

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 712, Page 1, Section A, Line 4, by
2 inserting after all of said section and line the following:

3
4 "160.400. 1. A charter school is an independent public school.

5 2. Except as further provided in subsection 4 of this section, charter schools may be
6 operated only:

7 (1) In a metropolitan school district;

8 (2) In an urban school district containing most or all of a city with a population greater than
9 three hundred fifty thousand inhabitants;

10 (3) In a school district that has been classified as unaccredited by the state board of
11 education;

12 (4) In a school district that has been classified as provisionally accredited by the state board
13 of education and has received scores on its annual performance report consistent with a
14 classification of provisionally accredited or unaccredited for three consecutive school years
15 beginning with the 2012-13 accreditation year under the following conditions:

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

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

24 (5) In a school district located within a county with more than one hundred fifty thousand
25 but fewer than two hundred thousand inhabitants, provided that ~~[the provisions of subsections 15 to~~
26 ~~18 of section 160.415 shall not apply to any charter school operated in such county]~~ a proposal to
27 authorize the establishment of such charter school is approved by the qualified voters of the school
28 district before the authorization and establishment of such charter school as follows:

29 (a) Such proposal shall be referred to the qualified voters of the school district by an eligible
30 sponsoring entity as described under subsection 3 of this section;

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1 (b) The eligible sponsoring entity shall submit such proposal to the qualified voters on the
 2 next date available for public elections under chapter 115 and before July first of the school year in
 3 which the charter school is proposed to commence;

4 (c) The question submitted by the eligible sponsoring entity under this subdivision shall be
 5 in substantially the following form: "Shall the school district of _____ authorize the establishment
 6 of a charter school under the provisions of Section 160.400, RSMo?"; and

7 (d) If a majority of the qualified voters voting on the proposal approve the establishment of
 8 a charter school, the eligible sponsoring entity may begin such establishment. If a majority of the
 9 qualified voters voting on the proposal reject the establishment of a charter school, the eligible
 10 sponsoring entity shall not begin establishing such charter school unless and until the proposal is
 11 resubmitted under this subdivision to the qualified voters and such proposal is approved by a
 12 majority of the qualified voters voting on the proposal; or

13 (6) In a school district that has been accredited without provisions, sponsored only by the
 14 local school board; provided that no board with a current year enrollment of one thousand five
 15 hundred fifty students or greater shall permit more than thirty-five percent of its student enrollment
 16 to enroll in charter schools sponsored by the local board under the authority of this subdivision,
 17 except that this restriction shall not apply to any school district that subsequently becomes eligible
 18 under subdivision (3) or (4) of this subsection or to any district accredited without provisions that
 19 sponsors charter schools prior to having a current year student enrollment of one thousand five
 20 hundred fifty students or greater.

21 3. Except as further provided in subsection 4 of this section, the following entities are
 22 eligible to sponsor charter schools:

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

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

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

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

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

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

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

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

7 (2) As a district transitions from provisionally accredited to full accreditation, the district
8 shall continue to fall under the requirements for a provisionally accredited district until it achieves
9 three consecutive full school years of full accreditation;

10 (3) In any school district classified as unaccredited or provisionally accredited where a
11 charter school is operating and is sponsored by an entity other than the local school board, when the
12 school district becomes classified as accredited without provisions, a charter school may continue to
13 be sponsored by the entity sponsoring it prior to the classification of accredited without provisions
14 and shall not be limited to the local school board as a sponsor.
15

16 A charter school operating in a school district identified in subdivision (1), (2), or (5) of subsection
17 2 of this section may be sponsored by any of the entities identified in subsection 3 of this section,
18 irrespective of the accreditation classification of the district in which it is located. A charter school
19 in a district described in this subsection whose charter provides for the addition of grade levels in
20 subsequent years may continue to add levels until the planned expansion is complete to the extent of
21 grade levels in comparable schools of the district in which the charter school is operated.

22 5. The mayor of a city not within a county may request a sponsor under subdivision (2), (3),
23 (4), (5), or (6) of subsection 3 of this section to consider sponsoring a "workplace charter school",
24 which is defined for purposes of sections 160.400 to 160.425 as a charter school with the ability to
25 target prospective students whose parent or parents are employed in a business district, as defined in
26 the charter, which is located in the city.

