shall annually
43 report to the department of elementary and secondary education or its
44 designee the number of available slots in attendance centers within the
45 district that have annual performance report scores consistent with a
46 classification of accredited, the number of students who request to
47 transfer within the district, and the number of such transfer requests
48 that are granted.

49 3. (1) Any student who is eligible to transfer within his or her
50 district under subsection 2 of this section but who is unable to do so
51 due to a lack of capacity in the attendance centers in his or her district
52 of residence may apply to the department of elementary and secondary
53 education or its designee to transfer to:

54 (a) An attendance center:

55 a. That is located within an accredited district that is located in
56 the same or an adjoining county; and

57 b. That has an annual performance report score consistent with
58 a classification of accredited; or

59 (b) An approved charter school located in another district in the
60 same or an adjoining county.

61 (2) A student who is eligible to begin kindergarten or first grade
62 at an attendance center:

63 (a) That is located within an unaccredited district;

64 (b) That has an annual performance report score consistent with
65 a classification of unaccredited; and

66 (c) That offers classes above the second grade level

67 may apply to the department of elementary and secondary education
68 or its designee for a transfer to a school described under paragraph (a)
69 or (b) of subdivision (1) of this subsection if he or she resides in the
70 attendance area of the attendance center described under this
71 subdivision on March first preceding the school year of first
72 attendance. A student who does not apply by March first for
73 enrollment in any school year after the 2019-20 school year shall be
74 required to enroll and attend the attendance center described under
75 this subdivision for one semester to become eligible.

76 (3) If a student who is eligible to transfer under this subsection
77 chooses to apply to attend a magnet school, an academically selective
78 school, or a school with a competitive entrance process that has
79 admissions requirements, the student shall furnish proof that he or she
80 meets the admissions requirements.

81 (4) Any student who does not maintain residency in the
82 attendance area of his or her attendance center in the district of
83 residence shall lose eligibility to transfer.

84 (5) Except as provided under subsection 7 of this section, any
85 student who transfers but later withdraws shall lose eligibility to
86 transfer.

87 (6) The transfer provisions of this subsection shall not apply to
88 a district created under sections 162.815 to 162.840 or to any early
89 childhood programs or early childhood special education programs.

90 4. (1) No student enrolled in and attending an attendance center
91 that does not offer classes above the second grade level shall be eligible
92 to transfer under this section.

93 (2) No student who is eligible to begin kindergarten or first
94 grade at an attendance center that does not offer classes above the
95 second grade level shall be eligible to transfer under this section.

96 5. (1) (a) No provisionally accredited district shall be eligible to
97 receive transfer students.

98 (b) Except as provided under paragraph (c) of this subdivision,
99 no attendance center that has an annual performance report score
100 consistent with a classification of provisionally accredited shall be
101 eligible to receive transfer students.

102 (c) A transfer student who chooses to attend an attendance
103 center that has an annual performance report score consistent with a
104 classification of provisionally accredited and that is located within his
105 or her unaccredited district of residence shall be allowed to transfer to
106 such attendance center if there is an available slot.

107 (2) (a) No unaccredited district shall be eligible to receive
108 transfer students.

109 (b) No attendance center that has an annual performance report
110 score consistent with a classification of unaccredited shall be eligible
111 to receive transfer students.

112 (3) No district or attendance center that has received two
113 consecutive annual performance reports consistent with a classification
114 of provisionally accredited for the years immediately preceding the
115 year in which it seeks to enroll transfer students shall be eligible to
116 receive any transfer students, irrespective of its state board of
117 education classification designation; except that, any student who was
118 granted a transfer to such a district or attendance center prior to the
119 effective date of this section may remain enrolled in that district or
120 attendance center.

121 6. Notwithstanding the provisions of subsection 5 of this section,
122 a student may transfer to an attendance center:

123 (1) That is located within an unaccredited or provisionally
124 accredited district; and

125 (2) That has an annual performance report score consistent with
126 a classification of accredited
127 if the attendance center applies for and is granted a waiver by the
128 department of elementary and secondary education or its designee to
129 allow the attendance center to accept transfer students.

130 7. If a receiving district becomes unaccredited or provisionally
131 accredited, or if an approved charter school loses its status as an
132 approved charter school, any students who previously transferred to
133 the district or charter school shall receive the opportunity to remain
134 enrolled in the district or charter school or to transfer to another

135 district or approved charter school without losing their eligibility to
136 transfer.

