

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 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; or

27 (6) In a school district that has been accredited without provisions, sponsored only by the  
28 local school board; provided that no board with a current year enrollment of one thousand five  
29 hundred fifty students or greater shall permit more than thirty-five percent of its student enrollment  
30 to enroll in charter schools sponsored by the local board under the authority of this subdivision,

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

except that this restriction shall not apply to any school district that subsequently becomes eligible under subdivision (3) or (4) of this subsection or to any district accredited without provisions that sponsors charter schools prior to having a current year student enrollment of one thousand five hundred fifty students or greater.

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

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

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

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

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

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

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

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

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

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

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

A charter school operating in a school district identified in subdivision (1), (2), or (5) of subsection

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

6 5. The mayor of a city not within a county may request a sponsor under subdivision (2), (3),  
7 (4), (5), or (6) of subsection 3 of this section to consider sponsoring a "workplace charter school",  
8 which is defined for purposes of sections 160.400 to 160.425 as a charter school with the ability to  
9 target prospective students whose parent or parents are employed in a business district, as defined in  
10 the charter, which is located in the city.

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

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

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

21 9. A sponsor of a charter school, its agents and employees are not liable for any acts or  
22 omissions of a charter school that it sponsors, including acts or omissions relating to the charter  
23 submitted by the charter school, the operation of the charter school and the performance of the  
24 charter school.

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

33 11. The expenses associated with sponsorship of charter schools shall be defrayed by the  
34 department of elementary and secondary education retaining one and five-tenths percent of the  
35 amount of state and local funding allocated to the charter school under section 160.415, not to  
36 exceed one hundred twenty-five thousand dollars, adjusted for inflation. The department of  
37 elementary and secondary education shall remit the retained funds for each charter school to the  
38 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 all members of the governing board of the charter schools or the incorporators of the charter school if initial directors are not named in the articles of incorporation, nor shall a sponsor renew a charter without ensuring a criminal background check and family care safety registry check are conducted for each member of the governing board of the charter school.

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

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

(1) The review of a charter school proposal including an application that provides sufficient information for rigorous evaluation of the proposed charter and provides clear documentation that the education program and academic program are aligned with the state standards and grade-level

1 expectations, and provides clear documentation of effective governance and management structures,  
2 and a sustainable operational plan;

3 (2) The granting of a charter;

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

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

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

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

14  
15 The department shall provide guidance to sponsors in developing such policies and procedures.

16 17. (1) A sponsor shall provide timely submission to the state board of education of all data  
17 necessary to demonstrate that the sponsor is in material compliance with all requirements of sections  
18 160.400 to 160.425 and section 167.349. The state board of education shall ensure each sponsor is  
19 in compliance with all requirements under sections 160.400 to 160.425 and 167.349 for each charter  
20 school sponsored by any sponsor. The state board shall notify each sponsor of the standards for  
21 sponsorship of charter schools, delineating both what is mandated by statute and what best practices  
22 dictate. The state board shall evaluate sponsors to determine compliance with these standards every  
23 three years. The evaluation shall include a sponsor's policies and procedures in the areas of charter  
24 application approval; required charter agreement terms and content; sponsor performance evaluation  
25 and compliance monitoring; and charter renewal, intervention, and revocation decisions. Nothing  
26 shall preclude the department from undertaking an evaluation at any time for cause.

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

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

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

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

19. (1) For the 2026-27 school year and all subsequent school years, before a charter school may be established under this section, the sponsoring entity of the proposed charter school shall conduct and submit a community-needs feasibility study to the state board of education and the Missouri charter public school commission.

(2) The study shall address the following relating to such charter school establishment:

(a) Whether the community has sufficient demand for the establishment of a new charter school or the establishment of an additional charter school;

(b) Whether the establishment of a charter school is financially feasible in such community;

(c) Whether the proposed charter plan provides for instruction equity and diversity;

(d) Whether the establishment of a new charter school or the establishment of an additional charter school in the community will have an impact on desegregation efforts; and

(e) Other issues deemed necessary by the state board or the commission.

20. Notwithstanding any other provision of law to the contrary, beginning in the 2026-27 school year, the state board of education is hereby authorized to make a final determination on whether to authorize the establishment of a new charter school in an existing school district.

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

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

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

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

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

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

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

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

5 4. Members appointed to the commission shall collectively possess strong experience and  
6 expertise in governance, management and finance, school leadership, assessment, curriculum and  
7 instruction, and education law. All members of the commission shall have demonstrated  
8 understanding of and commitment to charter schooling as a strategy for strengthening public  
9 education and shall reside in a school district that currently has a charter school established within  
10 such district.

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

16 6. The commission may approve proposed charters for its sponsorship under sections  
17 160.400 to 160.425 and shall:

18 (1) Comply with all of the requirements applicable to sponsors under sections 160.400 to  
19 160.425;

20 (2) Exercise sponsorship over charters approved by the commission under sections 160.400  
21 to 160.425, including receipt of sponsorship funding under subsection 11 of section 160.400.  
22 Sponsorship funding due to the commission shall be deposited to the credit of the charter public  
23 school commission revolving fund created pursuant to this section.

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

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

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

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

34 11. There is hereby created in the state treasury the "Charter Public School Commission  
35 Revolving Fund", which shall consist of moneys collected under this section. The state treasurer  
36 shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer  
37 may approve disbursements. Notwithstanding the provisions of section 33.080 to the contrary, any  
38 moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general  
39 revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds

1 are invested. Subject to appropriation, moneys in the fund shall be used solely for the  
2 administration of this section."; and  
3  
4 Further amend said bill by amending the title, enacting clause, and intersectional references  
5 accordingly.