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

30 7. The charter school shall be organized as a Missouri nonprofit corporation incorporated
31 pursuant to chapter 355. The charter provided for herein shall constitute a contract between the
32 sponsor and the charter school.

33 8. As a nonprofit corporation incorporated pursuant to chapter 355, the charter school shall
34 select the method for election of officers pursuant to section 355.326 based on the class of
35 corporation selected. Meetings of the governing board of the charter school shall be subject to the
36 provisions of sections 610.010 to 610.030.

37 9. A sponsor of a charter school, its agents and employees are not liable for any acts or
38 omissions of a charter school that it sponsors, including acts or omissions relating to the charter

submitted by the charter school, the operation of the charter school and the performance of the charter school.

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

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

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

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

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

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

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

12. Sponsors receiving funds under subsection 11 of this section shall be required to submit annual reports to the joint committee on education demonstrating they are in compliance with subsection 17 of this section.

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

14. No sponsor shall grant a charter under sections 160.400 to 160.425 and 167.349 without ensuring that a criminal background check and family care safety registry check are conducted for

1 all members of the governing board of the charter schools or the incorporators of the charter school
2 if initial directors are not named in the articles of incorporation, nor shall a sponsor renew a charter
3 without ensuring a criminal background check and family care safety registry check are conducted
4 for each member of the governing board of the charter school.

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

12 16. A sponsor shall develop the policies and procedures for:

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

18 (2) The granting of a charter;

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

22 (4) The sponsor's intervention, renewal, and revocation policies, including the conditions
23 under which the charter sponsor may intervene in the operation of the charter school, along with
24 actions and consequences that may ensue, and the conditions for renewal of the charter at the end of
25 the term, consistent with subsections 8 and 9 of section 160.405;

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

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

29
30 The department shall provide guidance to sponsors in developing such policies and procedures.

31 17. (1) A sponsor shall provide timely submission to the state board of education of all data
32 necessary to demonstrate that the sponsor is in material compliance with all requirements of sections
33 160.400 to 160.425 and section 167.349. The state board of education shall ensure each sponsor is
34 in compliance with all requirements under sections 160.400 to 160.425 and 167.349 for each charter
35 school sponsored by any sponsor. The state board shall notify each sponsor of the standards for
36 sponsorship of charter schools, delineating both what is mandated by statute and what best practices
37 dictate. The state board shall evaluate sponsors to determine compliance with these standards every
38 three years. The evaluation shall include a sponsor's policies and procedures in the areas of charter
39 application approval; required charter agreement terms and content; sponsor performance evaluation

1 and compliance monitoring; and charter renewal, intervention, and revocation decisions. Nothing
2 shall preclude the department from undertaking an evaluation at any time for cause.

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

11 (3) The charter sponsor may, within thirty days of receipt of the notice of the
12 commissioner's recommendation, provide a written statement and other documentation to show
13 cause as to why that action should not be taken. Final determination of corrective action shall be
14 determined by the state board of education based upon a review of the documentation submitted to
15 the department and the charter sponsor.

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

19 18. If a sponsor notifies a charter school of closure under subsection 8 of section 160.405,
20 the department of elementary and secondary education shall exercise its financial withholding
21 authority under subsection 12 of section 160.415 to assure all obligations of the charter school shall
22 be met. The state, charter sponsor, or resident district shall not be liable for any outstanding liability
23 or obligations of the charter school.

24 160.415. 1. For the purposes of calculation and distribution of state school aid under section
25 163.031, pupils enrolled in a charter school shall be included in the pupil enrollment of the school
26 district within which each pupil resides. Each charter school shall report the eligibility for free and
27 reduced price lunch, special education, or limited English proficiency status, as well as eligibility for
28 categorical aid, of pupils resident in a school district who are enrolled in the charter school to the
29 school district in which those pupils reside. The charter school shall report the average daily
30 attendance data, free and reduced price lunch count, special education pupil count, and limited
31 English proficiency pupil count to the state department of elementary and secondary education.
32 Each charter school shall promptly notify the state department of elementary and secondary
33 education and the pupil's school district when a pupil discontinues enrollment at a charter school.