137 8. For a receiving district, no acceptance of a transfer student
138 shall require any of the following actions, unless the board of education
139 of the receiving district has approved the action:

140 (1) The hiring of additional classroom teachers;

141 (2) The construction of additional classrooms; or

142 (3) A class size and assigned enrollment in a receiving school
143 that exceeds the standards for class size and assigned enrollment as
144 promulgated in the Missouri school improvement program's resource
145 standards.

146 9. (1) By July 15, 2019, the board of education of each available
147 receiving district and the governing board of each approved charter
148 school eligible to receive transfer students under this section shall set
149 the number of transfer students the district or charter school is able to
150 receive for the 2019-20 school year.

151 (2) By February first annually, the board of education of each
152 available receiving district and the governing board of each approved
153 charter school eligible to receive transfer students under this section
154 shall set the number of transfer students the district or charter school
155 is able to receive for the following school year.

156 (3) An available receiving district or approved charter school
157 eligible to receive transfer students under this section shall publish the
158 number set under this subsection and shall not be required to accept
159 any transfer students under this section that would cause it to exceed
160 the published number.

161 10. (1) Each available receiving district shall adopt a policy
162 establishing a tuition rate for transfer students by February first
163 annually.

164 (2) Each approved charter school eligible to receive transfer
165 students under this section shall adopt a policy establishing a tuition
166 rate for transfer students by February first annually.

167 (3) A sending district shall pay the receiving district or the
168 approved charter school the amount specified under section 167.132 for
169 each transfer student.

170 11. If an unaccredited district becomes classified as provisionally
171 accredited or accredited without provisions by the state board of

172 education, or if an attendance center within an unaccredited district
173 improves its annual performance report score from a score that is
174 consistent with a classification of unaccredited to a score that is
175 consistent with a classification of provisionally accredited or
176 accredited, any resident student of the unaccredited district who has
177 transferred to an approved charter school or to an accredited district
178 in the same or an adjoining county, as allowed under subsection 3 of
179 this section, shall be permitted to continue his or her educational
180 program in the receiving district or charter school through the
181 completion of middle school, junior high school, or high school,
182 whichever occurs first; except that, a student who attends any school
183 serving students through high school graduation but starting at grades
184 lower than ninth grade shall be permitted to complete high school in
185 the school to which he or she has transferred.

186 12. Notwithstanding the provisions of subsection 10 of this
187 section, if costs associated with the provision of special education and
188 related services to a student with a disability exceed the tuition
189 amount established under this section, the unaccredited district shall
190 remain responsible for paying the excess cost to the receiving district.
191 If the receiving district is a component district of a special school
192 district, the unaccredited district, including any metropolitan school
193 district, shall contract with the special school district for the entirety
194 of the costs to provide special education and related services, excluding
195 transportation in accordance with this section. The special school
196 district may contract with an unaccredited district, including any
197 metropolitan district, for the provision of transportation of a student
198 with a disability or the unaccredited district may provide
199 transportation on its own.

200 13. A special school district shall continue to provide special
201 education and related services, with the exception of transportation
202 under this section, to a student with a disability transferring from an
203 attendance center with an annual performance report score consistent
204 with a classification of unaccredited that is within a component district
205 to an attendance center with an annual performance report score
206 consistent with a classification of accredited that is within the same or
207 a different component district within the special school district.

208 14. If any metropolitan school district is classified as

209 unaccredited, it shall remain responsible for the provision of special
210 education and related services, including transportation, to students
211 with disabilities. A special school district in an adjoining county to a
212 metropolitan school district may contract with the metropolitan school
213 district for the reimbursement of special education services under
214 sections 162.705 and 162.710 provided by the special school district for
215 transfer students who are residents of the unaccredited district.

216 15. Regardless of whether transportation is identified as a
217 related service within a student's individualized education program, a
218 receiving district that is not part of a special school district shall not
219 be responsible for providing transportation to a student transferring
220 under this section. An unaccredited district may contract with a
221 receiving district that is not part of a special school district under
222 sections 162.705 and 162.710 for transportation of students with
223 disabilities.

224 16. If a seven-director school district or urban school district is
225 classified as unaccredited, it may contract with a receiving district that
226 is not part of a special school district in the same or an adjoining
227 county for the reimbursement of special education and related services
228 under sections 162.705 and 162.710 provided by the receiving district
229 for transfer students who are residents of the unaccredited district.