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

36 (1) A school district having one or more resident pupils attending a charter school shall pay
37 to the charter school an annual amount equal to the product of the charter school's weighted average
38 daily attendance and the state adequacy target, multiplied by the dollar value modifier for the
39 district, plus local tax revenues per weighted average daily attendance from the incidental and

1 teachers' funds in excess of the performance levy as defined in section 163.011 plus all other state
2 aid attributable to such pupils.

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

5 (3) If the department overpays or underpays the amount due to the charter school, such
6 overpayment or underpayment shall be repaid by the charter school or credited to the charter school
7 in twelve equal payments in the next fiscal year.

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

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

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

18 4. A charter school that has declared itself as a local educational agency shall receive from
19 the department of elementary and secondary education an annual amount equal to the product of the
20 charter school's weighted average daily attendance and the state adequacy target, multiplied by the
21 dollar value modifier for the district, plus local tax revenues per weighted average daily attendance
22 from the incidental and teachers funds in excess of the performance levy as defined in section
23 163.011 plus all other state aid attributable to such pupils. If a charter school declares itself as a
24 local educational agency, the department of elementary and secondary education shall, upon notice
25 of the declaration, reduce the payment made to the school district by the amount specified in this
26 subsection and pay directly to the charter school the annual amount reduced from the school
27 district's payment.

28 5. If a school district fails to make timely payments of any amount for which it is the
29 disbursal agent, the state department of elementary and secondary education shall authorize payment
30 to the charter school of the amount due pursuant to subsection 2 of this section and shall deduct the
31 same amount from the next state school aid apportionment to the owing school district. If a charter
32 school is paid more or less than the amounts due pursuant to this section, the amount of
33 overpayment or underpayment shall be adjusted equally in the next twelve payments by the school
34 district or the department of elementary and secondary education, as appropriate. Any dispute
35 between the school district and a charter school as to the amount owing to the charter school shall be
36 resolved by the department of elementary and secondary education, and the department's decision
37 shall be the final administrative action for the purposes of review pursuant to chapter 536. During
38 the period of dispute, the department of elementary and secondary education shall make every

1 administrative and statutory effort to allow the continued education of students in their current
2 charter school setting.

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

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

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

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

21 (3) Disclose any known conflicts of interest between the school governing board and
22 proposed service provider or any affiliated business entities;

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

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

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

30 8. A charter school may enter into contracts with community partnerships and state agencies
31 acting in collaboration with such partnerships that provide services to students and their families
32 linked to the school.

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

36 10. (1) The proportionate share of state and federal resources generated by students with
37 disabilities or staff serving them shall be paid in full to charter schools enrolling those students by
38 their school district where such enrollment is through a contract for services described in this

1 section. The proportionate share of money generated under other federal or state categorical aid
2 programs shall be directed to charter schools serving such students eligible for that aid.

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

6 11. A charter school shall not charge tuition or impose fees that a school district is
7 prohibited from charging or imposing, except that a charter school may receive tuition payments
8 from districts in the same or an adjoining county for nonresident students who transfer to an
9 approved charter school, as defined in section 167.895, from an unaccredited district.

10 12. A charter school is authorized to incur debt in anticipation of receipt of funds. A charter
11 school may also borrow to finance facilities and other capital items. A school district may incur
12 bonded indebtedness or take other measures to provide for physical facilities and other capital items
13 for charter schools that it sponsors or contracts with. Except as otherwise specifically provided in
14 sections 160.400 to 160.425, upon the dissolution of a charter school, any liabilities of the
15 corporation will be satisfied through the procedures of chapter 355. A charter school shall satisfy all
16 its financial obligations within twelve months of notice from the sponsor of the charter school's
17 closure under subsection 8 of section 160.405. After satisfaction of all its financial obligations, a
18 charter school shall return any remaining state and federal funds to the department of elementary
19 and secondary education for disposition as stated in subdivision (17) of subsection 1 of section
20 160.405. The department of elementary and secondary education may withhold funding at a level
21 the department determines to be adequate during a school's last year of operation until the
22 department determines that school records, liabilities, and reporting requirements, including a full
23 audit, are satisfied.