167.898. 1. (1) By July 15, 2019, and by January first annually,
2 each accredited district, any portion of which is located in the same
3 county as or in an adjoining county to an unaccredited district, shall
4 report to the department of elementary and secondary education or its
5 designee the number of available enrollment slots by grade level.

6 (2) By July 15, 2019, and by January first annually, each
7 unaccredited district shall report to the department of elementary and
8 secondary education or its designee the number of available enrollment
9 slots in the schools of its district that have received annual
10 performance report scores consistent with a classification of
11 accredited.

12 (3) By July 15, 2019, and by January first annually, each
13 approved charter school that is eligible to receive transfer students
14 under section 167.895 shall report to the department of elementary and
15 secondary education or its designee the number of available enrollment
16 slots.

17 2. The department of elementary and secondary education or its
18 designee shall make information and assistance available to parents or
19 guardians who intend to transfer their child to an accredited district
20 or to an approved charter school as described under section 167.895.

21 3. The parent or guardian of a student who intends to transfer
22 his or her child to an accredited district or to an approved charter
23 school as described under section 167.895 for enrollment in that district
24 or charter school in any school year after the 2019-20 school year shall
25 send initial notification to the department of elementary and secondary
26 education or its designee by March first for enrollment in the
27 subsequent school year.

28 4. The department of elementary and secondary education or its
29 designee shall assign those students who seek to transfer to an
30 accredited district or to an approved charter school as described under
31 section 167.895. When assigning transfer students to approved charter
32 schools, the department of elementary and secondary education or its
33 designee shall coordinate with each approved charter school and its
34 admissions process if capacity is insufficient to enroll all students who
35 submit a timely application. An approved charter school shall not be
36 required to institute a lottery procedure for determining the admission
37 of resident students. The department of elementary and secondary
38 education or its designee shall give first priority to students who live
39 in the same household with any family member within the first or
40 second degree of consanguinity or affinity who already attends a school
41 with an annual performance report score consistent with a
42 classification of accredited and who apply to attend the same school.
43 If insufficient grade-appropriate enrollment slots are available for a
44 student to be able to transfer, the student shall receive first priority
45 the following school year. The department of elementary and
46 secondary education or its designee shall consider the following factors
47 in assigning schools, with the student's or parent's choice as the most
48 important factor:

- 49 (1) The student's or parent's choice of the receiving school;
50 (2) The best interests of the student;
51 (3) The availability of transportation funding, as provided under
52 section 167.241; and
53 (4) Distance and travel time to a receiving school.

54 The department of elementary and secondary education or its designee
55 shall not consider student academic performance, free and reduced
56 price lunch status, or athletic ability in assigning a student to a school.

57 5. (1) The department of elementary and secondary education or
58 its designee may deny a transfer to a student who in the most recent
59 school year has been suspended from school two or more times or who
60 has been suspended for an act of school violence under subsection 2 of
61 section 160.261. A student whose transfer is initially precluded under
62 this subsection may be permitted to transfer on a provisional basis as
63 a probationary transfer student, subject to no further disruptive
64 behavior, upon a statement from the student's current school that the
65 student is not disruptive. A student who is denied a transfer under this
66 subsection has the right to an in-person meeting with an employee of
67 the department of elementary and secondary education or its designee.

68 (2) The department of elementary and secondary education shall
69 promulgate rules to provide common standards for determining
70 disruptive behavior that shall include, but not be limited to, criteria
71 under section 160.261. Any rule or portion of a rule, as that term is
72 defined in section 536.010, that is created under the authority delegated
73 in this section shall become effective only if it complies with and is
74 subject to all of the provisions of chapter 536, and, if applicable, section
75 536.028. This section and chapter 536 are nonseverable, and if any of
76 the powers vested with the general assembly pursuant to chapter 536
77 to review, to delay the effective date, or to disapprove and annul a rule
78 are subsequently held unconstitutional, then the grant of rulemaking
79 authority and any rule proposed or adopted after the effective date of
80 this section shall be invalid and void.