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

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

29 15. In addition to any state aid remitted to charter schools under this section, the department
30 of elementary and secondary education shall remit to any charter school an amount equal to the
31 weighted average daily attendance of the charter school multiplied by the difference of:

32 (1) The amount of state aid and local aid per weighted average daily attendance received by
33 the school district in which the charter school is located, not including any funds remitted to charter
34 schools in the district. For the purposes of this subdivision, the weighted average daily attendance
35 of the school district shall not include the weighted average daily attendance of the charter schools
36 located in the district; and

37 (2) The amount of state aid and local aid per weighted average daily attendance of the
38 charter school received by the charter school.

1 16. Charter schools may adjust weighted average daily attendance pursuant to section
2 163.036.

3 17. When calculating the amounts in subdivisions (1) and (2) of subsection 15 of this
4 section, the department shall utilize the most current data to which the department has access.

5 18. For the purposes of subsection 15 of this section:

6 (1) The definitions contained in section 163.011, shall apply;

7 (2) The term "local aid" shall mean all local and county revenue received, including, but not
8 limited to, the following:

9 (a) Property taxes and delinquent taxes;

10 (b) Merchants' and manufacturers' tax revenues;

11 (c) Financial institutions' tax revenues;

12 (d) City sales tax revenue, including city sales tax collected in any city not within a county;

13 (e) Payments in lieu of taxes; and

14 (f) Revenues from state-assessed railroad and utilities tax;

15 (3) The term local aid shall not be construed to include:

16 (a) Charitable contributions, gifts, and grants made to school districts;

17 (b) Interest earnings of school districts and student fees paid to school districts;

18 (c) Debt service authorized by a public vote for the purpose of making payments on a bond
19 issuance of a school district;

20 (d) Proposition C revenues received for school purposes from the school district trust fund
21 under section 163.087; or

22 (e) Any other funding solely intended for a particular school district or their respective
23 employees, schools, foundations, or organizations;

24 (4) The term "state aid" shall mean any revenues received pursuant to this section and
25 sections 163.043 and 163.087.

26 19. Notwithstanding any other provision of law to the contrary, subsections 15 to 18 of this
27 section shall be applicable to charter schools operated only ~~[in the following school districts,~~
28 ~~provided that no such school district shall be located in a county with more than one hundred fifty~~
29 ~~thousand but fewer than two hundred thousand inhabitants];~~

30 (1) In a metropolitan school district;

31 (2) In an urban school district containing most or all of a city with more than four hundred
32 thousand inhabitants and located in more than one county;

33 (3) In a school district that has been classified as unaccredited by the state board of
34 education;

35 (4) In a school district that has been classified as provisionally accredited by the state board
36 of education and has received scores on its annual performance report consistent with a
37 classification of provisionally accredited or unaccredited for three consecutive school years
38 beginning with the 2012-13 accreditation year under the conditions described in paragraphs (a) and
39 (b) of subdivision (4) of subsection 2 of section 160.400; or

1 (5) In a school district that has been accredited without provisions, sponsored only by the
2 local school board under the conditions described in subdivision (6) of subsection 2 of section
3 160.400.

4 20. (1) The members of the governing board of a charter school shall be residents of the
5 state of Missouri.

6 (2) Any current member of a governing board of a charter school who does not meet the
7 requirements in subdivision (1) of this subsection may complete their term. Such individual shall
8 not be renominated as a member of the governing board on which he or she sits.

9 21. (1) Any charter school management company operating a charter school in the state
10 shall be a nonprofit corporation incorporated pursuant to chapter 355.

11 (2) Notwithstanding any provision of law to the contrary, if a charter school is operated by a
12 charter school management company, all laws and regulations that apply to employees of such
13 charter school shall apply to the actions of any employees of the management company while they
14 are conducting any work relating to the direct decision-making of the operation of such charter
15 school.

16 22. Beginning July 1, 2023, the provisions of section 160.995 shall be applicable to charter
17 schools.

18 23. Each charter school shall publish its annual performance report on the school's website
19 in a downloadable format."; and

20
21 Further amend said bill by amending the title, enacting clause, and intersectional references
22 accordingly.