168.133. 1. As used in this section, "screened volunteer" shall
2 mean any person who assists a school or charter school by providing
3 uncompensated service and who may periodically be left alone with
4 students. The school district or charter school shall ensure that a
5 criminal background check is conducted for all screened volunteers,
6 who shall complete the criminal background check prior to being left
7 alone with a student. Screened volunteers include, but are not limited
8 to, persons who regularly assist in the office or library, mentor or tutor
9 students, coach or supervise a school-sponsored activity before or after
10 school, or chaperone students on an overnight trip. Screened

11 **volunteers may only access student education records when necessary**
12 **to assist the district and while supervised by staff members. Volunteers**
13 **that are not screened shall not be left alone with a student or have**
14 **access to student records.**

15 **2.** The school district shall ensure that a criminal background check is
16 conducted on any person employed after January 1, 2005, authorized to have
17 contact with pupils and prior to the individual having contact with any
18 pupil. Such persons include, but are not limited to, administrators, teachers,
19 aides, paraprofessionals, assistants, secretaries, custodians, cooks, **screened**
20 **volunteers**, and nurses. The school district shall also ensure that a criminal
21 background check is conducted for school bus drivers. The district may allow
22 such drivers to operate buses pending the result of the criminal background
23 check. For bus drivers, the school district shall be responsible for conducting the
24 criminal background check on drivers employed by the school district. For drivers
25 employed by a pupil transportation company under contract with the school
26 district, the criminal background check shall be conducted pursuant to section
27 43.540 and conform to the requirements established in the National Child
28 Protection Act of 1993, as amended by the Volunteers for Children Act. Personnel
29 who have successfully undergone a criminal background check and a check of the
30 family care safety registry as part of the professional license application process
31 under section 168.021 and who have received clearance on the checks within one
32 prior year of employment shall be considered to have completed the background
33 check requirement. A criminal background check under this section shall include
34 a search of any information publicly available in an electronic format through a
35 public index or single case display.

36 **[2.] 3.** In order to facilitate the criminal history background check, the
37 applicant shall submit a set of fingerprints collected pursuant to standards
38 determined by the Missouri highway patrol. The fingerprints shall be used by the
39 highway patrol to search the criminal history repository and shall be forwarded
40 to the Federal Bureau of Investigation for searching the federal criminal history
41 files.

42 **[3.] 4.** The applicant shall pay the fee for the state criminal history
43 record information pursuant to section 43.530 and sections 210.900 to 210.936
44 and pay the appropriate fee determined by the Federal Bureau of Investigation
45 for the federal criminal history record when he or she applies for a position
46 authorized to have contact with pupils pursuant to this section. The department

47 shall distribute the fees collected for the state and federal criminal histories to
48 the Missouri highway patrol.

49 [4.] 5. The department of elementary and secondary education shall
50 facilitate an annual check of employed persons holding current active certificates
51 under section 168.021 against criminal history records in the central repository
52 under section 43.530, the sexual offender registry under sections 589.400 to
53 [589.475] **589.426**, and child abuse central registry under sections 210.109 to
54 210.183. The department of elementary and secondary education shall facilitate
55 procedures for school districts to submit personnel information annually for
56 persons employed by the school districts who do not hold a current valid
57 certificate who are required by subsection 1 of this section to undergo a criminal
58 background check, sexual offender registry check, and child abuse central registry
59 check. The Missouri state highway patrol shall provide ongoing electronic
60 updates to criminal history background checks of those persons previously
61 submitted, both those who have an active certificate and those who do not have
62 an active certificate, by the department of elementary and secondary
63 education. This shall fulfill the annual check against the criminal history records
64 in the central repository under section 43.530.

65 [5.] 6. The school district may adopt a policy to provide for
66 reimbursement of expenses incurred by an employee for state and federal
67 criminal history information pursuant to section 43.530.

68 [6.] 7. If, as a result of the criminal history background check mandated
69 by this section, it is determined that the holder of a certificate issued pursuant
70 to section 168.021 has pled guilty or nolo contendere to, or been found guilty of
71 a crime or offense listed in section 168.071, or a similar crime or offense
72 committed in another state, the United States, or any other country, regardless
73 of imposition of sentence, such information shall be reported to the department
74 of elementary and secondary education.

75 [7.] 8. Any school official making a report to the department of
76 elementary and secondary education in conformity with this section shall not be
77 subject to civil liability for such action.

78 [8.] 9. For any teacher who is employed by a school district on a
79 substitute or part-time basis within one year of such teacher's retirement from
80 a Missouri school, the state of Missouri shall not require such teacher to be
81 subject to any additional background checks prior to having contact with
82 pupils. Nothing in this subsection shall be construed as prohibiting or otherwise

83 restricting a school district from requiring additional background checks for such
84 teachers employed by the school district.

85 **[9.] 10.** A criminal background check and fingerprint collection conducted
86 under subsections 1 **[and 2] to 3** of this section shall be valid for at least a period
87 of one year and transferrable from one school district to another district. A school
88 district may, in its discretion, conduct a new criminal background check and
89 fingerprint collection under subsections 1 **[and 2] to 3** for a newly hired employee
90 at the district's expense. A teacher's change in type of certification shall have no
91 effect on the transferability or validity of such records.

92 **[10.] 11.** Nothing in this section shall be construed to alter the standards
93 for suspension, denial, or revocation of a certificate issued pursuant to this
94 chapter.

95 **[11.] 12.** The state board of education may promulgate rules for criminal
96 history background checks made pursuant to this section. Any rule or portion of
97 a rule, as that term is defined in section 536.010, that is created under the
98 authority delegated in this section shall become effective only if it complies with
99 and is subject to all of the provisions of chapter 536 and, if applicable, section
100 536.028. This section and chapter 536 are nonseverable and if any of the powers
101 vested with the general assembly pursuant to chapter 536 to review, to delay the
102 effective date, or to disapprove and annul a rule are subsequently held
103 unconstitutional, then the grant of rulemaking authority and any rule proposed
104 or adopted after January 1, 2005, shall be invalid and void.

171.033. 1. "Inclement weather", for purposes of this section, shall be
2 defined as ice, snow, extreme cold, flooding, or a tornado, but such term shall not
3 include excessive heat.

4 2. (1) A district shall be required to make up the first six days of school
5 lost or cancelled due to inclement weather and half the number of days lost or
6 cancelled in excess of six days if the makeup of the days is necessary to ensure
7 that the district's students will attend a minimum of one hundred forty-two days
8 and a minimum of one thousand forty-four hours for the school year except as
9 otherwise provided in this section. Schools with a four-day school week may
10 schedule such make-up days on Fridays.

11 (2) Notwithstanding subdivision (1) of this subsection, in school year
12 2019-20 and subsequent years, a district shall be required to make up the first
13 thirty-six hours of school lost or cancelled due to inclement weather and half the
14 number of hours lost or cancelled in excess of thirty-six if the makeup of the

15 hours is necessary to ensure that the district's students attend a minimum of one
16 thousand forty-four hours for the school year, except as otherwise provided under
17 subsections 3 and 4 of this section.

18 3. (1) In the 2009-10 school year and subsequent years, a school district
19 may be exempt from the requirement to make up days of school lost or cancelled
20 due to inclement weather in the school district when the school district has made
21 up the six days required under subsection 2 of this section and half the number
22 of additional lost or cancelled days up to eight days, resulting in no more than ten
23 total make-up days required by this section.

24 (2) In school year 2019-20 and subsequent years, a school district may be
25 exempt from the requirement to make up school lost or cancelled due to inclement
26 weather in the school district when the school district has made up the thirty-six
27 hours required under subsection 2 of this section and half the number of
28 additional lost or cancelled hours up to forty-eight, resulting in no more than
29 sixty total make-up hours required by this section.

30 4. The commissioner of education may provide, for any school district that
31 cannot meet the minimum school calendar requirement of at least one hundred
32 seventy-four days for schools with a five-day school week or one hundred forty-two
33 days for schools with a four-day school week and one thousand forty-four hours
34 of actual pupil attendance or, in school year 2019-20 and subsequent years, one
35 thousand forty-four hours of actual pupil attendance, upon request, a waiver to
36 be excused from such requirement. This waiver shall be requested from the
37 commissioner of education and may be granted if the school was closed due to
38 circumstances beyond school district control, including inclement weather or fire.

39 **5. For the 2018-2019 school year, a district shall be exempt from**
40 **the requirements of subsections 2 and 3 of this section, and only be**
41 **required to make up the first six days of school lost or cancelled due to**
42 **inclement weather.**

Section B. Because of the importance of improving and sustaining
2 Missouri's elementary and secondary education system and establishing
3 standards for student transfers to school districts, the enactment of sections
4 167.895 and 167.898 of this act is deemed necessary for the immediate
5 preservation of the public health, welfare, peace and safety, and is hereby
6 declared to be an emergency act within the meaning of the constitution, and the
7 enactment of sections 167.895 and 167.898 of this act shall be in full force and
8 effect upon its passage and approval.

Section C. Because of the high number of school days lost due to
2 inclement weather this year, the repeal and reenactment of section 171.033 of
3 this act is deemed necessary for the immediate preservation of the public health,
4 welfare, peace and safety, and is hereby declared to be an emergency act within
5 the meaning of the constitution, and the repeal and reenactment of section
6 171.033 of this act shall be in full force and effect upon its passage and approval.

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